

MODIFYING the provisions of Chapter 761, “Chronic Nuisance Premises,” of the Cincinnati Municipal Code (“CMC”) by **ORDAINING** Sections 761-1-C2, “Commercial premises,” 761-1-D, “Domestic violence, dating violence, sexual assault, or stalking,” 761-1-M, “Multi-family premises,” and 761-17, “Notice”; and **AMENDING** Sections 761-1-N, “Nuisance or Nuisance Activity,” 761-3, “Notification That Premises May Be a Chronic Nuisance,” 761-5, “Determination That Premises is a Chronic Nuisance,” 761-7, “Citations For Multiple Nuisance Activities; Criminal And Civil Penalties,” 761-9, “Appeals,” 761-13, “Rules and Regulations,” and 761-14, “Eviction or Retaliation Prohibited”; and **MODIFYING** the provisions of Title XV, “Code Compliance and Hearings,” of the CMC by **AMENDING** Sections 1501-9, “Class D Civil Offenses,” and 1501-11, “Class E Civil Offenses,” all to create new tools to abate crime at commercial properties; to allow enforcement against businesses in addition to property owners; to enshrine protections for the victims of domestic violence, dating violence, sexual assault, and stalking; and to achieve more efficient and streamlined administration of abatement of chronic nuisance premises.

WHEREAS, there are a number of commercial properties within the city of Cincinnati that harbor excessive criminal activity and require disproportionate law enforcement resources to address criminal or other nuisance activity in and around those properties; and

WHEREAS, the demand on law enforcement resources to respond to nuisance commercial properties reduces the resources available to provide services to other residents of Cincinnati; and

WHEREAS, codification of administrative protections for the victims of domestic violence, dating violence, sexual assault, and stalking ensures more robust and permanent support and safeguards; and

WHEREAS, modifications to the fine schedule and enforcement against parties directly responsible for the creation of nuisance through harmful business practices will create more robust results; and

WHEREAS, Council has determined the need for additional remedies to alleviate nuisance conditions at commercial properties; now, therefore,

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

Section 1. That Sections 761-1-C2, “Commercial premises,” 761-1-D, “Domestic violence, dating violence, sexual assault, or stalking,” 761-1-M, “Multi-family premises,” and 761-17, “Notice,” of Chapter 761, “Chronic Nuisance Premises,” of the Cincinnati Municipal Code (“CMC”) are ordained as follows:

Sec. 761-1-C2. Commercial premises.

“Commercial premises” shall mean any premise that contains, in whole or in part, an Assembly Group A-2 use, as defined by the Ohio Building Code.

Sec. 761-1-D. Domestic violence, dating violence, sexual assault, or stalking.

“Domestic violence, dating violence, sexual assault, or stalking” shall have the same definition as the Violence Against Women Act of 1994 as amended or reauthorized.

Sec. 761-1-M. Multi-family premises.

“Multi-family premises” shall mean a premises with a building or group of buildings that contain two or more dwelling units.

Sec. 761-17. Notice.

Any notice or citation required by this chapter shall be deemed properly served if delivered consistent with the service requirements of Section 1101-61.2.

Section 2. That Sections 761-1-N, “Nuisance or Nuisance Activity,” 761-3, “Notification That Premises May Be a Chronic Nuisance,” 761-5, “Determination That Premises is a Chronic Nuisance,” 761-7, “Citations For Multiple Nuisance Activities; Criminal And Civil Penalties,” 761-9, “Appeals,” 761-13, “Rules and Regulations,” and 761-14, “Eviction or Retaliation Prohibited,” of Chapter 761, “Chronic Nuisance Premises,” of the CMC are amended as follows:

Sec. 761-1-N. Nuisance or Nuisance Activity.

