

## CHAPTER 93: NUISANCES

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### **GENERAL PROVISIONS**

#### **§ 93.01 APPLICATION OF THE CHAPTER.**

The provisions of this chapter shall be enforceable within this municipality concurrently with the state and federal laws relative to sanitation and health and the ordinances or orders of the local health district relative thereto, and shall not be construed as modifying, repealing, limiting, or affecting in any manner such laws, ordinances, or orders.

#### **§ 93.02 DEFINITIONS.**

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

#### **NUISANCE.** Any of the following:

(1) That which is defined and declared by statutes or ordinances to be a nuisance;

(2) Any place in or upon which lewdness, assignation, or prostitution is conducted, permitted, continued, or exists, or any place in or upon which lewd, indecent, lascivious or obscene films or plate negatives, film or plate positives, films designed to be projected on a screen

for exhibition films, or glass slides either in negative or positive form designed for exhibition by projection on a screen, are photographed, manufactured, developed, screened, exhibited, or otherwise prepared or shown, and the personal property and contents used in conducting and maintaining any such place for any such purpose. This chapter shall not affect any newspaper, magazine, or other publication entered as second class matter by the post office department;

(3) Any room, house, building, boat, vehicle, structure, or place where beer or intoxicating liquor is manufactured, sold, bartered, possessed, or kept in violation of law and all property kept and used in maintaining the same, and all property designed for the unlawful manufacture or beer, or intoxicating liquor and beer, or intoxicating liquor contained in the room, house, building, boat, structure, or place described in this division (3) where the operation of that place substantially interferes with public decency, sobriety, peace, and good order. "Violation of Law" includes but is not limited to sales to any person under the legal drinking age prohibited in R.C. § 4301.22(A) or R.C. § 4301.69(A), and any violation of R.C. § 2913.46 or R.C. § 2925.03.

**PERSON.** Includes any individual, corporation, association, partnership, trustee, lessee, agent or assignee.

**PLACE.** Includes any building, erection, or place or any separate part or portion thereof or the ground itself. (R.C. § 3767.01) (Rev. 1999)

**Cross-reference:**

*Penalty and procedure when injunction issued pursuant to division (3) of the definition of "nuisance" is violated, see § 92.27*

**§ 93.03 NUISANCES GENERALLY;  
INJUNCTIONS; VIOLATION; CONTEMPT.**

(A) (1) Any person who uses, occupies, establishes, or conducts a nuisance, or aids and abets in the use, occupancy, establishment, or conduct of a nuisance; the owner, agent, or lessee of an interest in any such nuisance; any person who is employed in that nuisance by that owner, agent, or lessee; and any person who is in control of that nuisance is guilty of maintaining a nuisance and shall be enjoined as provided in R.C. §§ 3767.03 through 3767.11.

(2) A criminal gang that uses or occupies any building, premises, or real estate, including vacant land, on more than two occasions within a one-year period to engage in a pattern of criminal gang activity is guilty of maintaining a nuisance and shall be enjoined as provided in R.C. §§ 3767.03 through 3767.11. As used in this division (A)(2), **CRIMINAL GANG** and **PATTERN OF CRIMINAL GANG ACTIVITY** have the same meanings as in R.C. § 2923.41. (R.C. § 3767.02) (Rev. 1999)

(3) Any building, premises, or real estate, including vacant land, that is used or occupied by a criminal gang on more than two occasions within a one-year period to engage in a pattern of criminal gang activity constitutes a nuisance subject to abatement pursuant to R.C. §§ 3767.01 through 3767.11 (R.C. § 2923.43) (Rev. 1999)

(B) In case of the violation of any injunction or closing order granted under R.C. §§ 3767.01 through 3767.11, or of a restraining order or the commission of any contempt of court in proceedings under such sections, the court or, in vacation, a judge thereof, may summarily try and punish the offender. The trial may be had upon affidavits or either party may demand the production and oral examination or witnesses. (R.C. § 3767.07)

(C) Whoever is guilty of contempt under this section is guilty of a misdemeanor of the first degree. (R.C. § 3767.99(A))

**Statutory reference:**

*Abatement of nuisance, bond and notice, see R.C. § 3767.03*

*Content of judgment and order, disposition of property seized, see R.C. § 3767.06*

*Criminal gang activity, see R.C. §§ 2923.41 et seq.*

*Priority of actions, evidence, costs; nuisances relating to liquor permit premises, see R.C. § 3767.05*

*Procedure in injunction action, see R.C. § 3767.04*

**§ 93.04 MAINTAINING CERTAIN NUISANCES.**

(A) No person shall erect, continue to use, or maintain a building, structure, or place for the exercise of a trade, employment, or business or for keeping or feeding an animal which, by occasioning noxious exhalations or noisome or offensive smells, becomes injurious to the health, comfort, or property of individuals or of the public.

