

**Article XIV**

**PENALTY FOR VIOLATION**

**1401 PENALTIES FOR VIOLATION**

Violation of the provisions of this Resolution or failure to comply with any of its requirements (including violations of conditions and safeguards established in various articles of this Resolution) shall constitute a misdemeanor. Any person who violates this Resolution or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$100.00 or imprisoned for more than thirty (30) days, or both, and in addition shall pay all costs and expenses involved in the case. Each day such violation continues after receipt of a violation notice, shall be considered a separate offense. The owner or tenant of any building, structure, premises, or part thereof, and any architect, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided. Nothing herein contained shall prevent the Township from taking such other lawful action as is necessary to prevent or remedy any violations.

**1402 CIVIL ACTION**

In case any building is or is proposed to be located, erected, constructed, reconstructed, enlarged, changed, maintained, or used or any land is or is proposed to be used in violation of the law or of this Resolution or any amendment thereto, the Township Trustees, the County Prosecutor, or Township legal advisor, the Township Zoning Inspector, or any adjacent or neighboring property owner who would be especially damaged by such violation may in addition to other appropriate action, enter proceeding or proceedings to prevent, enjoin, abate, or remove such unlawful location, erection, construction, reconstruction, enlargement, change, maintenance, or use.

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## **1402.01      PROPERTY VIOLATIONS-CORRECTIVE ACTIONS, specific to junk vehicles, debris (junk), refuse, garbage vegetation**

Property owners/tenants have fourteen (14) days from the issuance of a “notice of violation” to provide the Zoning Inspector (working with the Trustees) a written action plan to bring the property in compliance within a mutually agreed upon time frame. If there is a failure to follow through to be in compliance, the State of Ohio has specifically allowed the Township Trustees to issue an “Order” or a “Nuisance Order” along with the Zoning Violation, that legal actions will proceed and further failure to comply will result with and clean-up expenses incurred by the Township to be paid by the property owner or will be collected as other taxes as a lien.

### OPTION 1-Handled as a Zoning Violation

- 1) Notice of Zoning Violation is issued by the Zoning Inspector and sent to the violator via certified and regular mail.
- 2) If no response within fifteen (15) days, the Board of Trustees will issue a resolution for the county prosecutor to be involved. ( Form Letter: Resolution to authorize and direct the Lorain County Court Prosecutor to take legal action to compel Zoning compliance).
- 3) The Lorain County Prosecutor issues a letter to the violator advising, since there was no response within fifteen (15) days, that he/she may be prosecuted as a criminal violation in the Oberlin Municipal Court and as a Civil Action in the Lorain Court of Common Pleas.

### OPTION 2-Handle as Self Help Nuisance Situation under RC 505.87 or 505.871

- 1) A Nuisance Order can be issued along with a Zoning Violation or instead of a Zoning Violation.
- 2) The Board of Trustees issues an order to the violator under ORC 505.87 advising the accumulation of vegetation, garbage, refuse and other debris (junk vehicles under ORC 505.871) upon the property constitutes a nuisance, and he/se is ordered

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to clean it up within seven (7) days, fourteen (14) days for ORC 505.871 with a copy sent to the Lorain County Prosecutor.

- a) If the violator fails to comply, removal of such items and any expense incurred by the Township for removal will be entered upon the tax duplicate as a lien upon the property and be collected as other taxes. (Form: Order)
- 3) The Board of Trustees will Notify the Lorain County Prosecutor of their plan to clean up the property and will contact the sheriff to be present during the cleanup.
- 4) The Lorain County Auditor will be contacted for instructions on how to submit the costs for cleanup of the property to be entered on the tax duplicate.

### **1403 REMEDIES CUMULATIVE**

The exercise of the rights and remedies granted in this Article and the above paragraphs shall in no way preclude or limit the Township or any person from exercising any other right or remedy now or hereafter granted to them under the laws of Ohio