

ORDINANCE 28-1988

Offered by Mayor Waszak

AN ORDINANCE AMENDING SECTION 1511.99 ESTABLISHING CIVIL AND CRIMINAL PENALTIES FOR VIOLATION OF CHAPTER 1511 PERTAINING TO FIRE PREVENTION

Be It Ordained by the Council of the Village of Richfield, State of Ohio:

Section 1: That Section 1511.99 be amended to read as follows:

"1511.99 PENALTY.

(a) Criminal Penalties.

(1) Except as otherwise provided herein, whoever is convicted of or pleads guilty to any provision of this Chapter or any Code adopted hereunder or fails to comply with any lawful order issued pursuant thereto is guilty of a misdemeanor of the first degree and shall be fined not more than One Thousand Dollars (\$1,000) or imprisoned not more than six (6) months, or both. Each day during which non-compliance or a violation continues shall constitute a separate offense. Notwithstanding any penalty, the Village may institute injunction proceedings in the Common Pleas Court to abate any nuisance or seek any equitable relief.

(b) Civil Penalties.

(1) Any person who has received a citation for a serious violation of the Ohio Fire Code or any order issued pursuant to it, shall be assessed a civil penalty of not more than One Thousand Dollars (\$1,000) for each such violation.

(2) Any person who has received a citation for a violation of the Ohio Fire Code or any order issued pursuant to it, and such violation is specifically determined not to be of a serious nature, may be assessed a civil penalty of not more than One Thousand Dollars (\$1,000) for each such violation.

(3) Any person who fails to correct a violation for which a citation has been issued within the period permitted for its correction, may be assessed a civil penalty of not more than One Thousand Dollars (\$1,000) for each day during which such failure or violation continues.

(4) Any person who violates any of the requirements prescribed by Section 1511.04(F), shall be assessed a civil penalty of not more than One Thousand Dollars (\$1,000) for each violation.

(5) Due consideration to the appropriateness of the penalty with respect to the gravity of the violation, the good faith of the person being charged, and the history of previous violations shall be given whenever a penalty is assessed under this Chapter.

(6) For purposes of this section, a serious violation shall be considered to exist if there is a substantial probability that an occurrence causing death or serious physical harm to persons could result from a condition which exists, or from one or more practices, means, methods, operations or processes which have been adopted or are in use, unless the person did not and could not, with the exercise of reasonable diligence, know of the presence of the violation.

(7) Civil penalties imposed by this Chapter shall be paid to the Municipal Chief Fiscal Officer for deposit into the General Revenue Fund. Such penalties may be recovered in a civil action in the name of the Municipality brought in the Court of Common Pleas."

Section 2: That Section 1511.99 as it existed prior to the effective date of this Ordinance be, and the same hereby is, repealed.

Section 3: This Ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed: 5-4, 1988

David W. Howard
President of Council

Ralph L. May Jr.
Mayor

Attest:

Dated: 5/5/88

Marie L. Hegley
Clerk of Council