(B) No person shall cause or allow offal, filth, or noisome substances to be collected or remain in any place to the damage or prejudice of others or of the public.

(C) No person shall unlawfully obstruct or impede the passage of a navigable river, harbor, or collection of water, or corrupt or render unwholesome or impure a watercourse, stream of water, or unlawfully divert such watercourse from its natural course or state to the injury or prejudice of others.

(D) Persons who are engaged in agriculture-related activities, as "agriculture" is defined in R.C. § 519.01, and who are conducting those activities outside the municipality, in accordance with generally accepted agricultural practices, and in such a manner so as not to have a substantial, adverse effect on the public health, safety, or welfare, are exempt from divisions (A) and (B) above and from any ordinances, resolutions, rules, or other enactments of the municipality that prohibit excessive noise. (R.C. § 3767.13)

(E) Whoever violates this section is guilty of a misdemeanor of the third degree.  
(R.C. § 3767.99(C))

**§ 93.05 COLLECTION OF COST OF ABATING DANGEROUS PROPERTY CONDITION; INJUNCTION; REHABILITATION.**

(A) *Collection of costs of abating dangerous property conditions.*

(1) As used in this division, **TOTAL COST** means any costs incurred due to the use of employees, materials, or equipment of the municipality or its agent pursuant to division (A)(5) of this section, any costs arising out of contracts for labor, materials, or equipment, and costs of service of notice or publication required under this division.

(2) The municipality or its agent pursuant to division (A)(5) of this section may collect the total cost of removing, repairing, or securing insecure, unsafe, structurally defective, abandoned, deserted, or open and vacant buildings or other structures, of making emergency corrections of hazardous conditions, or of abating any nuisance by any of the following methods:

(a) The Clerk of the Legislative Authority of the municipality or its agent pursuant to division (A)(5) of this section may certify the total costs, together with a proper description of lands to the County Auditor who shall place the costs upon the tax list and duplicate. The costs are a lien upon such lands from and after the date the costs were incurred. The costs shall be collected as other taxes and returned to the municipality or its agent pursuant to division (A)(5) of this section, as directed by the Clerk of the Legislative Authority in the certification of the total costs or in an affidavit from the agent delivered to the County Auditor or County Treasurer. The placement of the costs on the tax list and duplicate relates back to, and is effective in priority, as of the date the costs were incurred, provided that the municipal corporation or its agent pursuant to division (A)(5) of this section certifies the total costs within one year from the date the costs were incurred.

(b) The municipality or its agent pursuant to division (A)(5) of this section may commence a civil action to recover the total costs from the owner.

(3) This division (A) applies to any action taken by the municipality, or its agent pursuant to division (A)(5) of this section, pursuant to R.C. § 715.26, which authorizes the inspection, removal and repair of buildings, or pursuant to the Ohio Constitution, Article XVIII, Section 3.

(4) The municipality or its agent pursuant to division (A)(5) of this section shall not certify to the County Auditor for placement upon the tax list and duplicate the cost of any action that it takes under division (A)(2) of this

section if the action is taken on land that has been forfeited to the state for delinquent taxes, unless the owner of record redeems the land.

(5) The municipality may enter into an agreement with a County Land Reutilization Corporation organized under R.C. Chapter 1724 wherein the County Land Reutilization Corporation agrees to act as the agent of the municipality in connection with removing, repairing, or securing insecure, unsafe, structurally defective, abandoned, deserted, or open and vacant buildings or other structures, making emergency corrections of hazardous conditions, or abating any nuisance, including high weeds, overgrown brush, and trash and debris from vacant lots. The total costs of such actions may be collected by the corporation pursuant to division (A)(2) of this section, and shall be paid to the corporation if it paid or incurred such costs and has not been reimbursed.