“Nuisance” or “nuisance activity” shall mean any of the following activities, conduct, or behavior as defined in the Cincinnati Municipal Code or state law whenever engaged in by premises owners, operators, occupants, or persons associated with a premises:

- (a) Assault, aggravated assault, or felonious assault ~~as defined in C.M.C. 908-5 or as defined in Ohio Revised Code Sections 2903.11, 2903.12, or 2903.13~~ or any offense of violence ~~as defined in Ohio Revised Code Section 2901.01~~;
- (b) Menacing, aggravated menacing, or menacing by stalking ~~as defined in C.M.C. 908-3, 908-7, or 908-9 or as defined in Ohio Revised Code Sections 2903.21, 2903.22, or 2903.211~~;
- (c) Inducing panic, making a false alarm, or perpetrating a hoax weapon of mass destruction ~~as defined in Ohio Revised Code Sections 2917.31, 2917.32, and 2917.33~~;

- (d) ~~Disrupting public services as defined in Ohio Revised Code Section 2909.04;~~
- (e) ~~Curfew violation as defined in C.M.C. 911-27;~~
- (f) ~~Attendance at school violation as defined in C.M.C. 910-1;~~
- (g) ~~Disorderly conduct as defined in Ohio Revised Code Section 2917.11;~~
- (h) ~~Discharging firearms in violation of C.M.C. 708-27;~~
- (i) ~~Commission of any drug offense under Chapter 2925 or 3719 of the Ohio Revised Code or loitering with the intention of committing an unlawful drug transaction as defined in C.M.C. 910-21;~~
- (j) ~~Compelling or promoting prostitution, procuring, soliciting, or loitering to engage in solicitation, or prostitution as defined Ohio Revised Code Sections 2907.21 through 2907.25, inclusive;~~
- (k) ~~Public gaming as defined in C.M.C. 906-9 or in Ohio Revised Code Section 2915.04;~~
- (l) ~~Unauthorized possession, sale, or discharge of fireworks as defined in C.M.C. 1213-7 or in Ohio Revised Code Section 3743.65;~~
- (m) ~~Loud noises or excessive sound from a motor vehicle as defined by C.M.C. 909-3 or 909-5; and~~
- (n) ~~Loud, dangerous, or vicious dog as defined in C.M.C. 701-4, 701-5, 701-6, 701-7, or 701-27.~~

Notwithstanding anything to the contrary, no activity, conduct, or behavior constituting domestic violence, dating violence, sexual assault, or stalking against an occupant of a premises shall constitute a nuisance or nuisance activity.

Sec. 761-3. Notification That Premises May Be a Chronic Nuisance.

- (a) The city solicitor or the ~~his or her~~ city solicitor's designee shall notify a premises owner, occupant, or operator in writing that the premises is in danger of becoming a chronic nuisance when any of the following circumstances have occurred at the premises:
 - (1) When three or more nuisance activities have occurred at the premises, where each activity occurs on a separate day during a thirty-day period; or
 - (2) The commission of a felony drug offense under any provision of Chapter 2925 or 3719 of the Ohio Revised Code has occurred at the premises; or

- (3) When, within a one-year period, an excessive and disproportionate the following number of nuisance activities has occurred at the a multi-family premises or commercial premises as determined by the police chief or the police chief's designee but not less than four standard deviations from the mean of the number of nuisance activities at similar multi-family premises or commercial premises. Similar multi-family premises shall mean the following classification of units that contains the number of units at the premises:
- (A) ~~Premises with 2 or 3 residential units: 6 nuisance activities~~
 - (B) ~~Premises with 4 to 19 residential units: 14 nuisance activities~~
 - (C) ~~Premises with 20 to 39 residential units: 18 nuisance activities~~
 - (D) ~~Premises with 40 to 119 residential units: 20 nuisance activities~~
 - (E) ~~Premises with 120 to 199 residential units: 26 nuisance activities~~
 - (F) ~~Premises with o~~Over 200 residential units: ~~30 nuisance activities~~
- (b) The notice provided for in Section 761-3(a) is a lawful order. Each directive contained in the notice is a separate lawful order, and failure to obey any directive is subject to penalties pursuant to Section 761-7 herein.
- (c) ~~The notice provided for in Section 761-3(a) shall be deemed properly delivered if sent by first class mail to the address for the owner listed on the records of the Hamilton County Auditor. If the notice is returned as undeliverable, the notice shall be deemed properly delivered if it is either posted on the front door of the premises that is the subject of the notice and order or if it is delivered in person to the owner. The notice shall contain the following information:~~
- (1) The street address or legal description sufficient for identification of the premises;
 - (2) A factual description of the nuisance activities that have occurred at the premises, including the dates of the nuisance activities;
 - (3) A statement that the premises owner, occupant, or operator shall respond to the city solicitor or the ~~his or her~~ city solicitor's designee within 10 days of the date of the ~~owner's~~ receipt of the notice with a written plan to abate the nuisance activities;
 - (4) A statement that the requirement the owner, occupant, or operator provide a written plan to abate the nuisance is a lawful order, and that failure to provide a written plan could subject the owner, occupant, or operator to penalties pursuant to Section 761-7; and

