



Board of Zoning Appeals and Property Review  
Commission

January 19, 2021 6:15 PM

Agenda

1. Call to Order
2. Roll call
3. Approval of prior minutes of December 15, 2020
4. Zoning Appeals - none
5. Property Maintenance – Appeal postponed by request of the Property Owner
6. New Business – Property Maintenance Code review
7. Adjournment

Zoom information: 832 8671 7031418788  
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Passcode: 418788





**BELLBROOK BOARD OF ZONING APPEALS AND PROPERTY REVIEW COMMISSION**  
**PUBLIC HEARING MINUTES**  
**December 15, 2020**

**NOTE: Due to COVID-19 this meeting was held via Zoom.**

**PRESENT:** Glenn Costie  
Aaron Burke  
Philip Ogrod  
Sharon Schroeder  
Chairperson Meredith Brinegar

**CALL TO ORDER:**

Chairman Brinegar called the meeting of the Board of Zoning Appeals to order at 6:15 PM. The Secretary called the roll. Mr. Costie, yes; Mr. Burke, yes; Mr. Ogrod, yes; Ms. Schroeder, yes; Mrs. Brinegar, yes.

Planning and Zoning Assistant Jessica Hansen was in attendance.

**APPROVAL OF MINUTES:**

Mr. Ogrod made a motion to approve the prior minutes of September 15, 2020. This was seconded by Ms. Schroeder. All were in favor. The motion carried 5-0.

**ZONING APPEALS**

- VA20-10 Accessory Structure (4085 Eckworth)

Zoning Administrator Jessica Hansen explained that the property owner wishes to build a garage but due to easements including a gas line that run through the property it would need to be located 5 feet from the property line instead of the 8 feet required. Vectren who owns the gas line suggested the location. The size of the garage is under the 600 square foot maximum at 432 square feet. Mrs. Hansen reported receiving two responses in support of this request and no responses in opposition.

Chris Keller, of Kellcogroup LLC who will build a garage at 4085 Eckworth Drive attended the meeting to answer any questions.

Mr. Ogrod asked what material will be used for the siding. He also asked if any trees would need to be removed and will the current driveway extend to the new structure. Mr. Keller reported

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that the garage will be sided the same as the house. No trees will be removed and the driveway will be extended to the new garage.

Mrs. Brinegar asked if the structure currently on the property will remain. Mr. Keller said the other building will be removed.

Mr. Ograd asked if there was any concern from the neighbor about their fence since it is so close to the construction of the garage. Mr. Keller answered that the neighbor is allowing them to take the fence down during construction and then put it back in place.

A motion was made by Mr. Burke to approve variance **VA20-10** for the accessory structure at 4085 Eckworth Drive. This was seconded by Mr. Ograd. The Secretary called the roll. Mr. Burke, yes; Mr. Ograd, yes; Mr. Costie, yes; Ms. Schroeder, yes; Chair Brinegar, yes. The variance was approved 5-0.

**PROPERTY REVIEW COMMISSION – none**

**PROPERTY MAINTENANCE CODE REVIEW**

Mrs. Hansen explained that the Board is being asked to review the Property Maintenance Code. The Board is the group most familiar with the code and their review would greatly help staff identify and make corrections and improvements.

**ADJOURNMENT**

Mr. Costie made a motion to adjourn the meeting and it was seconded by Mr. Burke. Chairman Brinegar adjourned the meeting at 6:48 PM.