(6) In the case of the lien of a County Land Reutilization Corporation that is the agent of the municipality, a notation shall be placed on the tax list and duplicate showing the amount of the lien ascribed specifically to the agent's total costs. The agent has standing to pursue a separate cause of action for money damages to satisfy the lien or pursue a foreclosure action in a court of competent jurisdiction or with the Board of Revision to enforce the lien without regard to occupancy. For purposes of a foreclosure proceeding by the County Treasurer for delinquent taxes, this division does not affect the lien priority as between a County Land Reutilization Corporation and the County Treasurer, but the corporation's lien is superior to the lien of any other lienholder of the property. As to a direct action by a County Land Reutilization Corporation, the lien for the taxes, assessment, charges, costs, penalties, and interest on the tax list and duplicate is in all cases superior to the lien of a County Land Reutilization Corporation, whose lien for total costs shall be next in priority as against all other interests, except as provided in division (A)(7) of this section.

(7) A County Land Reutilization Corporation acting as an agent of the municipality under an agreement under this division (A) may, with the County Treasurer's consent, petition the court or Board of Revision with jurisdiction over an action undertaken under division (A)(6) of this section pleading that the lien of the corporation, as agent, for the total costs shall be superior to the lien for the taxes, assessments, charges, costs, penalties, and interest. If the court or Board of Revision determines that the lien is for total costs paid or incurred by the corporation as such an agent, and that subordinating the lien for such taxes and other impositions to the lien of the corporation promotes the expeditious abatement of public nuisances, the court or board may order the lien for the taxes and other impositions to be subordinate to the corporation's lien. The court or board may not subordinate the lien for taxes and other such impositions to any other liens.  
(R.C. § 715.261) (Rev. 2010)

(B) *Injunction may be granted for failure to comply.* No person shall erect, alter, repair or maintain any residential building, office, mercantile building, workshop or factory, including a public or private garage, or other structure, within the municipality unless all ordinances or resolutions enacted pursuant to R.C. §§ 715.26 through 715.30 are fully complied with. In the event any building or structure is being erected, constructed, altered, repaired or maintained in violation of such ordinances or resolutions, or there is imminent threat of violation, the municipality or the owner of any contiguous or neighboring property who would be especially damaged by such violation, in addition to any other remedies provided by law, may institute a suit for injunction to prevent or terminate such violation. (R.C. § 715.30)

(C) *Appropriation of property to rehabilitate; demolition or sale.*

(1) In order to rehabilitate a building or structure that the municipality has determined to be a blighted property as defined in R.C. § 1.08, the municipality may appropriate, in the manner provided by R.C. §§ 163.01 through 163.22, any such building or structure and the real property of which it is a part. The municipality shall rehabilitate the building or structure or cause it to be rehabilitated within two years after the appropriation so that the building or structure is no longer a public nuisance, insecure, unsafe, structurally defective, unhealthful or unsanitary, or a threat to the public health, safety, or welfare, in violation of a building code or ordinance adopted under R.C. § 731.231. Any building or structure appropriated pursuant to this division which is not rehabilitated within two years shall be demolished.

(2) If, during the rehabilitation process, the municipality retains title to the building or structure and the real property of which it is a part, then within 180 days after the rehabilitation is complete, the municipality shall appraise the rehabilitated building or structure and the real property of which it is a part, and shall sell the building or structure and property at public auction. The municipality shall advertise the public auction in a newspaper of general circulation in the municipality once a week for three consecutive weeks, or as provided in R.C. § 7.16, prior to the date of sale. The municipality shall sell the building or structure and real property to the highest and best bidder. No property that the municipality acquires pursuant to this division shall be leased.

(R.C. § 719.012) (Rev. 2012)

*Statutory reference:*

*Adoption of technical ordinances and codes by reference, see R.C. § 731.231*

#### § 93.06 TRIMMING OF TREES AND SHRUBBERY TO PREVENT OBSTRUCTION.

(A) It shall be unlawful for any person to plant, grow, or maintain any shade tree or trees or shrubbery which will obstruct the proper distribution of light from street lamps or

which will obstruct the view of traffic approaching an intersection by operators of vehicles approaching such intersection from another direction.

(B) All trees shall be trimmed so as to have a clear height of ten feet above the surface of sidewalks and 12 feet above the surface of the street or roadway, and the branches of all trees in front of and along lots or lands near which street lights are placed shall be trimmed so as not to obstruct the free passage of light from such street lights to the street and sidewalk.

(C) The Legislative Authority shall cause a written notice to be given to property owners ordering them to trim or remove trees and shrubbery so that the trees and shrubbery conform to divisions (A) and (B).