- (5) A statement that the cost of future enforcement at the premises as a result of nuisance activities shall be billed to the premises owner, occupant, or operator and could become a lien against the property if not paid.

Sec. 761-5. Determination That Premises is a Chronic Nuisance.

- (a) Whenever the city solicitor or the ~~his or her city~~ city solicitor's designee determines that an additional nuisance activity has occurred at a premises for which a notice has been issued pursuant to Section 761-3, and this nuisance activity occurs more than 13 days after the notice has been issued, the city solicitor or the ~~his or her city~~ solicitor's designee shall determine that the premises is a chronic nuisance and issue a lawful order that the owner, occupant, or operator abate the nuisance within 30 days of the ~~owner's~~ receipt of the notice. The city solicitor or the ~~his or her city~~ solicitor's designee shall also calculate the cost of enforcement for this and any subsequent nuisance activities, notify the owner, occupant, or operator that the owner, occupant, or operator is being billed for the cost of this and any subsequent nuisance activities, and bill the owner, occupant, or operator for the cost of enforcement. Failure to abate the nuisance shall be deemed a violation of this chapter.
- (b) The notice and order provided for in Section 761-5(a) shall ~~be deemed properly delivered if sent by first class mail to the address for the owner listed on the records of the Hamilton County auditor. If the notice and order are returned as undeliverable, the notice and order shall be deemed properly delivered if they are either posted on the front door of the premises that is the subject of the notice and order or if they are delivered in person to the owner. The notice shall contain the following information:~~
- (1) The street address or legal description sufficient for identification of the premises;
 - (2) A description of the nuisance activity or activities for which the premises owner, occupant, or operator is being billed, including the dates of the nuisance activity or activities;
 - (3) An order that the nuisance activity be abated; and
 - (4) A statement that the premises owner, occupant, or operator may appeal the determination that the ~~owner's~~ premises is a chronic nuisance or may appeal the amount of the bill as provided in Section 761-9.
- (c) A determination that a premises is a chronic nuisance subject to bills for the cost of enforcement pursuant to Section 761-5 and subject to fines or criminal prosecution pursuant to Section 761-7 shall be effective against the owner, occupant, or operator until the nuisance is abated under the thresholds established in Section 761-3(a).

Sec. 761-7. Citations For Multiple Nuisance Activities; Criminal And Civil Penalties.

