

AN ORDINANCE ADOPTING CHAPTER 1273, ESTABLISHING A BUILDING AND PROPERTY MAINTENANCE CODE, OF THE CODIFIED ORDINANCES OF THE VILLAGE OF MINERVA PARK, FRANKLIN COUNTY, STATE OF OHIO

WHEREAS, it is necessary from time to time to adopt new ordinances concerning the buildings and maintenance of property in the Village of Minerva Park; and

WHEREAS, the Village of Minerva Park strives maintain standards of health and welfare for the citizens of the Village of Minerva Park;

NOW, THEREFORE, be it ordained by the Council of the Village of Minerva Park, Franklin County, State of Ohio, that:

Section 1. Chapter 1273 is hereby adopted to read as follows:

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**CHAPTER 1273
Building and Property Maintenance Code**

- 1273.01 Title, purpose, and scope.
- 1273.02 Definitions
- 1273.03 Maintenance Responsibilities
- 1273.04 General Maintenance Requirements.
- 1273.05 Maintenance of Foundations.
- 1273.06 Maintenance of Roofs, Gutters, Downspouts, and Chimneys.
- 1273.07 Maintenance of exteriors of structures and landscaping.
- 1273.08 Damaged structures.
- 1273.09 Infestation.
- 1273.10 Exterior property areas.
- 1273.11 Duties and powers of Code Enforcement Officer
- 1273.12 Notices, orders, and enforcement procedures.
- 1273.13 Right of appeal.
- 1273.14 Violations: equitable remedies.

1273.01 TITLE, PURPOSE AND SCOPE.

- (a) Title. This chapter shall be known as the “Building and Property Maintenance Code” or “Building and Property Maintenance Code of the Village of Minerva Park.”
- (b) Purpose and Scope. Within the scope of this chapter, the purposes of this chapter are to:
 - (1) Establish minimum standards necessary to make all dwelling, accessory and commercial structures safe, sanitary, free from fire and health hazards, and beneficial to the public welfare;
 - (2) Establish minimum standards governing the maintenance of all dwelling, accessory and commercial structures in such condition as will not constitute a blighting or deteriorating influence on the neighborhood and the community;
 - (3) Protect property values and to maintain the character and appearance of the community;
 - (4) Fix responsibilities for owners and occupants of dwelling, accessory and commercial structures with respect to sanitation, repair and maintenance;
 - (5) Authorize the inspection of dwelling, accessory and commercial structures and the premises thereof;
 - (6) Establish enforcement procedures;
 - (7) Authorize the vacation or condemnation of dwelling, accessory and commercial structures found unsafe or unfit for human habitation or occupancy; and,
 - (8) Fix penalties for violations.

1273.02 DEFINITIONS

As used in this chapter,

- (a) “Code Enforcement Officer” means the Village’s Code Enforcement Officer, Building Inspector, Mayor, or other duly authorized representative of the Village of Minerva Park who is charged with the administration and enforcement of this Code.