(D) If the property owner fails to trim or remove the trees and shrubbery as ordered, the Legislative Authority may cause the trees and shrubbery to be trimmed or removed as ordered, and the cost thereof shall be a lien upon such real estate.

Penalty, see § 93.99

*Statutory reference:*

*Power to regulate shade trees, see R.C. § 715.20*

#### SEPTIC TANKS, CESSPOOLS, AND REFUSE

#### § 93.20 LOCATION OF PRIVY VAULTS, CESSPOOLS, AND SEPTIC TANKS.

No owner, occupant, or person in charge of any premises situated as to permit connection with any sanitary sewer shall maintain or permit to be maintained on or in connection with such premises any privy vault, cesspool, septic tank, or other repository for human excreta.

Penalty, see § 93.99

*Statutory reference:*

*Power to regulate privies, see R.C. § 715.40*

*Power to regulate refuse disposal, see R.C. § 715.43*

#### § 93.21 UNSANITARY VAULTS.

It shall be unlawful for any person being the owner, lessor, occupant, or person in charge of any premises upon which a privy vault, cesspool, or septic tank is located to permit such vault, pool, or tank, or any building, fixture, or device appurtenant thereto, to become foul, noisome, filthy, or offensive to neighboring property owners.

Penalty, see § 93.99

#### § 93.22 REMOVAL OF CONTENTS OF VAULT.

Whenever any part of the waste in any privy vault or cesspool extends to a point less than three feet below the surface of the ground adjacent thereto, or whenever use of

any such vault or cesspool is abandoned or where such use or maintenance is prohibited by ordinance or health order, the owner, lessor, occupant or person in charge of such premises shall cause the vault or cesspool to be emptied of its contents, thoroughly cleaned, and disinfected, and if abandoned, to be filled with clean earth or mineral matter to the level of the adjacent ground.

Penalty, see § 93.99

**§ 93.23 DEPOSIT OF DEAD ANIMALS, OFFAL UPON LAND OR WATER.**

(A) No person shall put the carcass of a dead animal or the offal from a slaughter house, butcher's establishment, packing house or fish house, or spoiled meat, spoiled fish, or other putrid substance or the contents of a privy vault, upon or into a lake, river, bay, creek, pond, canal, road, street, alley, lot, meadow, public ground, market place, or common. No owner or occupant of such place shall knowingly permit such thing to remain therein to the annoyance of any citizen or neglect to remove or abate the nuisance occasioned thereby within 24 hours after knowledge of the existence thereof, or after notice thereof in writing from the designated municipal official.

(R.C. § 3767.16)

(B) Whoever violates this section is guilty of a minor misdemeanor.

(R.C. § 3767.99(D))

**§ 93.24 DEFILING SPRING OR WELL PROHIBITED.**

(A) No person shall maliciously put a dead animal, carcass, or part thereof, or other putrid, nauseous, or offensive substance into, or befoul, a well, spring, brook, or branch of running water, or a reservoir of a waterworks, of which use is or may be made for domestic purposes.

(R.C. § 3767.18)

(B) Whoever violates this section is guilty of a minor misdemeanor.

(R.C. § 3767.99(D))

**§ 93.25 DUMPING OF REFUSE IN MUNICIPALITY PROHIBITED.**

It shall be unlawful for any person to dump, cause to be dumped or permit to be dumped on any publicly or privately owned land or water in the municipality any paper, brush, rubbish, tin cans, vegetation, garbage, or refuse of any kind, without first having obtained a written license from the Mayor or other designated municipal officer to do so. The Mayor or other designated municipal officer shall issue a license permitting dumping of designated materials when it appears that filling of the land is necessary and that the material deposited will be immediately covered with earth or will not be objectionable to the citizens of the

neighborhood, or injurious to health, safety and general welfare of the citizens.

Penalty, see § 93.99

**§ 93.26 ABANDONED REFRIGERATORS.**

(A) No person shall abandon, discard, or knowingly permit to remain on premises under the person's control, in a place accessible to children, any abandoned or discarded icebox, refrigerator, or other airtight or semi-airtight container which has a capacity of 1.5 cubic feet or more and an opening of 50 square inches or more and which has a door or lid equipped with a hinge, latch, or other fastening device capable of securing such door or lid, without rendering the equipment harmless to human life by removing such hinges, latches or other hardware which may cause a person to be confined therein. This section shall not apply to an icebox, refrigerator or other airtight or semi-airtight container located in that part of a building occupied by a dealer, warehouse or repairer.