- (a) Whoever violates this chapter or fails to obey any lawful order issued by the city solicitor or the ~~his or her city solicitor's~~ designee to abate a chronic nuisance within 30 days or to provide a written plan to abate the nuisance activities within 10 days, is guilty of a misdemeanor of the fourth degree on the first offense and guilty of a misdemeanor of the third degree on the second and subsequent offense. Each day's continuation of a violation or failure to comply is a separate offense.
- (b) As an alternative to criminal prosecution, the city solicitor or the ~~his or her city solicitor's~~ designee may cite a person who violates any provision of this chapter or fails to obey any order to abate a chronic nuisance within 30 days or to provide a written plan to abate the nuisance activities within 10 days.
 - (1) ~~Citations for nuisance activities shall be imposed based on the number of bills for enforcement sent to a premises owner for a specific premise(s) within a two-year period beginning with the date of the nuisance activity that is the subject of the first bill for enforcement sent to the premises owner for that specific premises.~~
 - (2) ~~Whenever a premises owner, occupant, or operator has been billed on three or more than one separate dates within a two-year period beginning with the date of the nuisance activity that is the subject of the first bill for enforcement sent to the premises owner, occupants, or operator for that specific premises, the police chief or his or her police chief's designee shall issue a Class E citation to the premises owner, occupant, or operator as follows: with every bill after the first bill. The citation shall be reduced by fifty percent for correction of the violation within the time to appeal.~~
 - (A) ~~For the fourth bill within a two-year period, a citation of \$500.00 shall be imposed;~~
 - (B) ~~For the fifth bill within a two-year period, a citation of \$1,000.00 shall be imposed;~~
 - (C) ~~For the sixth bill within a two-year period, a citation of \$1,500.00 shall be imposed;~~
 - (D) ~~For the seventh bill within a two-year period, a citation of \$5,000.00 shall be imposed;~~
 - (E) ~~For each bill after the seventh bill within a two-year period, a citation of \$10,000 shall be imposed.~~
- (c) ~~With regard to a~~Any premises or unit that constitutes a chronic nuisance where a violation occurs that constitutes a nuisance activity, that premises or unit shall be a public nuisance; subject to abatement pursuant to Ohio Revised Code Chapter 3767

~~including, but not limited to, a one year closure of the premises or unit where the nuisance activity occurred.~~

- (d) Notwithstanding the requirements of this chapter, the city solicitor is authorized to file suit under state and local law to abate nuisances existing at property or premises, including seeking injunctive relief.
- (e) Notwithstanding subsections (a) and (b) or Section 761-5(a), no criminal sanctions, civil citations or bills shall be issued under this Chapter if the owner, occupant, or operator submits a written plan to abate the nuisance activities pursuant to Section 761-3(c) but the premises shall remain subject to abatement under Ohio Revised Code Chapter 3767.

Sec. 761-9. - Appeals.

- (a) A premises owner, occupant, or operator may appeal the determination of the city solicitor or the ~~his or her city solicitor's~~ designee pursuant to Section 761-5(a) that a premises is a chronic nuisance, the amount of the bill for enforcement related to nuisance activities at the premises pursuant to Section 761-5(b), or a civil citation issued pursuant to Section 761-7(b) within 30 days from the date of the notification from the city solicitor or the ~~his or her city solicitor's~~ designee that the premises is a chronic nuisance or within 30 days from the date the bill or civil citation is issued.
- (b) Any appeal filed by an owner, occupant, or operator must request in writing that an administrative hearing be conducted by a hearing examiner with the Office of Administrative Hearings. The hearing examiner will issue a written determination on any appeal brought pursuant to Section 761-9.

Sec. 761-13. Rules and Regulations.

The city solicitor or the ~~his or her city solicitor's~~ designee shall establish rules, regulations, and policies for determining the number of nuisance activities within a one year period that may result in a notice under Section 761-3(a)(3), the maintenance of information, notification of violations, determination of when calls for service are counted for purposes of this ordinance, appeals of decisions made, training for police officers or other city personnel, and all other relevant issues necessary for implementation of this chapter.

Sec. 761-14. Eviction or Retaliation Prohibited.

- (a) It shall be unlawful for a landlord to terminate the lease agreement or periodic tenancy of any tenant without good cause or otherwise retaliate against any tenant because that tenant complained to the police or other city official or employee about nuisance or criminal activities on the landlord's premises or made calls for service to the police related to nuisance or criminal activities on the landlord's premises. It shall be unlawful for a landlord or any person acting as an agent for the landlord to intimidate or actively discourage a tenant and/or persons associated with a tenant from calling the police to report nuisance activity associated with a property. It shall be presumed that any attempt to increase charges, reduce services, or to otherwise

harass or retaliate against the tenant during the 12-month period following receipt of the complaint by the ~~chief of police~~ chief constitutes unlawful retaliation under this section.

