

**ORDINANCE NO. O-2009-31**

**AN ORDINANCE AMENDING THE HOUSING, MAINTENANCE AND OCCUPANCY CODE OF THE VILLAGE OF WINDHAM BY ESTABLISHING A PENALTY FOR DEFACING OR REMOVING A PLACARD POSTED BY THE HOUSING INSPECTOR.**

**WHEREAS**, the Housing Maintenance and Occupancy Code of the Village of Windham has been adopted to protect the public and promote the health, safety and welfare of the Village of Windham; and

**WHEREAS**, the Council of the Village of Windham has previously authorized the Housing Inspector to enforce the Housing, Maintenance and Occupancy Code of the Village of Windham, by posting a placard on structures which are unfit for human habitation; and

**WHEREAS**, placards posted by the Housing Inspector have been removed by individuals other than the Housing Inspector or his designee; and

**WHEREAS**, the Council of the Village of Windham has determined that the health, safety and general welfare of the community will be advanced by amending the Housing Maintenance and Occupancy Code to provide for a penalty for removing a placard without the authority of the Housing Inspector.

**NOW THEREFORE BE IT ORDAINED** by the Council of the Village of Windham, Portage County, Ohio the majority of the members thereto concurring that:

**SECTION 1:** Section 1341.11(b)(5) of the Village of Windham Housing Maintenance and Occupancy Code, as it is presently enacted is hereby repealed.

**SECTION 2:** Section 1341.11(b)(5) of the Village of Windham Housing Maintenance and Occupancy Code, as is set forth in the attached Exhibit "A" is hereby enacted.

**SECTION 3:** It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were accepted in an open meeting of this Council, and that deliberations of this Council and any of its committees that resulted in such formal actions were in meeting open to the public, in compliance with Section 121.22 of the Ohio Revised Code.

First Reading: August 18, 2009

Second Reading: September 22, 2009

Third Reading: October 27, 2009

PASSED IN COUNCIL this 27th day of October, 2009.

Ayes: Mr. Slusher, Mr. Snyder, Mr. Garrett, Mrs. Barrett, Mrs. Rininger. Nays: None  
Abstain: Mrs. Meszaros.

ATTEST:

APPROVED:

\_\_\_\_\_  
Lloyd Billman, Fiscal Officer

\_\_\_\_\_  
Robert Donham, II Mayor

I hereby certify that the above Ordinance was duly published by public posting at predesignated posting places.

\_\_\_\_\_  
Lloyd Billman, Fiscal Officer

APPROVED AS TO FORM:

\_\_\_\_\_  
Thomas Reitz, Solicitor

**Ordinance 2009-31**  
**EXHIBIT "A"**

1341.11(b)...

(5) No person shall deface or remove the placard from the residential rental unit which has been designated as unfit for human habitation and has been placarded as such, except as provided in subsection (b)(4). Any person, firm, or corporation who defaces or removes such placard is guilty of a misdemeanor of the third degree and shall be fined not more than \$500 or shall be confined to jail for not more than 60 days or both.