(R.C. § 3767.29) (Rev. 2012)

(B) Whoever violates this section shall be guilty of a misdemeanor of the fourth degree.

(R.C. § 3767.99(B))

**§ 93.27 DISCARDING LITTER PROHIBITED.**

(A) No person, regardless of intent, shall deposit litter or cause litter to be deposited on any public property, on private property not owned by the person, or in or on waters of the state, unless one of the following applies:

(1) The person is directed to do so by a public official as part of a litter collection drive.

(2) Except as provided in division (B) of this section, the person deposits the litter in a litter receptacle in a manner that prevents its being carried away by the elements.

(3) The person is issued a permit or license covering the litter pursuant to R.C. Chapter 3734 or 6111.

(B) No person, without privilege to do so, shall knowingly deposit litter, or cause it to be deposited, in a litter receptacle located on any public property or on any private property not owned by the person, unless one of the following applies:

(1) The litter was generated or located on the property on which the litter receptacle is located.

(2) The person is directed to do so by a public official as part of a litter collection drive.

(3) The person is directed to do so by a person whom the person reasonably believes to have the privilege to use the litter receptacle.

(4) The litter consists of any of the following:

(a) The contents of a litter bag or container of a type and size customarily carried and used in a motor vehicle.

(b) The contents of an ash tray of a type customarily installed or carried and used in a motor vehicle.

(c) Beverage containers and food sacks, wrappings, and containers of a type and in an amount that reasonably may be expected to be generated during routine commuting or business or recreational travel by a motor vehicle.

(d) Beverage containers, food sacks, wrappings, containers, and other materials of a type and in an amount that reasonably may be expected to be generated during a routine day by a person and deposited in a litter receptacle by a casual passerby.

(C) (1) As used in division (B)(1) of this section, **PUBLIC PROPERTY** includes any private property open to the public for the conduct of business, the provision of a service, or upon the payment of a fee but does not include any private property to which the public otherwise does not have a right of access.

(2) As used in division (B)(4) of this section, **CASUAL PASSERBY** means a person who does not have depositing litter in a litter receptacle as the person’s primary reason for traveling to or by the property on which the litter receptacle is located.

(D) As used in this section:

**DEPOSIT.** Means to throw, drop, discard, or place.

**LITTER.** Includes garbage, trash, waste, rubbish, ashes, cans, bottles, wire, paper, cartons, boxes, automobile parts, furniture, glass, or anything else of an unsightly or unsanitary nature.

**LITTER RECEPTACLE.** Means a dumpster, trash can, trash bin, garbage can, or similar container in which litter is deposited for removal.

(E) This section may be enforced by any Sheriff, deputy sheriff, police officer of the municipality, police constable or officer of a township, or township or joint police district, wildlife officer, park officer, forest officer, preserve officer, conservancy district police officer, inspector of nuisances of a county, or any other law enforcement officer within the law enforcement officer’s jurisdiction.  
(R.C. § 3767.32) (Rev. 2012)

(F) Whoever violates any provision of this section shall be guilty of a misdemeanor of the third degree. The sentencing court may, in addition to or in lieu of the penalty

provided in this division, require a person who violates this section to remove litter from any public or private property or in or on waters of the state.  
(R.C. § 3767.99(C))

**§ 93.28 POWER OF THE MUNICIPALITY TO FILL OR DRAIN LAND.**

(A) The municipality may fill or drain any lot or land within its limits on which water at any time becomes stagnant, remove all putrid substances from any lot, and remove all obstructions from culverts, covered drains, or private property, laid in any natural watercourse, creek, brook, or branch, which obstruct the water naturally flowing therein, causing it to flow back or become stagnant, in a way prejudicial to the health, comfort, or convenience of any of the citizens of the neighborhood. If such culverts or drains are of insufficient capacity, the municipality may make them of such capacity as reasonable to accommodate the flow of such water at all times.

(B) The Legislative Authority may, by resolution, direct the owner to fill or drain such lot, remove such putrid substance or other obstructions, and if necessary, enlarge such culverts or covered drains to meet the requirements thereof.

(C) After service of a copy of such resolution, or after a publication thereof in a newspaper of general circulation in the municipality or as provided in R.C. § 7.16, for two consecutive weeks, the owner, or the owner’s agent or attorney, shall comply with the directions of the resolution within the time therein specified.