Such presumption shall be rebutted by the preponderance of evidence that the actions taken by the landlord were based upon good cause. “Good cause” as used in this subsection means that a landlord must show good cause for his or her actions, other than one related to or caused by the operation of this section. Notwithstanding the foregoing, a tenant’s lease agreement or periodic tenancy may be terminated for a failure to pay rent; committing nuisance activity as defined in Section 761-1-N; committing waste upon the premises; violating the terms and conditions of the lease agreement or periodic tenancy; or as otherwise provided in ~~O.R.C. 5321~~ state law. A landlord’s failure to renew a lease agreement or periodic tenancy upon expiration of such lease agreement or periodic tenancy shall not be deemed a violation of this subsection.

- (b) **Penalty.** A person who violates ~~§Section~~ 761-14(a) commits a Class ~~E2 D~~ Civil Offense as defined by the Cincinnati Municipal Code ~~§Section~~ 1501-9, and is liable for the civil fine specified in ~~§Section~~ 1501-99 for a Class ~~E2 D~~ Civil Offense.

Section 3. That Sections 1501-9, “Class D Civil Offenses,” and 1501-11, “Class E Civil Offenses,” of Title XV, “Code Compliance and Hearings,” of the CMC are amended as follows:

Sec. 1501-9. - Class D Civil Offenses.

A person who violates a standard of conduct set forth in a provision of the Cincinnati Municipal Code listed below is liable for the civil fine specified in § 1501-99 for a Class D Civil Offense. If the provision is listed under paragraph (a) below, the otherwise applicable civil fine is reduced by fifty percent if the person charged shows in accordance with § 1501-15 that the violation has been corrected. If a person has previously been found to have violated the same provision of the Cincinnati Municipal Code within one year that person may be charged as a second offender and on being found to have committed a second or subsequent offense is liable for the civil fine for the subsequent offense provided below, which fine is specified in § 1501-99 and is not subject to reduction for correction of the violation.

- (a) **Class D Civil Offenses With Civil Fines Subject to fifty percent Reduction for Correction of Violation:**

			Civil Fine for Subsequent Offense
(1)	§ 720-13	Private Facilities	Class E

			Civil Fine for Subsequent Offense
(2)	§ 720-45	Notice of Violations	Class E
(3)	§ 720-69	Notice to Correct Drainage	Class E
(4)	Chapter 855	Rooming Houses	Class D
(5)	Chapter 895	Outdoor Advertising Signs	Class D
(6)	Chapter 1101	Administration, Cincinnati Building Code	Class E
(7)	Chapter 1106	General and Specialty Contractors	Class E
(8)	Chapter 1107	Elevator and Conveyor Equipment	Class E
(9)	Chapter 1117	Housing Code	Class E
(10)	Chapter 1119	Building Hazard Abatement Code	Class E
(11)	Chapter 1127	General Inspection Programs Code	Class E
(12)	Title XIV	Zoning Code	Class E
(13)	§ 1201-21	Maintenance	Class D
(14)	§ 1201-33	Evacuation	Class D
(15)	§ 1201-35	Spills and Leaks	Class D
(16)	Chapter 1235	Detectors, Early Fire Warning Systems	Class D
(17)	§ 1123-11(a)	Vacant Foreclosed Property Registration - Failure to register a vacant, foreclosed property.	Class E
(18)	§ 874-07(a)	Failure to Register Residential Rental Property	Class D
(19)	Chapter 1109	Flood Damage Reduction	Class E
(20)	§ 871-14	Landlord's Obligation to Provide Tenant Relocation Assistance	Class D

(b) Class D Civil Offenses With Civil Fines Not Subject to fifty percent Reduction for Correction of Violation:

