

Village of Mogadore

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COUNCIL MEETING AGENDA

March 1, 2023

5:30 p.m.

1. Moment of Reflection – Mr. C. Yoho
2. Pledge to the flag
3. Roll Call
4. Approval of the Agenda
5. Minutes from February 15, 2023, Council meeting presented for changes, corrections, and adoption
6. Comments from the Audience on pending legislation
7. Committee Reports
8. Old Business – None.
9. New Business –
 - Resolution 2023-19** - Mr. C. Yoho - A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH THE SUMMIT COUNTY PUBLIC DEFENDER'S COMMISSION FOR CALENDAR YEAR 2023 AND DECLARING AN EMERGENCY.
 - Resolution 2023-20** - Mr. C. Yoho - A RESOLUTION APPROVING THE RETROACTIVE APPOINTMENT OF ERIC BERKHEIMER AS INTERIM POLICE CHIEF FOR THE VILLAGE OF MOGADORE.
 - Resolution 2023-21** - Ms. B. Van Dike - A RESOLUTION JOINING THE SUMMIT COUNTY DEVELOPMENTAL DISABILITIES BOARD IN RECOGNIZING MARCH 6, 2023, AS INCLUSION DAY AND MARCH 2023 AS DEVELOPMENTAL DISABILITIES AWARENESS MONTH.
 - Resolution 2023-22** - Ms. B. Van Dike - A RESOLUTION AUTHORIZING THE TRANSFER OF FUNDS FROM THE GENERAL FUND TO CERTAIN OTHER FUND.

Ordinance 2023-23 - Ms. K. Miller - AN ORDINANCE AMENDING SECTION 93.26 OF THE CODIFIED ORDINANCES OF THE VILLAGE, ENTITLED "MINIMUM STANDARDS TO BE MAINTAINED BY BUILDINGS AND PROPERTIES WITHIN THE VILLAGE," TO INCLUDE STANDARDS FOR SWIMMING POOLS, HOT TUBS, AND LANDSCAPING PONDS.

10. Comments

1. Public
2. Council
3. Law Director
4. Village Engineer
5. Clerk-Treasurer
6. Mayor

11. Adjournment

COUNCIL MEETING

February 15, 2023

Council met in regular session at 5:30 p.m. with Mayor Rick presiding.

Ms. K. Miller asked everyone to join her in a moment of reflection for their own intentions. The Pledge of Allegiance to the Flag was recited by all.

Council Meeting was held in Council Chambers. The meeting was open to the public and live-streamed on Facebook.

Roll Call: Council Members Present: Mr. C. Yoho, Mr. R. McDowall, Ms. B. Van Dike, Mr. M. Raddish, Mr. W. Bauer, and Ms. K. Miller. Excused: Mr. J. Tonsic.

Others Present: Mayor Rick, Council Clerk Rachel Osborne, and Law Director Jason Dodson.
Excused: Clerk-Treasurer Scott Varney and Village Engineer Matt Glass.

Motion by Mr. M. Raddish, second by Ms. B. Van Dike for the approval of the agenda as presented.
Vote. Unanimous ayes. Motion carried.

Motion by Mr. M. Raddish, second by Mr. R. McDowall to adopt the minutes from February 1, 2023, Council meeting. Vote. Unanimous ayes. Motion carried.

COMMENTS FROM THE AUDIENCE ON PENDING LEGISLATION – No Comments.

COMMITTEE REPORTS –

UTILITIES – Mr. Bauer had no report.

SAFETY – Mr. Yoho had no report.

PARKS – Mr. McDowall had no report.

PLANNING AND ZONING – Ms. Miller announced Planning and Zoning approved new signage at their February 13th meeting for Bowers Insurance and the HairWizard.

FINANCE/AUDIT – Ms. Van Dike had no report.

STREETS – Mr. Tonsic was not present.

Council President Mr. Raddish announced the next Work Session will be held next Wednesday, February 22, 2023, at 5:30 p.m. with all committees reporting.

OLD BUSINESS - None.

NEW BUSINESS – None.

COMMENTS from the Public: Carol Housley, 67 First Avenue, asked for a copy of the original ordinance that was passed for the tax increase back in the nineties, and a copy of the amended ordinance that was passed last year.

