

EMERGENCY

City of Cincinnati

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AWB

An Ordinance No. 232

-2022

MODIFYING the provisions of Title V, "Traffic Code," of the Cincinnati Municipal Code by **ORDAINING** new Section 501-1-P11, "Person in Control"; **AMENDING** Section 511-31, "Storage of Unlicensed or Inoperable Vehicles in Residence or Commercial Districts," to provide that both the owner of a vehicle and the person in control of the property where an unlicensed or inoperable vehicle is illegally stored are liable for violations; **AMENDING** Section 512-26, "Penalty for Violation of Section 511-31; Impoundment," to clarify the available penalties; and **MODIFYING** Title XV, "Code Compliance and Hearings," of the Cincinnati Municipal Code by **AMENDING** Section 1501-5, "Class B Civil Offenses," to remove the violation of Section 511-31 as a Class B Civil Offense; and **AMENDING** Section 1501-8, "Class C1 Civil Offenses," to include the violation of Section 511-31 as a Class C1 Civil Offense.

WHEREAS, improper storage of unlicensed or inoperable vehicles has a demonstrable and adverse effect on neighborhood quality of life; and

WHEREAS, the accumulation of unlicensed or inoperable vehicles contributes to conditions favorable to the harboring of vermin, environmental contamination, criminal activity, and other public health and safety concerns; and

WHEREAS, compliance with vehicle storage requirements fosters a safe and healthy community environment and reduces blight; and

WHEREAS, clarifying the availability of both civil and criminal penalties for violations of Section 511-31 will increase the City's blight abatement capabilities; and

WHEREAS, amending Sections 511-31, 512-26, 1501-8 of the Cincinnati Municipal Code to address the problems created by the improper storage of unlicensed or inoperable vehicles is in the best interest of the health, safety, and welfare of the citizens of Cincinnati; now, therefore,

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

Section 1. That new Section 501-1-P11, "Person in Control," of Chapter 501 "Definitions," of the Cincinnati Municipal Code, is hereby ordained as follows:

Sec. 501-1-P11. – Person in Control.

A "person in control" shall mean the owner of the freehold estate of the premises; a mortgagee or vendee in possession; a receiver; an executor; a trustee; and any person, public or private entity, lessee or holder of a lesser estate in the premises, and/or its duly authorized agent(s).

Section 2. That Section 511-31 of the Cincinnati Municipal Code, "Storage of Unlicensed or Inoperable Vehicles in Residence or Commercial Districts," is hereby amended as follows:

Sec. 511-31. - Storage of Unlicensed or Inoperable Vehicles in Residence or Commercial Districts.

No owner or person in control shall ~~store or park for longer than three days or allow the storage of~~ any unlicensed or inoperable trailer, semi-trailer, or motor vehicle in any residence district or commercial property other than in a garage or in a place not open to view from any other residential or commercial property or any public street or place for longer than three days. For purposes of this section an unlicensed or inoperable trailer, semi-trailer, or motor vehicle draped by a tarpaulin or similar covering is deemed open to view from another residential property, public street, or place unless it is in a garage or other permanent structure. Each day's violation shall be considered a separate offense.

An "unlicensed" trailer, semi-trailer, or motor vehicle shall mean any vehicle not displaying a current, valid license plate, including any validation sticker, other than a vehicle exempt under Ohio Revised Code Chapter 4503. An "inoperable" trailer, semi-trailer, or motor vehicle shall mean any vehicle missing wheels, tires, windshield, motor, or transmission or which has been so damaged as to appear not safely operable. If any of these indicia of inoperability are observed by a person charged with enforcing this chapter, the trailer, semi-trailer, or motor vehicle shall be presumed inoperable unless and until the owner or person in control demonstrates otherwise. Any vehicle that remains parked at or near the same location for more than 30 consecutive days shall be presumed to be inoperable.

Section 3. That Section 512-26, "Penalty for Violation of Section 511-31; Impoundment," is hereby amended as follows:

Sec. 512-26. - Penalty for Violation of Section 511-31; Impoundment.

A violation of 511-31 shall constitute a Class C1 Civil Offense. Alternatively, whoever ~~Whoever~~ violates any provision of Section 511-31 shall be guilty of a minor misdemeanor on a first offense; if the offender has been previously convicted within the past year of violating Section 511-31, the offender shall be guilty of a misdemeanor of the fourth degree; if the offender has been twice previously convicted within the past two years of violating Section 511-31, the offender shall be guilty of a misdemeanor of the first degree and shall be fined not less than \$500 and imprisoned not less than 30 days. Such minimum fine and term of imprisonment may be reduced or waived only upon a finding of the court that such reduction or waiver is required by the interest of justice.