			Civil Fine for Subsequent Offense
(1)	§ 718-25	Secret Street Uses	Class E
(2)	§ 721-59	Taking Material from Streets	Class E
(3)	§ 729-71(c)(2)	Personal Property Left Abandoned on Streets and Sidewalks – 4 or more items	Class D
(4)	§ 761-14	Eviction or Retaliation by Landlord	Class E
(5)	Chapter 891	Home Improvement	Class E
(6)	§ 1201-47	Failure to Comply with Orders	Class D
(7)	§ 1219-21	Causing Fire Through Negligence	Class D
(8)	Chapter 1251	Fire Starting Apparatus	Class D
(9)	§ 759-4	Use of a Motor Vehicle to Facilitate a Drug Related Crime	Class D
(10)	Chapter 722	Management and Control of the Use of the City Right-of-Way	Class E
(11)	Chapter 730	Commercial Waste Franchises	
(12)	§ 856-25(c)	Violation of Limitations on Operators or Operation of Short Term Rentals	Class D
(13)	§ 1601-57	Enforcement of Emergency Orders	Class D
(14)	§ 1601-59	Enforcement of Health Orders	Class D
(15)	§ 723-79	Failure to Obtain Streetcar Power-Down or Shutdown Work Permit	Class D
(16)	Chapter 811	e-Scooter Rental Franchises	Class D

			Civil Fine for Subsequent Offense
(17)	§ 915-7	Mandatory Reporting of Loss or Theft of Firearm or Dangerous Ordnance	Class D
(18)	§ 1125-17(1)	Failure to Register a Vacant Building	Class E
(19)	Chapter 606	Rabies Vaccinations and Quarantines	Class D

Sec. 1501-11. - Class E Civil Offenses.

A person who violates a standard of conduct set forth in a provision of the Cincinnati Municipal Code listed below is liable for the civil fine specified in § 1501-99 for a Class E Civil Offense. If the provision is listed under paragraph (a) below, the otherwise applicable civil fine is reduced by 50% if the person charged shows in accordance with § 1501-15 that the violation has been corrected. If a person has previously been found to have violated the same provision of the Cincinnati Municipal Code within one year that person may be charged as a second offender and on being found to have committed a second or subsequent offense is liable for the civil fine for the subsequent offense provided below, the amount of which fine is specified in § 1501-99 and is not subject to reduction for correction of the violation.

- (a) Class E Civil Offenses With Civil Fines Subject to 50% Reduction for Correction of Violation:

			Civil Fine for Subsequent Offense
(1)	§ 883-3	Public Assembly Permit	See § 883-23
(2)	§ 883-21	Prohibitions	See § 883-23
(3)	§ 1247-15	Material Safety Data Sheets	Class E
(4)	§ 1247-17	Location of Toxic or Hazardous Substance	Class E
(5)	§ 1113-03	Prohibitions of Certain Excavations, Fills or Grades	Class E

- (b) Class E Civil Offenses With Civil Fines Not Subject to 50% Reduction for Correction of Violation:

			Civil Fine for Subsequent Offense
(1)	§ 703-1	Blasting Unlawful Without Permit	Class E
(2)	§ 729-30	Dumping	Class E
(3)		Reserved	
(4)	§ 881-19	Prohibitions	Class E
(5)	§ 1247-9	Labeling of Toxic and Hazardous Substances	Class E
(6)	§ 1247-27	Falsification of Information	Class E
(7)	§ 759-3	Use of a Motor Vehicle for Prostitution or Solicitation Prohibited	Class E3
(8)	§ 701-50	Nuisance, Dangerous, and Vicious Dogs	Class E
(9)	§ 759-6	Use of a Motor Vehicle for Street Racing, Stunt Driving, and Street Takeovers Prohibited	Class E3
<u>(10)</u>	<u>§ 761-14</u>	<u>Eviction or Retaliation by Landlord</u>	<u>Class E2</u>

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

Passed: _____, 2026

Aftab Pureval, Mayor

Attest: _____
Clerk

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