

CITY OF ENGLEWOOD

IN

MONTGOMERY COUNTY, OHIO

ORDINANCE NO: 20-13

Passed: October 27, 2020

AN ORDINANCE: AMENDING SECTION 1454.11 OF THE ENGLEWOOD CODIFIED ORDINANCES, TITLED “ABATEMENT EXPENSES; LIENS”

WHEREAS, the City has enacted Chapter 1454 of the Codified Ordinances of Englewood, which is titled “Property Maintenance”; and

WHEREAS, the purpose of Chapter 1454 is to eliminate and prevent blighting effects and hazards to the health, safety, and welfare of the citizens of Englewood; and

WHEREAS, Section 1454.11, titled “Abatement Expenses; Liens” provides for the assessment and collection of certain costs and expenses associated with the abatement of nuisances pursuant to Chapter 1454; and

WHEREAS, the City Council has determined that it would be in the best interests of the City to amend Section 1454.11 to include attorneys’ fees and litigation expenses among the costs and expenses that may be assessed and collected pursuant to Section 1454.11; and

WHEREAS, the City is authorized as a charter municipality to exercise all powers of local self-government.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ENGLEWOOD, MONTGOMERY COUNTY, OHIO, AS FOLLOWS:

SECTION I Section 1454.11 is hereby amended, by the addition of words in **bold font**, to read as follows:

The City shall keep an itemized account of expenses it incurs to abate nuisances on behalf of a private property owner or tenant. The total cost incurred for administration, labor, personnel, materials, equipment, **attorneys’ fees, and litigation expenses** shall either be collected through civil litigation directed against the property owner or shall be certified by the Director of Finance to the County Auditor, and placed by the Auditor upon the tax duplicate to be a lien against the real estate from and after the date of entry upon the duplicate, to be collected as other taxes and returned to the City, with the effect that the total cost of such work constitutes a lien on the property which has priority ahead of any mortgages on the premises. Such collection proceedings or certification to the County Auditor shall only be initiated by the City after property owners and/or

others with an interest in the property have been offered at least a fourteen calendar day period to remit full payment for charges incurred.

SECTION II All provisions of Chapter 1454 not specifically amended herein shall remain the same.

SECTION III It is hereby found and determined that all formal actions of this City Council concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and any committees that resulted in those formal actions were in meetings open to the public, in compliance with all legal requirements.


SECTION IV That this Ordinance shall be in full force and effect at the earliest date allowed by law.

PASSED THIS 27th DAY OF October, 2020.



THOMAS FRANZ, MAYOR


ATTEST:



KERRY NORMAN, CLERK OF COUNCIL

C E R T I F I C A T E

I, Kerry Norman, Clerk of Council of the City of Englewood, Montgomery County, Ohio, do hereby certify the foregoing is a true and correct copy from the *Record of Proceedings* of said City. **WITNESS** my signature this 27th day of October, 2020.



Kerry Norman, Clerk of Council

C E R T I F I C A T E O F P O S T I N G

I, Kerry Norman, Clerk of Council of the City of Englewood, Montgomery County, Ohio, do hereby certify publication of the foregoing **ORDINANCE** was made as designated by Sections 224.01 and 24.02 of the Englewood Code.



Kerry Norman, Clerk of Council