Mayor Rick stated he would get those copies to him.

RECORD OF ORDINANCES

Ordinance No. 2023-19

Passed _____, 20____

SPONSOR: MAYOR RICK

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH THE SUMMIT COUNTY PUBLIC DEFENDER’S COMMISSION FOR CALENDAR YEAR 2023, AND DECLARING AN EMERGENCY.

WHEREAS, the Mayor has proposed that the Village contract with the Summi County Public Defender’s Commission for calendar year 2023 to provide legal counsel to indigent persons charged with offenses involving the potential loss of liberty within the Village.

WHEREAS, this Council finds and determines, after reviewing all pertinent information, that it is necessary and in the best interest of the Village to authorize the Mayor to enter into an agreement with the Summit County Public Defender’s Commission for calendar year 2023 to provide legal counsel to indigent persons charged with offenses involving the potential loss of liberty within the Village.

NOW, THEREFORE BE IT RESOLVED, by the Council of the Village of Mogadore, Counties of Summit and Portage, State of Ohio, that:

SECTION 1: The Mayor is hereby authorized and directed to enter into a contract with the Summit County Public Defender’s Commission for the calendar year 2023 to provide legal counsel to indigent persons charged with offenses involving the potential loss of liberty within the Village. Said contract is attached hereto as Exhibit A and incorporated herein by reference.

SECTION 2: This Council finds and determines that all formal actions of this Council concerning and relating to the adoption of this Resolution were taken in open meetings of this Council and any deliberations of this Council and any of its committees that resulted in this formal action were in meetings open to the public, in compliance with all legal requirements.

SECTION 3: This Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, and safety of the residents of the Village of Mogadore and for the purpose of immediately authorizing the aforementioned agreement with the Summit County Public Defender’s Commission to ensure the continued orderly operations of the Village Police Department, Mayor’s Court, and other departments, and, provided this Resolution receives the affirmative vote of at least five (5) members elected or appointed to this Council, it shall take effect and be in force upon its passage by Council and approval by the Mayor, otherwise it shall take effect and be in force at the earliest period allowed by law.

President of Council Date

Mayor Date

Attest:

Clerk-Treasurer

AGREEMENT

This Agreement made at the VILLAGE OF MOGADORE , Ohio on this _____ day of _____, _____, by and between the VILLAGE OF MOGADORE , Ohio, acting by and through its Mayor (or designee) duly authorized by Ordinance/Resolution No. _____, _____, passed by the Council of the VILLAGE OF MOGADORE , Ohio on the _____ day of _____, _____, hereinafter referred to as the VILLAGE and the Summit County Public Defender’s Commission, One Cascade Plaza Suite 1940, Akron, Ohio hereinafter referred to as the DEFENDER.

WITNESSETH:

WHEREAS, the VILLAGE has entered into an agreement to obtain the services of the DEFENDER to provide legal counsel to indigent persons charged with loss of liberty offenses in its municipal jurisdiction for 2022; and

WHEREAS, pursuant to Chapter 120 of the Ohio Revised Code and Administrative Code 120-1-09 it is necessary to enter into this Agreement in order for said County to obtain reimbursement pursuant to Chapter 120 and Administrative Rule 120-1-09 of the Ohio Administrative Code.

NOW, THEREFORE, in consideration of the mutual covenants, promises, conditions, and terms to be kept and performed, it is agreed between the parties as follows:

Section 1. The DEFENDER, through the Legal Defenders Office of Summit County, Ohio, Inc. (DBA Summit Legal Defenders) (“LDO”), shall provide counsel in the Akron Municipal Court to persons charged with a violation of the Codified Ordinances of the VILLAGE OF MOGADORE , Ohio for

which a sentence of confinement may be imposed on such person should they be convicted, and who meet either of the following specifications:

- a. The judge has determined in accordance with Subsection D of Rule 44 of the Ohio Rules of Criminal Procedure that such person is unable to obtain legal counsel; or
- b. The Defender or LDO determines that the individual is indigent in accordance with Sections 120.05 and 120.15 of the Ohio Revised Code and Section 120-1-03 of the Ohio Administrative Code.

