

**ORDINANCE NO. 133-2016**

**TITLE: AMEND ORDINANCE NO. 84-2006  
NUISANCE LAW**

**AN ORDINANCE AMENDING ORDINANCE NO. 84-2006, CHAPTER 674 “CRIMINAL ACTIVITY NUISANCES,” OF THE BARBERTON CODIFIED ORDINANCES, BY ADDING ACTIVITIES AS ENUMERATED NUISANCES.**

**WHEREAS**, the City has by ordinance declared a number of actions and conditions as nuisances, and the City may abate many of such nuisances and the costs may be assessed on the property on which the nuisance has occurred, or which the nuisance has originated; and

**WHEREAS**, the residents of the City have been adversely affected by criminal activity that repeatedly occurs at, or originates from, certain residential properties in the City; and

**WHEREAS**, repeated violations of law stemming from a single property place an undue burden on the City's safety resources, and therefore, an undue burden on taxpayers; and although most property owners are responsible for activities on their property, some property owners fail to take aggressive action, or any action at all, to deal with such nuisance activities by people they have allowed to live at or to visit their property; and

**WHEREAS**, such repeated criminal activities greatly interfere with the comfortable enjoyment of life and property for the neighbors of such nuisance properties, and lead to the deterioration of neighborhoods, as responsible homeowners move out of neighborhoods where such activity recurs.

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the City of Barberton, State of Ohio:

**SECTION 1.** That Ordinance No. 84-2006, “Barberton Codified Ordinances – Criminal Activity Nuisances,” Chapter 674, Section 674.01 of the Barberton Codified Ordinances, shall be amended with **bold** print showing added wording, and shall read as follows:

**“Criminal Activity Nuisances”**

**674.01 NUISANCES ENUMERATED**

The following activities occurring on residential property, and engaged in by an owner, occupant or invitee of the owner or occupant of residential property, are hereby declared to be public nuisances:

- (a) Any animal violations under Sections 618.01 (running at large), 618.03 (killing or injuring animals), 618.05 (cruelty to animals), or 618.18 (dangerous animals) of the Codified Ordinances and similar statutes of the State of Ohio;
- (b) Any disorderly conduct, disturbance of the peace, noise or other violation of Chapter 648 (Peace Disturbances) and Chapter 635 (Noise Abatement) of the Codified Ordinances and similar statutes of the State of Ohio;
- (c) Any drug abuse violation under Chapter 624 of the Codified Ordinances and similar statutes of the State of Ohio and any felony violation under R.C. Chapter 2925;

- (d) Any gambling violation under Chapter 630 of the Codified Ordinances and similar statutes of the State of Ohio;
- (e) Any health, safety, or sanitation violation under Chapter 660 of the Codified Ordinances and similar statutes of the State of Ohio;
- (f) Any violation under Chapter 632 (Junk Cars) of the Codified Ordinances and similar statutes of the State of Ohio;
- (g) Any obstruction of official business violation under Section 606.14 of the Codified Ordinances and similar statutes of the State of Ohio;
- (h) Any alcohol violation under Chapter 612 of the Codified Ordinances and similar statutes of the State of Ohio;
- (i) Any sex offense under Sections 666.06 (public indecency), 666.07 (procuring), 666.08 (soliciting), or 666.09 (prostitution) of the Codified Ordinances and similar statutes of the State of Ohio;
- (j) Any offense against another person under Sections 636.02 (assault), 636.03 (negligent assault), 636.04 (aggravated menacing), 636.05 (menacing), 634.01 (endangering children), 634.03 (contributing to the unruliness and delinquency of a child) or 636.14 (threatening or harassing telecommunications) of the Codified Ordinances and similar statutes of the State of Ohio;
- (k) Any offense against property under Sections 642.10 (criminal damaging or endangering) or 642.11 (criminal mischief) of the Codified Ordinances and similar statutes of the State of Ohio;
- (l) Any littering or deposition of waste under Chapter 660.05 of the Codified Ordinances and similar statute of the State of Ohio or similar statutes of the State of Ohio;
- (m) Any theft violation under Section 642.02 (theft) and 642.22 (receiving stolen property) of the Codified Ordinances and similar statutes of the State of Ohio including felonies;
- (n) Any weapons, explosives, firearm or handgun violation under Chapter 672 of the Codified Ordinances and similar statutes of the State of Ohio;
- (o) Any fireworks violation under Section 672.12 of the Codified Ordinances and similar statutes of the State of Ohio;
- (p) Any open burning or recreational fires in violation of Section 660.20 of the Codified Ordinances and similar statutes of the State of Ohio.
- (q) Any curfew violation under Section 634.04 of the Codified Ordinances and similar statutes of the State of Ohio.
- (r) **Any arrest, incorrigible and unruly children and acts of violence not specifically stated, excluding victims of domestic violence.**
- (s) Any activity engaged in by a person under eighteen years of age which would constitute a violation of an offense listed in this section if committed by an adult.

**SECTION 2.** That it is hereby found and determined that all formal actions of this 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 of any of its committees that resulted in such formal action were meetings open to the public in compliance with the law.

**SECTION 3.** That this ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, convenience

and welfare of the City of Barberton and the inhabitants thereof, for the reason that these measures are necessary to help preserve comfortable enjoyment of life and property in the City’s neighborhoods, and provided it receives the necessary votes required by the City Charter, shall be in full force and effect from and after its passage and approval; otherwise to be in full force and effect from and after the earliest period allowed by law.

Passed \_\_\_\_\_ 2016

\_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
President of Council

Approved \_\_\_\_\_ 2016

\_\_\_\_\_  
Mayor