- (b) "Dwelling Structure" means a building or structure, or that part of a building or structure, used or designed or intended to be used, all or part, for residential purposes.
- (c) "Dwelling Unit" means a group of rooms arranged, maintained or designed to be occupied by a single family and shall consist of a complete bathroom with toilet, lavatory and tub or shower facilities and one, and one only, complete kitchen or kitchenette with cooking, refrigeration and sink facilities, and living and sleeping facilities, all of which are used exclusively by such family and by any authorized persons occupying such dwelling unit with such family. Where the required facilities for a dwelling unit are not contiguous, the Building Inspector or Zoning Officer shall determine whether such facilities constitute a dwelling unit.
- (d) "Family" means a single individual living upon the premises as a separate housekeeping unit or a collective body of persons living together upon the premises as a single housekeeping unit in a domestic relationship based upon birth, marriage or other domestic bonds.
- (e) "Occupant" means any person living in, sleeping in, cooking or eating in, or having actual possession of a dwelling unit or a room.
- (f) "Owner" means the owner or owners of a premises, including the holder of title thereto, subject to a contract of purchase, a vendee in possession, a mortgagee or receiver in possession, a lessee or joint lessee of the whole thereof, or any agent or any other person or fiduciary directly in control of the premises.
- (g) "Person" means an individual, corporation, partnership or any other group acting as a unit.
- (h) "Premises" means a lot, parcel, or plat of land, including the buildings or structures thereon.
- (i) "Secondary, accessory, or appurtenant structure" means a structure the use of which is incidental or accessory to that of the principal structure and which is attached thereto or located on the same premises.
- (j) "Structure" means that which is built or constructed or a portion thereof.
- (k) "Supply" or "supplied" means paid for, furnished, provided by, or under the control of, the owner or operator.
- (l) "Workmanlike manner" means work executed in a skilled manner; e.g., in conformance with generally accepted trade standards and is plumb, level, square, in line, undamaged, and installed without marring adjacent work.

1273.03 MAINTENANCE RESPONSIBILITIES

The responsibilities for maintenance shall be as follows:

- (a) The owner or operator of every structure shall be responsible for the maintenance, good repair, and safe condition of such as required by the provisions of this chapter.
- (b) The occupant of any structure or part thereof shall be responsible for maintaining in a clean and sanitary condition that part of the dwelling unit, dwelling structure, or premises which he occupies and controls.

1273.04 GENERAL MAINTENANCE REQUIREMENTS

- (a) All structures and all parts thereof, both exterior and interior, shall be maintained in good repair. All parts of a structure shall be capable of performing their intended function.
- (b) All equipment and facilities appurtenant to a structure shall be maintained in good, safe working order.

1273.05 MAINTENANCE OF FOUNDATIONS

- (a) All foundations of every structure shall be maintained structurally sound and in good repair.
- (b) All openings into the foundation of every structure shall be protected against the entrance of rodents.

1273.06 MAINTENANCE OF ROOFS, GUTTERS, DOWNSPOUTS AND CHIMNEYS

- (a) All roofs of every structure shall be maintained, weathertight and shall be equipped with gutters and downspouts, in good repair, that are connected directly or indirectly to a public storm sewer. Any pipe carrying storm water drainage to a sanitary sewer is prohibited.
- (b) All chimneys and chimney caps of every structure shall be maintained structurally sound, secure and in good repair; and free of deteriorated, loose, missing or broken mortar, brick, block or other material.
- (c) All roofs of every secondary or appurtenant structure exceeding 100 square feet of roof shall meet the standards of subsection (a) of this section.

1273.07 MAINTENANCE OF EXTERIORS OF STRUCTURES

- (a) All exterior parts of every structure including exterior walls, parapet walls, decorative additions, dumpster screening structures, chimneys and all other exterior structural members, either above or below the roof line, shall be maintained in a safe, weather tight condition.
- (b) All missing, buckled, rotten, or deteriorated integral members including, but not limited to, walls, doors, windows, porches, floors, steps, ceilings, soffits, posts, sills and trim must be repaired or replaced in a workmanlike manner. All such replacements must be consistent with the original design of the structure and/or part thereof.
- (c) Any structure whose exterior surface is bare, deteriorated, decaying, disintegrating, is weathered with dirt and grime or has been impaired through peeling or flaking of the paint or other protective coating shall be repaired or repainted or resurfaced as follows:
 - (1) All exterior surfaces shall be replaced or repaired to a good condition preparatory to repainting or recoating.
 - (2) All painting or resurfacing must match the existing exterior surface of the structure if not completely resurfaced and must be done in a workmanlike manner.
- (d) All secondary, accessory, or appurtenant structures such as sheds, garages, etc., shall be maintained in good repair and free from health, safety, and fire hazards.

