

VILLAGE OF YELLOW SPRINGS, OHIO

ORDINANCE 2019-39

REPEALING SECTION 1272.05 “ENFORCEMENT; PENALTY” OF THE CODIFIED ORDINANCES OF THE VILLAGE OF YELLOW SPRINGS, OHIO AND ENACTING NEW SECTION 1272.05 “ENFORCEMENT; PENALTY”

WHEREAS, Section 1272.05 of the Codified Ordinances of the Village of Yellow Springs, Ohio provides the requirements for enforcing violations of the Zoning Code; and

WHEREAS, Village Council has determined it would be in the best interest of the Village to adopt a new section entitled “Enforcement; Penalty” to expand the Yellow Springs Police Department’s ability to refer cases to the Village Mayor’s Court, in addition to the Municipal Prosecutor;

NOW, THEREFORE, COUNCIL FOR THE VILLAGE OF YELLOW SPRINGS, OHIO, HEREBY ORDAINS THAT:

**Section 1.** Section 1272.05 entitled “Enforcement; Penalty” of the Codified Ordinances of the Village of Yellow Springs, Ohio be repealed.

**Section 2.** A new section 1272.05 entitled “Enforcement; Penalty” of the Codified Ordinances of the Village of Yellow Springs, Ohio be enacted to read as set forth in Exhibit A with new language underlined and **bolded** and deleted language in ~~strike through~~, which is attached hereto and incorporated herin.

**Section 4** This ordinance shall take effect and be in full force at the earliest date permitted by law.

\_\_\_\_\_  
Brian Housh, President of Council

Passed: 12-2-2019

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

Judy Kintner, Clerk of Council

**ROLL CALL**

Brian Housh \_\_Y\_\_ Marianne MacQueen \_\_Y\_\_ Kevin Stokes \_\_Y\_\_

Lisa Kreeger \_\_Y\_\_ Kineta Sanford \_ABSENT\_

## EXHIBIT A

### 1272.05 ENFORCEMENT; PENALTY.

(a) Penalties. Any owner, person or entity that is found to be in violation or assists in the violation of this zoning code shall, for each violation or noncompliance, be guilty of a fourth degree misdemeanor and be subject to a fine of one hundred dollars (\$100.00). Each day during which a violation occurs shall be a separate offense.

(b) Enforcement Process. The Zoning Administrator, along with such other person or persons necessary, shall enforce the provisions of the zoning code. The following process shall be followed in the enforcement of this code:

(1) Upon complaint and/or credible information of a possible zoning code violation, based upon personal knowledge or other information, the Zoning Administrator will investigate the matter and submit a written report (including relevant photos of the violation, map of the property or other attachments) to the Village Manager.

(2) If the Zoning Administrator believes there is probable cause that a violation has or is occurring, then he or she shall take one or more of the following actions to resolve the violation:

A. The Zoning Administrator may speak to the property owner and attempt to resolve the matter through discussion and/or request that the property owner work with the Village through the Village mediation program. If discussion and/or mediation resolves the matter, the Zoning Administrator shall inspect the property for compliance as soon as practical. If the Zoning Administrator does not believe that the mediation process is resolving or would resolve the matter, he or she does not have to engage in or continue with mediation.

B. In addition to, or in lieu of the mediation procedure, the Zoning Administrator may also send a certified letter to the property owner(s). Below the return address on the envelope, the words "Address Service Requested" will appear. Alternatively, the letter may be personally served in the same manner as a civil complaint. The letter shall cite the section number of the ordinance and the offense and explain what must be done to bring the property into compliance with the ordinance. The property owner will be given 30 days to bring the property into compliance. The property address and parcel identification number shall be referenced in the letter and any photos of the violation as it existed on the date of investigation shall also be included. The letter will be signed by the Zoning Administrator or other Village official who has direct knowledge of the violations.

C. The property will be inspected on or as soon as possible after the specified compliance date.

D. If the property owner(s) has not complied, the matter will be referred to either the Municipal Prosecutor or Mayor's Court at the discretion of the police department.

(c) The Village may bring legal action to address any violation of this zoning code, any enforcement order of the Zoning Administrator, or any term or condition of a planned unit development, conditional use, site plan approval, variance or other entitlement issued under this code, or to collect unpaid fines.

(d) The penalties associated with a violation of this zoning code are in addition to, not in lieu of, any other penalty applicable under Ohio law or any legal remedy available to the Village.