

Date: October 18, 2023

To: Members of City Council  
From: Mayor Aftab Pureval  
Subject: ORDINANCE – Fence Nuisance Properties

202302207

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Attached is an ordinance captioned as follows:

**MODIFYING** the provisions of Chapter 1117, “Housing Code,” of the Cincinnati Municipal Code by **AMENDING** Section 1117-53, “Vacant Lots,” of the Cincinnati Municipal Code to provide those City officials charged with enforcement of the health code, building and housing codes, and quality of life regulations with additional tools to address nuisance conditions associated with illegal dumping and protect the public health, safety, and welfare.

The purpose of this ordinance is to amend existing legislation to provide a more specific and effective program regarding fencing of vacant lots with chronic nuisance violations. The department often notes chronic nuisance dumping sites are vacant and unmaintained, creating multiple citable offenses and often resulting in the city, through the Private Lot Abatement Program (PLAP) program, to clean up properties at considerable and often unrecoverable expense to the city. The department has found, through a recent pilot program, that more proactive fencing vacant properties has deterred reoccurrence of dumping and that the cost of fencing was potentially a more cost and time effective solution than the reoccurring costs to manage the multiple dumping violations. The result is a more lasting solution that reduces blighting influences that negatively impacts adjacent property owners. And given that the majority of dumping citations and chronic dumping sites are within our low-moderate income single family neighborhoods, the anticipated benefit of proactive fencing of chronic sites would be immediately apparent to the neighboring property owners and would be one tool to begin to reduce the multiple blighting influences that can negatively impact these streets and neighborhoods.

Noteworthy amendments to this ordinance from the existing law include:

- Clearer procedures on how enforcement actions are escalated on vacant lots.
- Clearer standards for fencing may be considered the most appropriate alternative.
- Provision for property owner appeals against a proposed action in a public hearing.
- Clarity that the property owner/person in control is ‘jointly and severally liable’ for costs incurred, even if sale of the property occurs after costs are incurred.
- Authority for the department to assess a lien upon the property and seek collection through the County Auditor’s Office for the additional costs associated with fencing.

The Administration recommends passage of the attached ordinance.

cc: Art Dahlberg, Director, Buildings & Inspections