1273.08 DAMAGED STRUCTURES

- (a) All structures damaged by fire, explosion, weather or any other cause must be repaired and returned to their original intended use or made compatible with existing or neighboring buildings, or be razed. Work on such structures must be started within sixty (60) days of notification by the Village unless given an extension or time by the Planning & Zoning Commission.

1273.09 INFESTATION

- (a) All structures and the premises thereof shall be maintained free from sources of breeding, harborage, and infestation by insects, vermin, or rodents. Rat screening shall be required on all structures that do not rest on a full foundation.
- (b) All firewood shall be stored and stacked neatly behind the front line of the principal structure and shall be free from infestation by insects, vermin or rodents..

1273.10 EXTERIOR PROPERTY AREAS

No owner or occupant of any premises shall maintain or permit to be maintained the exterior property areas of such premises in a condition that deteriorates or debases the appearance of the neighborhood, reduces property values in the neighborhood, adversely alters the appearance and general character of the neighborhood, creates a fire, safety or health hazard or is a public nuisance. Such violations include, but are not limited to the following:

- (a) Broken or dilapidated fences, walls or other structures;
- (b) Broken, uneven or improperly maintained walks, driveways, or driveway aprons;
- (c) Driveways or driveway aprons having loose stones, gravel or other material spilling onto or within any public right-of-way;
- (d) Motor vehicles, trailers, boats and/or other motorized vehicles parked in grass or upon any premises except upon driveways, parking lots, in garages or on areas improved for vehicular use and in accordance with zoning regulations in Chapter 1282.08.
- (e) The storage of building materials or materials such as earth, sand, or dirt upon any premises when such materials are not intended for current use on the property on which they are located.
- (f) Out of use or nonusable appliances or automobile parts including tires.
- (g) Rugs, rags or other materials hung on lines or in other places on such premises in such a manner or for such period of time as to be unsightly or offensive; broken, dilapidated or unusable furniture or the outdoor use of furniture intended for indoor use, mattresses or other household furnishings; plastic materials, paints, miscellaneous coverings and/or any other materials, including those described in this section, placed at or on the premises in such a manner as to be unsightly, grotesque or offensive.
- (h) Improperly disposed of materials, materials collected for salvage, unkempt garbage, trash, litter, and yard waste including brush, tree limbs, leaves, and weeds. Improperly disposed of materials include those materials set out for collection by the Village's waste hauler that do not meet the waster hauler's guidelines for collection or in accordance with the regulations set forth by the Village Ordinances.

- (i) Dead, damaged, or diseased trees or shrubs.
- (j) Lawns with grass at a height greater than 6 (six) inches.

1273.11 DUTIES AND POWERS OF CODE OFFICIAL

- (a) All Code Enforcement Officers are hereby authorized to make, or cause to be made, inspections of all structures and premises to determine whether such structures and premises conform to the provisions of this chapter.
- (b) All Code Enforcement Officers shall be supplied with official identification and shall show such identification when entering any structure or premises.
- (c) All Code Enforcement Officers shall have the right of entry to any structure or premises or any part thereof for the purpose of conducting an inspection pursuant to the regulations and requirements of this Code.
- (d) Rules and Regulations: Existing Codes – The Code Enforcement Officer is hereby authorized to adopt such written rules and regulations as may be necessary for the proper interpretation and enforcement of this chapter.

