

**GENERAL INFORMATION**

Subject

- Request - Text amendment modifying TMC Chapters 1113.0906 *Penalties* and 1115 *Violations, Penalties & Enforcement*.
- Applicant - Toledo City Plan Commission  
One Government Center, Suite 1620  
Toledo, OH 43604

**STAFF ANALYSIS**

The request is a text amendment to modify Toledo Municipal Code (TMC) 1113.0906 *Penalties* and Chapter 1115 – *Violations, Penalties, and Enforcement*. The sign code, approved earlier this year, included enforcement language that conflicts with the general enforcement provisions in Chapter 1115. This amendment clarifies that Chapter 1115 takes precedent and includes minor amendments to assist with enforcement.

**STAFF RECOMMENDATION**

The staff recommends that the Toledo City Plan Commission recommend approval of the text amendment modifying TMC 1113.0906 *Penalties* and TMC Chapter 1115 - *Violations, Penalties & Enforcement* for the following two (2) reasons:

1. The proposed text amendment corrects an inconsistency in this Zoning Code (TMC 1111.0506(A) Review and Decision-Making Criteria) and;
2. The proposed text amendment is consistent with the Comprehensive Plan and the stated purpose of this Zoning Code (TMC 1111.0506(B) Review and Decision-Making Criteria).

ZONING TEXT AMENDMENT  
TOLEDO CITY PLAN COMMISSION  
REF: M-19-24  
DATE: December 5, 2024  
TIME: 2:00 P.M.

ZONING AND PLANNING COMMITTEE OF  
CITY COUNCIL  
DATE: January 8, 2025  
TIME: 4:00 P.M.

**Exhibit “A”**

(Additions in highlight, italics. Deletions in strikethrough.)

1113.0906 Penalty

A. No owner or operator shall fail to obey any order issued pursuant to this Chapter. No owner or operator shall cause, permit, allow, maintain or fail to abate a violation of this Chapter.

B. Whoever violates or fails to comply with any provisions of this *Chapter shall be subject to penalties and enforcement as outlined in TMC Chapter 1115.* ~~Code or the owner or user of an unlawful sign or the owner of property upon which an unlawful sign is located shall be subject to for each and every violation or non-compliance be deemed guilty of a minor misdemeanor for a first offense. For any second offense within any twelve month period, such persons or organizations shall be deemed guilty of a misdemeanor of the fourth degree.~~

C. Every person concerned in the violation of or failure to comply with this Chapter, whether he directly commits the act or aids and abets the same, and whether present or absent, shall be proceeded against and held as principal. ~~Provided, however, that the owner of property on which an unlawful sign is located, who is not also the owner or user of the unlawful sign, shall be subject to such misdemeanor penalties only if demand for alteration of the unlawful sign shall have been mailed to such owner and/or posted on the property, and the demand has not been complied with for more than thirty days.~~

D. Any sign installed or modified without a required permit shall be subject to a Stop Work Order and all applicable regulations as outlined in TMC 1319.02.

E. No owner or operator shall cause, permit, allow, maintain, or fail to abate a violation of this Chapter.

F. Each day a violation of this Chapter exists shall constitute a separate offense.

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1115.0400 | Continuing Violations

Each day that a violation remains uncorrected after receiving notice of the violation from the City constitutes a separate violation. *Once a warning is issued, any violation that is corrected and reoccurs within one year from the date of the notice proceeds immediately to a citation.*

**Exhibit “A”** (cont’d)  
(Additions in highlight, italics. Deletions in strikethrough.)

1115.0506 Penalties

A. Whoever violates any section of Sec. 1115.0201 through 1115.0211 is guilty of a misdemeanor of the first degree per Toledo Municipal Code Part 17 – Health Code Sec. 1726.99, and each day that the violation exists will constitute a separate penalty per Sec. 1115.0507E).

*B. Illegal and unauthorized work completed prior to issuing the required permit or approval shall also be subject to a doubled permit fee and a fine per TMC 1115.0507.*

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1115.0801 Non-Emergency Matters

In the case of violations of this Zoning Code that do not constitute an emergency or require immediate attention, the Commissioner of Building Inspection and/or the Commissioner of Code Enforcement must give notice of the nature of the violation to the property owner or to any other person who is party to the agreement or to any applicant for any relevant permit in the manner hereafter stated, after which the persons receiving notice will have up to 30 days to correct the violation before further enforcement action will be taken, *unless the violation can reasonably be corrected within 72 hours.*

A. Notice must be given in person, by the U.S. mail, or by posting notice on the premises.

B. Notices of violation must state the nature of the violation and the time period for compliance and may state the corrective steps necessary and the nature of subsequent penalties and enforcement actions should the situation not be corrected.

1115.0803 Appeals

Enforcement actions by the Commissioner of Building Inspection and/or the Commissioner of Code Enforcement may be appealed to the Board of Zoning Appeals, in accordance with Sec. 1111.2000. *Appeals must be received within 15 days from the date of the notice.* A pending appeal to the Board of Zoning Appeals does not stay a decision to revoke a certificate or permit.