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Meredith Brinegar, Chair

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Pamela Timmons, Secretary

## Changes to Property Maintenance Code

Section	Change
1450.02(c)	Added statement regarding abandonment.
1450.02(k)	Added a section regarding referenced code standard, conflicts, and modifications.
1450.1(b)&(h)	Reworded access by owner section and right of entry to remove trespassing by code official.
1450.13	Went in depth on what constitutes an unsafe structure. Added code for emergency measures regarding unsafe structures.
1450.13(1)(f)	
1,450.16 €	Added code regarding postponed hearings.
1450.21	Added cord Definition
1450.21	Added garbage definition
1450.21	Went further in depth for infestation definition.
1450.21	Added Junk Definition
1450.21	Added Junk Vehicle Definition
1450.21	Added Rubbish Definition
1450.21	Added Stack Definition
1450.30(C)	Added statement for registration of abandoned/vacant buildings.
1450.31 (C)	Added statement regarding repair of sidewalks. Added to vegetation section of code classifying dead vegetation as garbage.
1450.31(d)	
1450.31(e)	Added to specifics regarding rodents and infestations.
1450.31(h)	Added code to motor vehicles portion of code to prevent people from leaving vehicles on jack stands or blocks. Added a limit on amount of firewood, and better defined stacking.
1450.31(j)	
1450.31(l)	Added screening for brush piles.
1450.31(m)	Added a statement regarding construction equipment sitting out.
1450.31(p)	Added statement regarding bulk pick up and designated trash containers.
1450.32(f)	Added statement regarding materials that do not need protective treatment.
1450.32(j)	Added statement to ensure stairs have handrails.
1450.32(k)	Added statement that Chimneys shouldn't show signs of leaning or falling.
1450.32(s)	Added a section regarding lighting fixtures and electrical.
1450.99(b)	Increased fine to 500.00 per offense. As permitted by ORC.
1450.99(g)	Added section for repeat violators/offenders.



## **1450.01 PURPOSES.**

This chapter is enacted for the purpose of establishing minimum standards to govern the condition, maintenance and rehabilitation of all existing structures; to govern supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupancy and use; and to govern the condition of dwellings offered for rent. This chapter is also enacted for the purpose of fixing certain responsibilities and duties of owners and occupants of structures, providing for the condemnation of structures unfit for human habitation and the demolition of such structures, and fixing penalties for violations.

## **1450.02 ADMINISTRATION AND ENFORCEMENT.**

(a) Title. This chapter shall be known as the Property Maintenance Code of the City, hereinafter referred to as the Property Maintenance Code or "this Code."

(b) Scope. The provisions of this Code shall apply to all existing structures, residential and nonresidential, and on all existing premises, and constitute minimum requirements and standards for premises, structures, equipment and facilities for light, ventilation, space, heating, sanitation, protection from the elements, and a reasonable level of safety from fire and other hazards and for a reasonable level of sanitary maintenance, the responsibility of owners, an owners authorized agent, operators and occupants, the occupancy of existing structures and premises, and for administration, enforcement and penalties.

(c) Intent. This Code shall be construed liberally and justly to insure public health, safety and welfare insofar as they are affected by the continued occupancy and maintenance of structures and premises. Existing structures and premises that do not comply with these provisions shall be altered or repaired to provide a minimum level of health and safety as required herein. This Code shall be utilized to prevent the abandonment of structures.

(d) Other Regulations. The provisions of this Code shall not be construed to prevent the enforcement of other ordinances or regulations which prescribe standards other than those that are provided herein.

(e) Application of Other Codes. Any repairs or alterations to a structure, or changes of use therein, which may be caused directly or indirectly by the enforcement of this Code, shall be done in accordance with the procedures and provisions of the Building Code, the Plumbing Code and the Mechanical Code.

(f) Existing Remedies. The provisions of this Code shall not be deemed to abolish or impair existing remedies of the jurisdiction or its officers or agencies relating to the removal or demolition of any buildings which are deemed to be dangerous, unsafe and unsanitary.

(g) Workmanship. All repairs, maintenance work, alterations or installations which are required for compliance with this Code shall be executed and installed in a workmanlike and acceptable manner and installed in accordance with the manufacturer's installation instructions.

(h) Severability. If any section, subsection, paragraph, sentence, clause, or phrase in this Code shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this Code which shall continue in full force and effect, and to this end the provisions of this Code are hereby declared to be severable.