Section 2. The VILLAGE shall pay to the DEFENDER a fee for the services provided in Section 1 of the Agreement of One Hundred Seventy Dollars (\$170.00) per case for all cases closed between January 1, 2023 through December 31, 2023. In the event that a defendant becomes unavailable during the pendency of the case, the Defender shall keep the case open for a period of twelve months from the first missed hearing. At the expiration of that twelve months, the case shall be closed and billed accordingly. If the defendant becomes available after the matter is closed, the case will be re-opened and considered a new case for the purposes of billing at that time.

Section 3. The Defender or LDO, on behalf of its attorneys and each attorney employed by the Defender or LDO individually, reserves the right to decline to advise or represent any particular person, consistent with the Ohio Rules of Professional Conduct. The Company or LDO further reserves the right to withdraw from representation: (1) for a conflict of interest consistent with the Ohio Rules of Professional Conduct; (2) due to a finding of the client's financial ineligibility for the legal services; or (3) due to an excessive workload as determined by Section 120-1-07 of the Ohio Administrative Code. However,

in the event Company desires to withdraw due to financial ineligibility or excessive workload, the Company or attorney shall continue representation previously commenced at the trial court level through all trial court proceedings, including capias and probation violation proceedings, and shall continue previously taken appeals until the appeals process is terminated by a final action on the merits by the appellate court or until alternate counsel is obtained.

Section 4. The DEFENDER shall send quarterly statements to the VILLAGE certifying the number of cases completed during the preceding months. These statements shall be provided electronically. Itemized billing is available upon request.

Section 5. The Agreement shall expire on December 31, 2023.

Section 6. In the event the VILLAGE does not renew this Agreement, the VILLAGE agrees to pay the DEFENDER the amount of One Hundred-Seventy Dollars (\$170.00) per pending case upon the completion of said case.

Section 7. Should the DEFENDER be succeeded by a county defender organized in accordance with the Ohio Revised Code, the DEFENDER may assign its duties under this assignment and shall not be made by either party without the prior written consent of the other; provided, however, that the DEFENDER is expressly authorized to provide the services described in Section 1 through the Legal Defender Office of Summit County, Ohio Inc.

Section 8. Should the DEFENDER or any other entity receive reimbursement for the services performed by the DEFENDER, the DEFENDER shall insure the VILLAGE receives its prorated share of such reimbursement

through credit toward the VILLAGE's payment and/or payments, direct or indirect, to the VILLAGE.

Section 9. The DEFENDER shall defend and hold harmless the VILLAGE from any and all claims or liability resulting from the services performed by the DEFENDER under the contract.

Section 10. All amendments to this Agreement shall be in writing and signed by both parties.

Section 11. This contract shall be subject to the approval of the Ohio Public Defender Commission. In addition to indigency determination, all rules, standards and guidelines issued by the Office of the Ohio Public Defender and Ohio Public Defender Commission shall be followed.

IN WITNESS WHEREOF, this Agreement has been executed as of the day and year first above written.

IN THE PRESENCE OF:

VILLAGE OF MOGADORE

Witness for Mayor/Designee

_____/_____
Mayor (or designee) / Date

Witness for Commission

SUMMIT COUNTY PUBLIC
DEFENDER COMMISSION

Approved as to legal form
and correctness:

_____/_____
Date

_____/_____
Law Director / Date

CERTIFICATE OF DIRECTOR OF FINANCE

I hereby certify that certificates will be furnished on payment orders issued by the _____ under this contract and that sufficient money is in the treasury under this contract and that sufficient money is in the treasury or in the process of collection to the credit of the appropriate fund or division to discharge the VILLAGES's obligation under this contract as authorized by Ordinance/Resolution No. _____, _____.

Director of Finance

RECORD OF ORDINANCES

Ordinance No. 2023-20

Passed _____, 20____

SPONSOR: SAFETY COMMITTEE

A RESOLUTION APPROVING THE RETROACTIVE APPOINTMENT OF ERIC BERKHEIMER AS INTERIM POLICE CHIEF FOR THE VILLAGE OF MOGADORE, AND DECLARING AN EMERGENCY.