Upon a finding of guilt, the court may order the owner of any vehicles stored or parked in violation of Section 511-31 to remove all such vehicles to a place where they may be lawfully stored or parked, or the court may order all such vehicles impounded and direct the police to cause them to be towed.

Section 4. That Section 1501-5, "Class B Civil Offenses," is hereby amended as follows:

Sec. 1501-5. – Class B 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 B 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 B Civil Offenses With Civil Fines Subject to 50% Reduction for Correction of Violation:

			Civil Fine for Subsequent Offense
(1)	§511-31	Storage of Unlicensed Vehicles	Class B
(2) <u>(1)</u>	§720-15	Public [Stormwater] Facilities	Class C
(3) <u>(2)</u>	§720-29	[Stormwater] Permits and Plan Review	Class B
(4) <u>(3)</u>	§721-83	Street Contractor's License	Class C
(5) <u>(4)</u>	§723-3	Unauthorized Wires, etc., in Streets	Class C
(6) <u>(5)</u>	§1219-3	Material Subject to Spontaneous Ignition	Class B
(7) <u>(6)</u>	§1219-7	Baled Material	Class B
(8) <u>(7)</u>	§1219-9	Combustible Containers	Class B
(9) <u>(8)</u>	§1219-15	Fire Doors, Shutters and Windows	Class B
(10) <u>(9)</u>	§1219-29	Drip Pans	Class B

Class B	Exhaust Fans	§1219-41	(44)(10)
Class B	Gas Shutoff Valves	§1219-45	(42)(11)
Class B	Smoking and the Use of Open Flame	Chapter 1225	(43)(12)
Class B	Obstructing Fire Hydrants	§1231-11	(44)(13)
Class B	Advertising in the Public Right-of-Way	§718-9	(45)(14)
Class B	Special Event Permits	Chapter 765	(46)(15)
Class C	Early Fire Warning System	§1601-7	(47)(16)
Class C	Rental Property Inspection Pilot Program	§1127-07.99	(48)(17)

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

Civil Fine for Subsequent Offense	Sidewalk or Street Parking	§413-25	(1)
Class C	Damaging Street Surface	§503-25	(2)
Class C	Driving on Sidewalk Area	§506-63	(3)
Class C	Driving Over New Pavement	§506-64	(4)
Class D	Sale of Land on Private or Undedicated Streets	§721-25	(5)
Class D	Street Opening Without Permit Unlawful	§721-41	(6)
Class D	Warning Lights; Barriers	§721-61	(7)

(8)	§721-109	Sidewalk Covering Over Sub-space; Prohibited Materials	Class D
(9)	§721-111	Support for Sidewalk Covering Over Sub-space	Class D
(10)	§723-1	Street Obstructions	Class C
(11)	§723-33	Sweeping Onto Sidewalk or Roadway	Class C
(12)	§729-5	Waste Containers; Requirements	Class D
(13)	§729-9	Setting Out Containers on Property Abutting Alleys	Class B
(14)	§729-27	Removal of Dead Animals	Class B
(15)	§729-41	Disposal of Combustible Garbage	Class B
(16)	§729-53	Transporting Putrescible Commercial By-Products	Class B
(17)	§729-60	Commercial Establishments to Maintain Commercial Waste Collection Contract	Class C
(18)	§729-69	Unloading Waste on Sidewalks	Class B
(19)	§729-71(c)(1)	Personal Property Left Abandoned on Streets and Sidewalks-3 or fewer items	Class B
(20)	§729-75	Escaping Hot Water or Steam	Class B
(21)	§1219-5	Accumulated Waste and Waste Receptacles	Class B

(22)	§1219-13	Trap Doors	Class B
(23)	§1221-7	Smoking and Use of Open Flame	
(24)	§1601-57	Enforcement of Emergency Orders	Class B
(25)	§1601-59	Enforcement of Health Orders	Class B

Section 5. That Section 1501-8, “Class C1 Civil Offenses,” is hereby amended as follows:

Sec. 1501-8. – Class C1 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 Section 1501-99 for a Class C1 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 Section 1501-15 that the violation has been corrected. Except that, for occupied property that is in violation of Section 731-3(a), the otherwise applicable civil fine is reduced by 100% if the owner charged shows in accordance with Section 1501-15 that the violation has been corrected and that the owner has not previously received notice of a violation under Section 731-3 at the occupied property. If the provision is listed under paragraphs (a), (b), or (c) below, and 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 Section 1501-99 and is not subject to reduction for correction of the violation. If the provision is listed under paragraph (d) below, and if a person has previously been found to have violated the same provision of the Cincinnati Municipal Code within two years, 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 Section 1501-99 and is not subject to reduction for correction of the violation. If the provision is listed under paragraph (e) below, the otherwise applicable civil fine is reduced by 100% if the person charged shows in accordance with Section 1501-15 and the rules and regulations of the board of health that the violation has been corrected and that the owner has not previously received notice of a violation under Section 609-9. If the provision is listed under paragraph (e) below, and if a person has previously been found to have violated the same provision of the Cincinnati Municipal Code within two years, 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 Section 1501-99 and is not subject to reduction for correction of the violation.