(i) Saving Clause. This Code shall not affect violations of any other ordinance, code or regulation existing prior to the effective date hereof, and any such violation shall be governed and shall continue to be punishable to the full extent of the law under the provisions of those ordinances, codes or regulations in effect

at the time the violation was committed.

(j) **Requirements Not Covered by Code.** Requirements necessary for the strength, stability or proper operation of an existing fixture, structure or equipment, or for the public safety, health and general welfare, not specifically covered by this Code, shall be determined by the Code Official.

(k) **Referenced codes and standards.** The codes and standards referenced in this code shall be considered part of the requirements of this code to the prescribed extent of each such reference and as further regulated in (1) and (2). Where enforcement of a code provision would violate the conditions of the listing of the equipment or appliance, the conditions of the listing shall apply.

(1) **Conflicts.** Where conflicts occur between provisions of this code and the referenced standards, the provisions of this code shall apply.

(2) **Provisions in referenced codes and standards.** Where the extent of the reference to a referenced code or standard includes subject matter that is within the scope of this code, the provisions of this code, as applicable, shall take precedence over the provisions in the referenced code or standard.

(l) **Modifications.** Whenever there are practical difficulties involved in carrying out the provisions of this code, the code official shall have the authority to grant modifications for individual cases upon application of the owner or owner's representative, provided the code official shall first find that special individual reason makes the strict letter of this code impractical and the modification is in compliance with the intent and purpose of this code and that such modification does not lessen health, life and fire safety requirements. The details of action granting modifications shall be recorded and entered in the department files.

(m) **Waiver of Liability.** Neither the Code Official, nor any other officer or employee charged with the enforcement of this Code, while acting under the authority of this Code and on behalf of the City of Bellbrook, shall be held personally liable for any damages accruing to persons or property as a result of any act required or permitted in the discharge of his or her official duties.

### **1450.03 BELLBROOK PROPERTY REVIEW COMMISSION (BPRC).**

(a) **Establishment.** In order to execute the purposes declared in this Code, there is hereby created a commission to be called the Bellbrook Property Review Commission (BPRC). The duties and responsibilities of the BPRC are hereby assigned to the Bellbrook Zoning Appeals Board. The BPRC shall be required to adhere to the guidelines established in Title Eight, Section 260 of the Bellbrook Municipal Code.

(b) **Duties of the BPRC.**

1. **Review suspected violations.** The BPRC may, at the request of the Code Official, review any suspected violations of this Code and submit a written recommendation to the Code Official.
2. **Review violation orders.** When the Code Official requests prosecution of a violation order, the BPRC shall review that violation order. If the Code Official finds that an emergency exists under the provisions of this Code, he or she may request prosecution of that violation order without the review of that violation order by the BPRC. However, the Code Official shall notify the BPRC of the emergency action taken.
3. **Hear appeals.** The BPRC shall serve as the Code Appeals Board.
4. **Hiring of a consultant.** The BPRC, with the approval of the City Manager or Council, may, in special instances, have services retained by a consultant to make a decisions on cases where staff or a technical advisory committee cannot provide such insight/special knowledge
5. **Additional powers.** The BPRC shall have all additional powers granted by Council.



6. Conflicts of interest. No member of the BPRC shall vote or participate in the discussion of any question before the BPRC in which he or she has a personal or pecuniary interest.
7. Compensation. Members of the BPRC shall serve without compensation.

(c) Appeal of BPRC Action. Any person, firm or corporation, or any officer, department, board or agency of the Municipality, or any interested elector of the Municipality, who has been aggrieved or affected by any decision of the BPRC, may appeal from such decision in the same manner as appeals are taken from actions of the Board of Zoning Appeals.

### **1450.10 POWERS AND DUTIES OF THE CODE OFFICIAL.**

(a) In General - The Code Official, to be assigned by the City Manager, is hereby authorized and directed to enforce all the provisions of this Code. The Code Official shall have the authority to render interpretations of this Code and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be in compliance with the intent and purpose of this Code. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this Code.