WHEREAS, due to a medical procedure, Police Chief Todd Higgins was on medical leave from his employment with the Village from January 17, 2023 to February 13, 2023; and

WHEREAS, the Mayor, as the Director of Public safety, has retroactively appointed Eric Berkheimer as the Interim Police Chief from January 17, 2023 to February 13, 2023, subject to the affirmative vote of at least five (5) members of this Council; and

WHEREAS, this Council finds and determines, after reviewing all pertinent information, that it is necessary and in the best interest of the Village to approve the retroactive appointment of Eric Berkheimer as the Interim Police Chief from January 17, 2023 to February 13, 2023.

NOW, THEREFORE BE IT RESOLVED, by the Council of the Village of Mogadore, Counties of Summit and Portage, State of Ohio, that:

SECTION 1: The retroactive appointment by the Mayor of Eric Berheimer as the Interim Police Chief from January 17, 2023 to February 13, 2023 is hereby approved.

SECTION 2: During the time in which Mr. Berkheimer is appointed the Intereim Polic Chief, Mr. Berkheimer shall be paid the same rate of compensation and shall have the same holiday package as the Chief of Police.

SECTION 3: During this retroactive appointment, Mr. Berkheimer shall maintain all rights and obligations associated with the Ohio Patrolmen's Benevolent Association along with all rights under the Village's contract with the same, subject to Section 2 of this Resolution.

SECTION 4: Mr. Berkheimer shall be retroactively restored to his prior position of Sergeant within the Police Department immediately after the timeframe set forth in Section 1 of this Resolution.

SECTION 5: This Council finds and determines that all formal actions of this Council concerning and relating to the adoption of this Resolution were taken in open meetings of this Council and any deliberations of this Council and any of its committees that resulted in this formal action were in meetings open to the public, in compliance with all legal requirements.

SECTION 6: This Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, and safety of the residents of the Village of Mogadore and for the purpose of immediately approving the aforementioned retroactive appointment of the Interim Police Chief to provide for the appropriate pay and benefits during the time in which Mr. Berkheimer served as Interim Police Chief, and, provided this Resolution receives the affirmative vote of at least five

RECORD OF ORDINANCES

Ordinance No. 2023-21

Passed _____, 20____

SPONSOR: MAYOR RICK

A RESOLUTION JOINING THE SUMMIT COUNTY DEVELOPMENTAL DISABILITIES BOARD IN RECOGNIZING MARCH 6, 2023, AS INCLUSION DAY AND MARCH 2023 AS DEVELOPMENTAL DISABILITIES AWARENESS MONTH, AND DECLARING AN EMERGENCY.

WHEREAS, in 1967, Boards of Developmental Disabilities were created in Ohio under House Bill 169 including the Summit County Developmental Disabilities Board; and

WHEREAS, through the work of legislators and other stakeholder groups, including families and community-based organizations, public policy changes like the Americans with Disabilities Act have been developed to support and maximize the independence of people with developmental disabilities to create a more inclusive society; and

WHEREAS, the Summit County Developmental Disabilities Board has made investments to support individuals so that residents with disabilities may live more independently and find meaningful employment; and

WHEREAS, the Summit County Developmental Disabilities Board is asking the Village to join with it in recognizing March 6, 2023, as Inclusion Day, in which the Summit County Developmental Disabilities Board recognizes and supports people of all abilities who are maximizing their talents and potential in pursuing their dreams and achieving their individual goals, while making significant contributions to the community; and

WHEREAS, the Summit County Developmental Disabilities Board is further asking the Village to join with it in recognizing March 2023 as Developmental Disabilities Awareness Month; and

WHEREAS, Developmental Disabilities Awareness Month is an appropriate time to recognize the accomplishments of our community organizations, developmental disability service providers, and most importantly, the achievements of thousands of individuals with developmental disabilities who contribute daily to the community.

NOW, THEREFORE BE IT RESOLVED, by the Council of the Village of Mogadore, Counties of Summit and Portage, State of Ohio, that:

SECTION 1: That this Council hereby recognizes March 2023, as Developmental Disabilities Awareness Month in the Village of Mogadore, and commends the community organizations, agencies, and direct service professionals for their dedication, awareness efforts, and outstanding assistance toward improving the quality of life for children and adults with developmental disabilities.

RECORD OF ORDINANCES

Ordinance No. 2023-22

Passed _____, 20____

SPONSOR: FINANCE COMMITTEE

A RESOLUTION AUTHORIZING THE TRANSFER OF FUNDS FROM THE GENERAL FUND TO CERTAIN OTHER FUNDS, AND DECLARING AN EMERGENCY.

