

ORDINANCE NO. 2021 - 29  
(amended)

AN ORDINANCE  
ENACTING A NEW SECTION 521.13 OF THE CODIFIED ORDINANCES,  
RELATIVE TO CHRONIC NUISANCE ACTIVITIES, AND DECLARING AN  
EMERGENCY

BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF NEW LONDON, HURON COUNTY, OHIO, AS FOLLOWS:

Section 1. That there is hereby enacted a new Section 521.12 of the Codified Ordinances of the Village of New London, which shall read as follows:

521.13 CHRONIC NUISANCE ACTIVITIES.

(a) The following activities occurring on any residential or commercial property, and engaged in by an owner, tenant, occupant or invitee of the owner, tenant, occupant, or invitee of that property, are hereby declared to be Public Nuisance Activities:

- (1) Any disorderly conduct, disturbance of the peace or other violation of Sections 509.01 through 509.11 of the Codified Ordinances;
- (2) Any drug abuse violation under Chapter 513 of the Codified Ordinances;
- (3) Any gambling violation under Chapter 517 of the Codified Ordinances;
- (4) Any health, safety, or sanitation violation under Chapter 521 of the Codified Ordinances;
- (5) Any obstruction of official business violation under Section 525.07 or obstruction of justice under Section 525.08 of the Codified Ordinances;
- (6) Any alcohol violations under Chapter 529 of the Codified Ordinances;
- (7) Any sex offenses under Chapter 533 of the Codified Ordinances.
- (8) Any offense against another person under Chapter 537 of the Codified Ordinances;
- (9) Any offense against property under Chapter 541 of the Codified Ordinances;
- (10) Any theft violation under Chapter 545 of the Codified Ordinances;
- (11) Any weapons, explosives, firearms or handgun violation under Chapter 549 of the Codified Ordinances;
- (12) Any felony offense as defined by the Ohio Revised Code.

(b) For purposes of this Section,

- (1) "Property" means and includes land, together with appurtenant land, such as a parking area, loading area, landscaping, buildings and structures, provided, however, that, if a property consists of, or is subdivided into, more than one occupancy unit, such as apartments, office suites, storefronts, or condominiums, "property" shall be limited to that occupancy unit at which a nuisance activity has occurred or is occurring, unless repetitive nuisance activities are caused by the same actor(s) at multiple unit locations.

(2) “Chronic Nuisance Property” means Property on which three or more nuisance activities and/or two felony drug abuse offenses, as defined in Section 2925.01, Ohio Revised Code, have occurred during any six-month period.

(c) No person shall knowingly permit Property that he or she owns to become or remain a Chronic Nuisance Property. Whoever violates this provision is guilty of knowingly permitting a Chronic Nuisance Property, a minor misdemeanor.

(d)

(1) Upon finding that three or more Public Nuisance Activities declared in this section have occurred within or in connection with, the same Property within any twelve month period, the Village may cause a written notice and order to abate nuisance to be served on the owner of the Property by the Chief of Police or his designee, declaring that such property is a Chronic Nuisance Property. The notice and order shall set forth the nature of the Public Nuisance, the estimated costs to abate any future nuisance, and state that the owner may avoid being charged the costs of such abatement by taking steps to prevent any further Public Nuisance Activity as set forth in this section. The notice shall further state that if a fourth or subsequent Public Nuisance Activity as declared in this section occurs within twelve months of the date of the first nuisance activity, the Village may: (1) abate the nuisance by responding to the activities using administrative and law enforcement actions with the costs of such abatement shall be assessed on the Chronic Nuisance Property; and/or (2) charge and assess the costs of any future emergency services responses to the Chronic Nuisance Property.

(2) The owner of a Chronic Nuisance Property who receives a notice from the Chief of Police or his designee pursuant to this section may appeal such notice by submitting a written request for reconsideration to the Chief of Police within thirty days of the date of the notice. If the Chief of Police finds that the facts presented do not support the declaration of a nuisance, the Chief shall rescind the notice. Otherwise the Chief shall deny the request. The owner may then, within thirty (30) days, submit an appeal of that decision to the Village Council. Any such appeal shall not stay any actions by the Village. On appeal before the Council, the Chief of Police must show by a preponderance of the evidence that each violation stated in the notice being appealed has occurred, and that the declaration of the property as a Chronic Nuisance Property is applicable, is justified. The owner shall have a defense if the owner demonstrates by a preponderance of evidence that:

(A) He or she was not the owner at the time of any of the Public Nuisance Activity that is the basis of the notice; or

(B) He or she had knowledge of the Public Nuisance Activity, but has promptly and vigorously taken all actions necessary to abate each nuisance including, without limitation, compliance with the requirements of Ohio R.C. 5321.17(c) and 5321.04(a)(9); or

(C) He or she had no knowledge of the nuisance activity and could not, with reasonable care and diligence, have known of the nuisance activity; and upon receipt of the notice of the declaration of the property as a nuisance

property, he or she promptly took all actions necessary to abate the nuisance including, without limitation, compliance with the requirements of Ohio R.C. 5321.17(c) and 5321.04(a)(9).

(e) If within twelve months after being declared a Chronic Nuisance Property, a fourth or subsequent Public Nuisance Activity as declared in this section occurs, the Village may take any one or more of the following actions:

- (1) abate the nuisance by responding to the activity using administrative and law enforcement actions, and the costs of such abatement shall be assessed on the nuisance property. The Village shall cause the Chief of Police or his designee to provide notice to the owner of the nuisance property of the Village's intent to assess the costs of abatement against the owner's property at least thirty days before such costs are certified to the County for assessment against the property, and such notice shall contain a description of the nuisance activity that is the basis for the notice of intent to assess the property, and the cost to abate.
- (2) charge the owner and assess against the Property the costs of any emergency services responses to the Chronic Nuisance Property in connection with a Public Nuisance Activity.

(f) Any notice described in this Section may be served by delivering it personally to the owner or leaving it at the owner's usual place of business or residence, or by posting it in a conspicuous place on the real estate involved, or by mailing it to the owner, or by publishing it once in a newspaper of general circulation within the Village if it cannot be served in any of the other ways above mentioned.

Section 2. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, or safety, and for the welfare of the citizens of the Village, and for the further reason that it is necessary that this measure become effective immediately in order to allow the Village to respond to currently existing nuisance conditions which require immediate attention, and that, provided it receives the majority vote of two-thirds or more of those elected to Council, this Ordinance shall therefore take effect and be in force immediately from and after its passage and approval by the Mayor, and otherwise it shall take effect at the earliest period allowed by law.

PASSED: July 12, 2021      Jody Thomas  
MAYOR

ATTEST:  
Nancy Howell  
FISCAL OFFICER