(a) Class C1 Civil Offenses With Civil Fines Subject to 50% Reduction for Correction of Violation:

			Civil Fine for Subsequent Offense
(1)	§ 714-11	Duty to Keep Sidewalks Free of Litter	Class D
(2)	§ 714-35	Litter on Occupied or Unoccupied Private Property	Class C1
(3)	§ 714-37	Owner or Person in Control to Maintain Premises Free of Litter	Class C1
(4)	§ 714-39	Litter on Vacant Lots	Class C1
(5)	§ 731-3	Height Restrictions on Unoccupied Private Property (grass and weed control)	Class C1
(6)	Chapter 313	Outdoor Advertising Sign Excise Tax	Class C1
(7)	Chapter 315	Short Term Rental Excise Tax	Class C1
(8)	Chapter 886	Equitable Restrooms (eff. January 1, 2022)	Class C1
(9)	§ 511-31	<u>Storage of Unlicensed or Inoperable Vehicles in Residence or Commercial Districts</u>	<u>Class C1</u>

(b) Class C1 Civil Offenses With Civil Fines Subject to 100% Reduction for Correction of Violation and a One-Year Period for a Subsequent Offense:

			Civil Fine for Subsequent Offense
(1)	§ 731-3	Height Restrictions on Occupied Private Property (grass and weed control; reduction for first-time offenders only)	Class C1

(c) Class C1 Civil Offenses With Civil Fines Not Subject to 50% Reduction for Correction of Violation and a One-Year Period for a Subsequent Offense:

			Civil Fine for Subsequent Offense
(1)	§ 714-15	Truck and Vehicle Loads Causing Litter or Scattering Debris	Class D
(2)	§ 119-3(a) § 119-3(b)	Acceptance or Retention of a Contribution from a Person Qualifying for the Temporary Prohibition List	Class C-1
(3)	§ 119-7(a)	Failure to Report Financially Interested Persons	Class C-1

(d) Class C1 Civil Offenses With Civil Fines Not Subject to 50% Reduction for Correction of Violation, and a Two-Year Period for a Subsequent Offense:

			Civil Fine for Subsequent Offense
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(1)	§ 609-3	Sale of Tobacco Products to Those Under Twenty-One Years of Age Prohibited	Class E
(2)	§ 1601-57	Enforcement of Emergency Orders	Class D
(3)	§ 1601-59	Enforcement of Health Orders	Class D

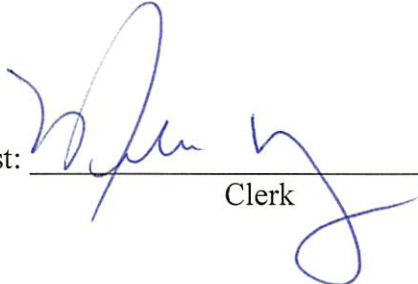
(e) Class C1 Civil Offenses With Civil Fines Subject to 100% Reduction for Correction of Violation, and a Two-Year Period for a Subsequent Offense:

			Civil Fine for Subsequent Offense
(1)	§ 609-9	Tobacco Retailer Licensing (reduction for first-time offenders only)	Class E

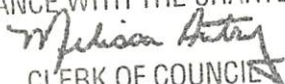
Section 5. That existing Section 511-31, "Storage of Unlicensed or Inoperable Vehicles in Residence or Commercial Districts," Section 512-26, "Penalty for Violation of Section 511-31; Impoundment," Section 1501-5, "Class B Civil Offenses," and Section 1501-8, "Class C1 Civil Offenses," of the Cincinnati Municipal Code are hereby repealed.

Section 6. That this ordinance shall be an emergency measure necessary for the preservation of the public peace, health, safety, and general welfare and shall, subject to the terms of Article II, Section 6 of the Charter, be effective immediately. The reason for the emergency is the immediate need to address an anticipated increase in violations during the summer months.

Passed: June 29, 2022

Attest: 
Clerk


Aftab Pureval, Mayor

I HEREBY CERTIFY THAT ORDINANCE NO 232-2022
WAS PUBLISHED IN THE CITY BULLETIN
IN ACCORDANCE WITH THE CHARTER ON 7-12-2022

CLERK OF COUNCIL

Additions underlined. Deletions stricken through.