WHEREAS, the Mayor and Clerk-Treasurer have recommended that this Council authorize the transfer of funds from the General Fund to certain other funds, as set forth herein; and

WHEREAS, this Council finds and determines, after reviewing all pertinent information, that it is necessary and in the best interest of the Village to authorize the transfer of funds from the General Fund to certain other funds, as set forth herein.

NOW, THEREFORE BE IT RESOLVED, by the Council of the Village of Mogadore, Counties of Summit and Portage, State of Ohio, that:

SECTION 1: This Council hereby approves the transfer of funds from the General Fund to certain other funds, as follows:

From: General Fund	\$337,000.00
To: Fire Fund	\$200,000.00
Park & Recreation Fund	\$50,000.00
Street Construction/Maintenance	\$87,000.00

SECTION 2: The Clerk-Treasurer is hereby authorized and directed to effectuate the transfer of funds set forth in Section 1.

SECTION 3: This Council finds and determines that all formal actions of this Council concerning and relating to the adoption of this Resolution were taken in open meetings of this Council and any deliberations of this Council and any of its committees that resulted in this formal action were in meetings open to the public, in compliance with all legal requirements.

SECTION 4: This Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, and safety of the residents of the Village of Mogadore and for the purpose of immediately ensuring the current and other financial obligations of the Village of Mogadore are timely met, and, provided this Resolution receives the affirmative vote of at least five (5) members elected or appointed to this Council, it shall take effect and be in force upon its passage by Council and approval by the Mayor, otherwise it shall take effect and be in force at the earliest period allowed by law.

RECORD OF ORDINANCES

Ordinance No. 2023-23

Passed _____, 20____

SPONSOR: PLANNING AND ZONING COMMITTEE

AN ORDINANCE AMENDING SECTION 93.26 OF THE CODIFIED ORDINANCES OF THE VILLAGE, ENTITLED “MINIMUM STANDARDS TO BE MAINTAINED BY BUILDINGS AND PROPERTIES WITHIN THE VILLAGE,” TO INCLUDE STANDARDS FOR SWIMMING POOLS, HOT TUBS AND LANDSCAPING PONDS, AND DECLARING AN EMERGENCY.

WHEREAS, the Mayor has recommended that this Council amend Section 93.26 of the Codified Ordinances of the Village, entitled “Minimum Standards to be Maintained by Buildings and Properties within the Village,” to include standards for swimming pools, hot tubs and landscaping ponds; and

WHEREAS, the Mayor has recommended the amendment to Section 93.26 because water that is unsanitary, stagnant, rancid, filthy, silted, turbid, or contains swill, muck, sludge, silt, trash, or garbage is generally unsafe and aesthetically unpleasing and generally presents a nuisance that effects surrounding property owners, residents and businesses; and

WHEREAS, this Council finds and determines, after reviewing all pertinent information, that it is necessary and in the best interest of the Village to amend Section 93.26 for the reasons set forth above.

NOW, THEREFORE BE IT ORDAINED, by the Council of the Village of Mogadore, Counties of Summit and Portage, State of Ohio, that:

SECTION 1: This Council hereby amends Section 93.26 of the Codified Ordinances of the Village, entitled “Minimum Standards to be Maintained by Buildings and Properties within the Village,” as set forth on Exhibit A, attached hereto and incorporated herein by reference.

SECTION 2: This Council finds and determines that all formal actions of this Council concerning and relating to the adoption of this Ordinance were taken in open meetings of this Council and any deliberations of this Council and any of its committees that resulted in this formal action were in meetings open to the public, in compliance with all legal requirements.

SECTION 3: This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, and safety of the residents of the Village of Mogadore and for the purpose of immediately providing standards for swimming pools, hot tubs and landscaping ponds to operate in a safe and sanitary manner within the Village, and, provided this Ordinance receives the affirmative vote of at least five (5) members elected or appointed to this Council, it shall take effect and be in force upon its passage by Council and approval by the Mayor, otherwise it shall take effect and be in force at the earliest period allowed by law.

