

ORDINANCE NO.: 2008-17 (Amended June 24, 2008)
SPONSOR: COUNCILWOMAN CROCE
INTRODUCED: MAY 27, 2008

PUB. SAFETY

AN ORDINANCE REQUIRING PROPERTY OWNERS TO PROVIDE "NOTICE OF CONTAMINATION FROM METHAMPHETAMINE PRODUCTION", AND DECLARING AN EMERGENCY.

WHEREAS, the manufacture of methamphetamine constitutes the illegal manufacture of a controlled substance under Section 2925.04 of the Ohio Revised Code; and,

WHEREAS, the illegal manufacture of methamphetamine has increased within the State of Ohio and within the County of Summit in recent years; and,

WHEREAS, illegal manufacture of methamphetamine is often conducted in small, clandestine, home-based laboratories in residential communities **AND HOTELS** and can result in significant contamination of residential properties from hazardous wastes resulting from the methamphetamine manufacturing process; and,

WHEREAS, the contamination from these hazardous wastes poses a serious risk to the health of current and future occupants of real property where illegal methamphetamine manufacture has taken place; and,

WHEREAS, the City of Green recognizes the serious threat that contamination from hazardous waste resulting from illegal manufacture of methamphetamine poses to the public health of the community; and

WHEREAS, the City of Green wishes to increase awareness of the dangers of contamination from the illegal manufacture of methamphetamine for a transferee of real property where a clandestine production laboratory has been discovered, so that the transferee may take steps to protect himself/herself from these dangers;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF GREEN, COUNTY OF SUMMIT AND STATE OF OHIO:

SECTION ONE:

NOTICE OF CONTAMINATION FROM THE ILLEGAL MANUFACTURE OF METHAMPHETAMINE.

- (A) In all transfers of residential real property identified as illegal methamphetamine manufacturing laboratory sites by Federal, State of Ohio, or Summit County, the transferor must disclose to the transferee the prior or current existence of an illegal methamphetamine manufacturing laboratory, a chemical dumpsite,

or any hazardous wastes on the real property, of which the transferor has actual knowledge.

(B) The following terms shall have the meanings as provided below:

1. "Box Lab" shall mean any illegal methamphetamine manufacturing laboratory that is portable, including but not limited to motor vehicles used as an illegal methamphetamine manufacturing laboratory;
2. "Chemical dumpsite" shall mean any place or area where chemicals or other waste materials used in an illegal methamphetamine manufacturing laboratory have been located;
3. "Hazardous wastes" shall mean waste generated from an illegal methamphetamine manufacturing laboratory;
4. "Illegal methamphetamine manufacturing laboratory" has the same meaning as in Section 3745.13 of the Ohio Revised Code;
5. "Illegal methamphetamine manufacturing laboratory site" shall mean any place or area where law enforcement has determined that the conditions associated with the operation of an illegal methamphetamine manufacturing laboratory exist. Conditions associated with the operation of an illegal methamphetamine manufacturing laboratory include, but are not limited to, the existence of an illegal methamphetamine manufacturing laboratory, a box lab, or chemical dumpsite, the storage of chemicals used in the production of methamphetamine. An illegal methamphetamine manufacturing laboratory site may include dwellings, accessory buildings, accessory structures, motor vehicles, or any land;
6. "Methamphetamine" has the same meaning as in Section 3745.13 of the Ohio Revised Code;
7. "Transfers of residential real property" means the transfer or conveyance of any interest in real property by sale, lease, gift or land contract; and
8. "Real property" shall include any buildings or structures located on the real property **OR RENTAL OF ANY HOTEL ROOM; AND**
9. **"HOTEL" MEANS:**
 - (1) **ANY STRUCTURE CONSISTING OF ONE OR**

MORE BUILDINGS, WITH MORE THAN FIVE SLEEPING ROOMS KEPT, USED, MAINTAINED, ADVERTISED, OR HELD OUT TO THE PUBLIC TO BE A PLACE WHERE SLEEPING ACCOMMODATIONS ARE OFFERED FOR PAY TO TRANSIENT GUESTS FOR A PERIOD OF THIRTY DAYS OR LESS;

(2) THOSE FACILITIES SPECIFICALLY CONSTRUCTED, KEPT, USED, MAINTAINED, ADVERTISED, AND HELD OUT TO THE PUBLIC TO OFFER A TEMPORARY RESIDENCE TO PERSONS EITHER RELOCATING THEIR RESIDENCE IN AN AREA OR ON TEMPORARY WORK ASSIGNMENT IN AN AREA.

- (C) All disclosures required in this Section shall be made on a form provided by the City of Green Law Department.
- (D) Nothing in this Section shall be interpreted to abrogate any disclosure required by or remedies provided in Section 5302.30 of the Ohio Revised Code. As used in this Section, "residential real property" has the same meaning as used in 5302.30(A) of the Ohio Revised Code.
- (E) Whoever violates any provision of this section shall be guilty of a misdemeanor of the first degree, punishable by a maximum fine of \$1,000 and up to 180 days in jail.

SECTION TWO:

The City finds and determines that all formal actions of this Council concerning and relating to the enactment of this Ordinance were taken in open meetings of this Council and all deliberations of this Council or any of its committees that resulted in those formal actions were in meetings open to the public, in compliance with Section 121.22, Revised Code.

SECTION THREE:

City Council declares this Ordinance to be an emergency immediately necessary for the preservation of the public peace, health, safety, and welfare of the citizens of Green due to the serious health risk resulting from exposure to the residue from illegal methamphetamine manufacturing operation. Provided that this legislation receives the affirmative vote of three-fourths of the members elected or appointed to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor, otherwise, it shall take effect and be in force at the earliest time allowed by law.

ADOPTED: June 24, 2008

Molly Stevens
Molly Stevens, Clerk

Christine Croce
Christine Croce, Council President

APPROVED: June 24, 2008

[Signature]
Richard G. Norton, Mayor

COPIED Shenff
SVCE ZONE PARK ROAD ENG
LAW FIN MAY PLAN FIRE

ENACTED EFFECTIVE: June 24, 2008

ON ROLL CALL: Colopy-YEA Croce-YEA France-YEA Manwaring-YEA
Reed-YEA Ridgeway-YEA Smole-YEA Adopted 7-0.

Suburbanite publication on June 29 and July 6, 2008

Molly Stevens
Molly Stevens, Clerk

6/17/2008 2:00 PM Approved as to form and content by Stephen J. Pruneski, Law Director [Signature] 6/17/08