(D) In case of the failure or refusal of such owner to comply with the resolution, the work required thereby may be done at the expense of the municipality, and the amount of money so expended shall be recovered from the owner before any court of competent jurisdiction. This expense from the time of the adoption of the resolution shall be a lien on such lot, which may be enforced by suit in the Court of Common Pleas, and like proceedings may be had as directed in relation to the improvement of streets.

(E) The officers connected with the Health Department of the municipality shall see that this section is strictly and promptly enforced.  
(R.C. § 715.47) (Rev. 2012)

**WEEDS AND LITTER ON PRIVATE PROPERTY**

**§ 93.40 KEEPING DOWN WEEDS.**

(A) Any person owning or having charge of land within the municipality shall keep such property free and clear from all noxious weeds and rank vegetation and shall be required to cut all such weeds and vegetation on the lots

owned or controlled by him or her at least twice in every year, once between June 1 and July 1 and once between August 1 and September 1.

(B) Noxious weeds and rank vegetation shall include but not be limited to:

(1) Any weeds such as the following:

*Noxious Weeds*

Apple of Peru	Leafy Spurge
Buckthorn	Marestail
Canada Thistle	Mile-A-Minute Weed
Columbus Grass	Musk Thistle
Corncockle	Oxeye Daisy
Cressleaf Groundsel	Palmer Amarantha
Curly Dock	Perennial Sowthistle
Dodder	Poison Hemlock
Field Bindweed	Purple Loosestrife
Forage Kochia	Quackgrass
French Weed	Russian Knapweed
Giant Hogweed	Russian Thistle
Hairy Whitetop (Ballcress)	Serrated Tussock
Hedge Bindweed	Shatter Cane
Heart-podded Hoary Cress	Wild Carrot
Horsenettle	Wild Garlic
Japanese Knotweed	Wild Mustard
Johnsongrass	Wild Onion
Kochia	Wild Parsnip
Kudzu	

(2) Grapevines when growing in groups of 100 or more and not pruned, sprayed, cultivated, or otherwise maintained for two consecutive years;  
(O.A.C. §§ 901:5-27-06, 901:5-37-01) (Rev. 2012)

(3) Bushes of the species of tall, common, or European barberry, further known as *berberis vulgaris* or its horticultural varieties;

(4) Any weeds, grass, or plants, other than trees, bushes, flowers, or other ornamental plants, growing to a height exceeding 12 inches.

**§ 93.41 NOTICE TO OWNER TO CUT NOXIOUS WEEDS, REMOVE LITTER; SERVICE.**

(A) Upon written information that noxious weeds are growing on lands in the municipality and are about to spread or mature seeds, the Legislative Authority shall cause written notice to be served on the owner, lessee, agent, or tenant having charge of such land, notifying him or her that noxious weeds are growing on such lands and that they must be cut and destroyed within five days after service of such notice.

(B) Upon a finding by the Legislative Authority that litter has been placed on lands in a municipality, and has not

been removed, and constitutes a detriment to public health, the Legislative Authority shall cause a written notice to be served upon the owner and, if different, upon the lessee, agent, or tenant having charge of the littered land, notifying him or her that litter is on the land, and that it must be collected and removed within 15 days after the service of the notice.

(C) As used in this section and § 93.43, **LITTER** includes any garbage, waste, peelings of vegetables or fruits, rubbish, ashes, cans, bottles, wire, paper, cartons, boxes, parts of automobiles, wagons, furniture, glass, oil of an unsightly or unsanitary nature, or anything else of an unsightly or unsanitary nature.

(D) If the owner or other person having charge of the land is a nonresident of the municipality whose address is known, the notice shall be sent to his or her address by certified mail. If the address of the owner or other person having charge of the land is unknown it is sufficient to publish the notice once in a newspaper of general circulation in the county.