(b) Inspections – The Code Official shall make all of the required inspections, or shall accept reports of inspection by approved agencies or individuals. Reports of such inspections shall be in writing and be certified by a responsible officer of such approved agency or by the responsible individual. The code official is authorized to engage such expert opinion as deemed necessary to report on unusual technical issues that arise, subject to the approval of the City Manager.

(c) Right of Entry – Where it is necessary to make an inspection to enforce the provisions of this code, or whenever the code official has reasonable cause to believe that there exists in a structure or upon a premises a condition in violation of this code, the code official is authorized to enter the structure or premises at reasonable times to inspect or perform the duties imposed by this code, provided that if such structure or premises is occupied the code official shall present credentials to the occupant and request entry. If such structure or premises is unoccupied, the code official shall first make a reasonable effort to locate the owner, owner's authorized agent or other person having charge or control of the structure or premises and request entry. If entry is refused, the code official shall have recourse to the remedies provided by law to secure entry.

(c) Coordination of Enforcement. Inspection of premises, shall be the responsibility of the Code Official so charged by the jurisdiction. Whenever, in the opinion of a Code Official initiating an inspection under this Code, it is deemed necessary or desirable to have inspections by any other department or agency, the Code Official shall make a reasonable effort to arrange for the coordination of such inspections so as to minimize the number of visits by inspectors, and to confer with the other departments for the purpose of eliminating conflicting orders before any are issued.

(d) Identification. The Code Official or the Code Official's authorized representative shall carry proper identification when inspecting any and all buildings and premises in the performance of duties under this Code.

(e) Nonconforming Conditions. If additional nonconforming conditions are encountered during the course of any approved alteration or repair which were not considered or known initially, the Code Official shall have the authority to require compliance with this Code of such additional conditions. The determination of what may be necessary to bring such conditions into compliance shall take into consideration the use of alternatives and equivalent approaches as provided for in this Code. The Code Official shall have the authority to approve construction changes in the field when conditions are encountered which make the

originally approved work impractical, provided such changes in approved work can be readily determined to be in compliance with this Code and are requested by the owner or the owner's agent prior to such construction changes. Such changes shall be specifically documented by the owner or the owner's agent, describing the change in work and the reasons and jurisdiction for the change, and shall be filed with the permit for the project.

(f) Notices and Orders. The Code Official shall issue all necessary notices and orders to ensure compliance with the requirements of this Code for the safety, health and general welfare of the public.

(g) Official Records. An official record shall be kept of all business and activities of the department specified in the provisions of this Code, and all such records shall be open to public inspection at all appropriate times and under reasonable regulations established by the Code Official to maintain the integrity and security of such records.

### **1450.11 NOTICES AND ORDERS.**

(a) Informal Resolution of Violation. The Code Official may, at his or her discretion, attempt to informally resolve violations or suspected violations of this Code without issuing the notices and orders in the manner prescribed below. The Code Official shall be encouraged to utilize this procedure to the extent practical to achieve compliance with this Code.

(b) Formal Resolution of Violations; Notice.

1. When the Code Official is unsuccessful in achieving compliance with this Code using the informal procedure prescribed above, or, at his or her discretion, does not utilize the informal procedure described above, then the Code Official shall utilize the following formal procedure to resolve a violation or suspected violation of this Code.

2. Whenever the Code Official determines that there has been a violation of this Code or has reasonable grounds to believe that a violation has occurred, or whenever the Code Official has condemned any structure or equipment under the provisions of this Code, notice shall be given to the owner or the person or persons responsible therefor in the manner prescribed below. If the Code Official has condemned the property or part thereof, the Code Official shall give notice to the owner and to the occupants of the intent to placard and to vacate the property or to order equipment out of service.