RECORD OF ORDINANCES

Ordinance No. 2023-23

Passed _____, 20____

EXHIBIT A**§ 93.26 MINIMUM STANDARDS TO BE MAINTAINED BY BUILDINGS AND PROPERTIES WITHIN VILLAGE.**

(A) The exterior of all premises and the condition of all buildings and structures thereon shall be maintained so that the appearance thereof shall reflect a level of maintenance in keeping with the standards of the village as defined in this section and so as to avoid blighting effects and hazards to health and safety.

(B) (1) General maintenance.

(a) The owner/operator shall keep the exterior of all premises and every structure thereon including, but not limited to walls, roofs, cornices, chimneys, drains, towers, porches, landings, fire escapes, stairs, storefronts, signs, windows, doors, awnings, and marquees in good repair, and all services thereof shall be, kept painted or protected with other approved coating or material where necessary for the purposes of preservation and avoiding a blighting influence on adjoining properties. All obsolete signs shall be removed, all surfaces shall be maintained free of broken glass, loose shingles, crumbling stone or brick, peeling paint or other conditions reflective of the deterioration or inadequate maintenance, to the end that the property itself may be preserved safely and fire hazards eliminated and adjoining properties and neighborhoods protected from blighting influences.

(b) All premises shall be appropriately maintained and lawns, hedges, bushes, trees, and other vegetation shall be kept trimmed and from becoming overgrown and unsightly where exposed to public view or where such vegetation may constitute a blighting influence on adjoining properties. However, this provision shall not preclude the maintenance of undeveloped or under developed land in its natural state.

(c) All canopies, marquees, signs, awnings, exterior stairways, fire escapes, standpipes, exhaust ducts, porches, balconies, and similar overhanging extensions, shall be maintained in good condition and shall not show evidence of weathering, discoloration, ripping, tearing or other holes or breaks.

(d) No swimming pool, hot tub or landscaping pond shall be operated, kept or maintained in such a manner as to contain any amount of water that is unsanitary, stagnant, rancid, filthy, silted, turbid, or contains swill, muck, sludge, silt, trash, or garbage. All swimming pools and hot tubs shall be operated, kept and maintained in a state of good repair, properly functioning at all times, and shall be equipped with proper and functional filtering equipment manufactured for the purpose of filtering and cleaning of such swimming pools and hot tubs.

(2) Maintenance of accessory structures.

RECORD OF ORDINANCES

Ordinance No. 2023-23

Passed _____, 20____

(a) All dilapidated accessory structures on any property shall be removed or rehabilitated. All accessory buildings which are to remain shall provide weatherproofed usable space and shall not harbor rodents, termites or other vermin.

(b) Fences and retaining walls or similar structures shall be anchored firmly in the ground, shall be constructed in a workmanlike manner and maintained in the same manner so that such fences or retaining walls or similar structures shall always be in a state of good structural repair, or in the alternative, such fences, retaining walls or similar structures shall be removed or replaced. All fences shall be treated periodically with chemicals or paints as to retard deterioration, unless such deterioration is superficial deterioration designed to enhance appearance.

(3) Removal of miscellaneous debris. All yards, courts, or lots shall be kept free of unsightly materials not appropriate to the area and debris which may cause a fire hazard or may act as a breeding place for vermin or insects.

(4) Steps, walks and driveways. All steps, paths, walkways, porches, drives, and parking lots and parking areas shall be so constructed and maintained as to assure safety and be kept free from deterioration and blighting effects; if any such area, by reason of its state of repair, constitutes danger to health or safety, it shall be repaired or replaced. Hazards and unsanitary conditions shall be eliminated. All driveways and walks which exist within the public rights-of-way which are now paved shall be maintained in good order by and at the expense of the owner of the fee simple title to the property.

(C) (1) During a 15-day period of time in which to disagree with the finding(s) of the Zoning Inspector, a property owner may request a brief hearing with the Planning Commission or submit written objection to be considered. After the 15-day period, a final notice will be served specifying the number of days which the owner, occupant, or other such person or entity having charge of the land shall have in which to begin repairs or to take other such corrective actions as may be required in order to eliminate the violation. The Planning Commission or Zoning Inspector shall also specify a completion date.

(2) Failure to comply with the directives of this section shall result in a violation of this nuisance chapter and said violation shall be subject to penalties contained within § 93.99.