(E) This section does not apply to land being used under a municipal building or construction permit or license, a municipal permit or license, or a conditional zoning permit or variance to operate a junkyard, scrap metal processing facility, or similar business, or a permit or license issued pursuant to R.C. Chapter 3734, R.C. §§ 4737.05 through 4737.12, or R.C. Chapter 6111.  
(R.C. § 731.51)

**§ 93.42 FEES FOR SERVICE AND RETURN.**

The Police Chief, any police officer, or Clerk of the Legislative Authority may make service and return of the notice provided for in § 93.41 and shall be allowed the same fees as that provided for service and return of summons in civil cases before a magistrate.  
(R.C. § 731.52)

**§ 93.43 PROCEDURE WHEN OWNER FAILS TO COMPLY WITH NOTICE.**

If the owner, lessee, agent, or tenant having charge of the lands mentioned in § 93.41 fails to comply with the notice required by such section, the Legislative Authority shall cause such noxious weeds to be cut and destroyed or such litter removed and may employ the necessary labor to perform the task. All expenses incurred shall, when approved by the Legislative Authority, be paid out of the money in the treasury of the municipality not otherwise appropriated.  
(R.C. § 731.53)

**§ 93.44 WRITTEN RETURN TO COUNTY AUDITOR; AMOUNT AS A LIEN UPON PROPERTY.**

The Legislative Authority shall make a written return to the County Auditor of their action under §§ 93.41, 93.42, and 93.43, with a statement of the charges for their services, the amount paid for labor, the fees of the officers serving the notices, and a proper description of the premises. These amounts, when allowed, shall be entered upon the tax duplicate and be a lien upon such lands from and after the date of entry and be collected as other taxes and returned to the municipality with the General Fund. (R.C. § 731.54)

**UNCLEAN HABITATIONS**

**§ 93.60 PERMITTING UNCLEAN HABITATIONS.**

It shall be unlawful for any person to lease, let, permit the occupancy of, permit the continuation of the occupancy of, or continue the occupancy of a structure or building or any portion thereof used for human habitation, unless such structure or building or portion thereof is free from unclean and unsanitary conditions as defined in § 93.61 and unless the provisions of the subsequent sections are complied with. Penalty, see § 93.99

**Statutory reference:**

*Duties of the landlord, see R.C. § 5321.04*

*Duties of the tenant, see R.C. § 5321.05*

*Injunction for failure to comply, see R.C. § 715.30*

*Regulating occupied buildings, see R.C. § 715.29*

**§ 93.61 WHEN HABITATIONS ARE DEEMED UNSANITARY.**

A structure, building, or any portion thereof used for human habitation shall be deemed to be in an unclean and unsanitary condition when any of the following conditions exist:

- (A) Infection with communicable disease;
- (B) Absence of the toilet facilities required by law or ordinance;
- (C) Presence of sewer gas;
- (D) Dampness or wetness due to lack of repair;
- (E) Accumulation of dirt, filth, litter, refuse, or other offensive or dangerous substances likely to cause sickness among the occupants;
- (F) Defective or improperly used drainage, plumbing, or ventilation facilities likely to cause sickness.

**§ 93.62 ORDER FOR ABATEMENT OR VACATION OF PREMISES.**

If the local Board of Health ascertains from examination or reports of its inspectors or sanitary officers or otherwise determines that a public nuisance, as defined in § 93.61, exists in or upon any structure or building, or portion thereof, and has notified the owner, occupant, or person in charge of the premises to abate the nuisance or vacate the premises, it shall be unlawful to occupy or permit the occupancy of the premises or portion thereof until the nuisance has been completely abated and the building or portion thereof has been rendered clean and sanitary in accordance with the terms of the notices of the Board of Health.

**§ 93.63 ENFORCEMENT OF VACATION ORDER BY FIRE CHIEF OR POLICE CHIEF.**

When the notice or order of vacation has not been complied with, and the Board of Health certifies such fact to the Fire Chief or Police Chief, together with a copy of the order of notice, it shall be the duty of the Fire Chief or Police Chief to enforce such notice or order of vacation and to cause the premises to be vacated in accordance with the terms of the notice or order.

**§ 93.64 ENFORCEMENT THROUGH COURT PROCEEDINGS.**

Whenever the Board of Health certifies to the municipal legal officer any failure to comply with any order or notice of vacation, with the request that civil proceedings for the enforcement thereof be instituted, the municipal legal officer shall institute any and all proceedings, either legal or equitable, that may be appropriate or necessary for the enforcement of the order or notice and the abatement of the nuisance against which the order or notice was directed. These suits or proceedings shall be brought in the name of the municipality. Proceedings under this section shall not relieve any party defendant from criminal prosecution or punishment under this code or any other criminal law or ordinance in force within the municipality.

**§ 93.99 PENALTY.**

Whoever violates any provision of this chapter, for which another penalty is not already provided, shall be subject to the penalty prescribed in § 10.99.