1273.12 NOTICES, ORDERS, AND ENFORCEMENT PROCEDURES

- (a) Notices Method of Service – Whenever a Code Enforcement Officer finds any structure or premises, or any part thereof, to be in violation of this chapter, the Code Enforcement Officer shall give or cause to be given, by regular mail, personal delivery or registered certified mail to the owner, operator or occupant of such structure or premises a written notice stating the violations therein. Such notice shall order the owner, operator, or occupant, within a stated time, to repair, remove, improve, or vacate the structure or premises to which it relates.
 - (1) If the owner, operator, or occupant to whom a violation notice is addressed cannot be found after a reasonable and diligent search, then such notice shall be posted in a conspicuous place on the structure or premises to which it relates. Such posting shall be deemed legal service of notice.
- (b) Notice to Remove
 - (1) A Code Enforcement Officer shall cause a written notice to remove to be served in accordance with 1272.12 (a) upon the owner, operator or occupant of those premises in violation of Section 1273.10(e), (f), (g) and (h). Such notice shall order the owner, operator, or occupant to remove the articles in violation within the stated time as designated in the notice.
 - (2) If the owner, operator or occupant to whom a notice to remove is directed fails, neglects or refuses to comply with the requirements of the notice, the Code Enforcement Officer shall cause such articles and/or materials to be removed from the premises and may employ the necessary labor to perform such task.
 - (3) Upon the performance of such labor, the Code Enforcement Officer shall issue, by regular mail or by personal service, a report of the costs thereof to the owner, operator, or occupant of such premises. The cost of removing the articles in violation, which includes a charge for the use of equipment, transportation, removal/hauling, operator's fee and/or other fees incurred by the Village for the performance of labor shall be:
 - a. All direct costs for the removal of such items; plus,
 - b. An administrative fee of \$50 (fifty dollars) per occurrence.
 - (4) In the event that the owner, operator, or occupant fails to pay such expenses within thirty (30) days after being notified in writing, by regular mail, of the amount thereof by the Code Enforcement Office, the expenses set forth in subsection (b)(3) hereof may be collected using one or more of the following methods, provided that the expenses may only be collected once:
 - a. Such expenses may be certified by Village Council to the County Auditor and placed upon the tax duplicate for collection as a special assessment; or,
 - b. The Village is authorized to bring suit and take other necessary legal action to collect all such expenses.

1273.13 RIGHT OF APPEAL

The owner, operator, or occupant of any structure or premises shall have the right of appeal to the Village Council concerning any compliance order of written notice issued by a Code Enforcement Officer. The appeal must be filed within seven (7) days from the date such notice was delivered, posted, or otherwise received. Such appeal must be in writing and based only on a claim that the true intent of the Code had been incorrectly interpreted. Failure to file a written appeal with the Village Council within the time prescribed herein shall constitute a waiver of the right to an appeal.

The Village Council will hear the appeal at its next regular or special meeting. This section does not apply to cases of emergency.

1273.14 VIOLATIONS; EQUITABLE REMEDIES

- (a) No person shall violate or fail to comply with any of the provisions of this chapter or with any rule or regulation promulgated hereunder or with any written notice or written order issued thereunder, or interfere with, obstruct or hinder the Code Enforcement Officer, while attempting to make an inspection pursuant to this chapter.
- (b) The imposition of any penalty shall not preclude the Village Solicitor from instituting an appropriate action or proceeding in a court of proper jurisdiction to restrain, correct or abate a violation, or to prevent the occupancy of a building, structure or premises, or to require compliance with the provisions of this chapter, or other applicable laws, ordinances, rules or regulations or the orders or determinations of the Code Enforcement Officer or the Planning & Zoning Commission.

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Section 2. The Village Mayor, and/or the Code Enforcement Officer, and/or the Law Director are authorized to take further actions consistent with this ordinance that are needed to carry out the intentions of this ordinance for the adoption of a Building and Property Maintenance Code.

Section 3. All prior resolution(s) or any part thereof, which is(are) inconsistent with this resolution is(are) hereby repealed as to the inconsistent part(s) thereof and the remainder of said resolution(s) not inconsistent with this resolution shall remain in full force and effect..

Section 4. This ordinance shall take effect and be in force from and after the earliest period allowed by law.

First Reading: March 12, 2007
 Second Reading: April 16, 2007
 Third Reading: May 7, 2007
 Passed: May 7, 2007

Lynn Eisentrout, Mayor, Village of Minerva Park

Attest Suzanne Coulter, Clerk-Treasurer,
 Village of Minerva Park

Reviewed by Counsel