(c) Form of Notice. Such notice prescribed above shall:

1. Be in writing;
2. Include a description of the real estate sufficient for identification;
3. Include a statement of the violations why it is being issued;
4. Include a correction order allowing a reasonable time for the repairs and improvements required to bring the dwelling unit or structure into compliance with the provisions of this Code; and
5. Include a statement that civil and criminal penalties may be assessed if repairs and improvements required are not complied with.
6. Inform the property owner of the right to appeal to the Bellbrook Property Review Commission. If a property owner desires such an appeal, a notice of appeal must be filed with the Code Official within twenty (20) days from receipt of the notice.
7. When applicable, include a statement of the right to file a lien.

(d) Method of Service. Such notice shall be deemed to be properly served if a copy thereof is:

1. Delivered personally; or

2. Sent by certified or first-class mail to the last known address; or
3. If the notice is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice.


(e) **Service on Occupant.** When a condemnation order is served by the Greene County Health Department on an occupant other than the owner or person responsible for compliance, a reasonable time to vacate the property after noncompliance shall be stated. Owners or persons responsible for compliance must vacate at the time set for correction of defects if there is failure of compliance. Refer to Section 12 of the Greene County Combined Health District Housing Regulations.

(f) In addition to any other remedy or penalty provided in the Property Maintenance Code or the Ohio Revised Code, an owner who fails to comply with a notice of violation or order served in accordance with this Code may incur a civil penalty.

(g) The Code Official shall provide notice to the owner of a civil penalty in accordance with Section 1450.11 Notices and Orders.

(h) Any violation of the Property Maintenance Code that is a first offense shall be twenty-five dollars (\$25) per day, per offense, or two hundred fifty dollars (\$250) per offense total.

(i) Any violation of the Property Maintenance Code that is a second offense shall be fifty dollars (\$50) per day, per offense, or five hundred dollars (\$500) per offense total.

(j)  Any violation of the Property Maintenance Code that is a third offense shall be seventy-five dollars (\$75) per day, per offense, or seven hundred fifty dollars (\$750) per offense total.

(k) Nothing herein contained shall prevent the City from taking such other lawful action as necessary to prevent or remedy any violation.

(l) **Transfer of Ownership.** No owner of any dwelling unit or structure who has received a compliance order or upon whom a notice of violation has been served, shall sell, transfer, mortgage, lease or otherwise dispose of the property to another until the provisions of the compliance order or notice of violation have been complied with, or until such owner shall first furnish the grantee, transferee, mortgagee or lessee a true copy of any compliance order or notice of violation issued by the Code Official and shall furnish to the Code Official a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such compliance order or notice of violation and fully accepting the responsibility without condition for making the corrections or repairs required by such compliance order or notice of violation.

### **1450.12 MINOR NUISANCES**

(a) **General.** A minor nuisance exists when a property is in violation of any regulations of this Code, unless the condition of the property has deteriorated to such a condition that enforcement under Sections 1450.13, 1450.14 or 1450.15 are determined more appropriate.

(b) **Notice.** Whenever the Code Official has determined a violation of the property maintenance standards set forth in this Code exists, and such conditions, as they exist endanger public health, welfare, or safety, or materially interfere with the peaceful enjoyment of the occupants of such property or the owner or occupants of adjacent property, the Code Official shall issue a notice according to Section 1450.11.

(c) Abatement. Upon failure of the owner to correct the minor nuisance within the time specified in the notice, the Code Official or designated agent shall cause the minor nuisance to be abated through any available public agency or by contract or arrangements by private persons and the cost thereof shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

(d) Cost of Abatement. Costs incurred in the performance of minor nuisance abatement shall be paid by the City. The City Manager shall take action to put a lien on the property consistent with Ohio law where the unsafe structure is or was located for the recovery of such costs. The costs may include all labor, equipment or other materials to correct or remove such nuisance and an administrative fee.

**1450.13 UNSAFE STRUCTURES AND EQUIPMENT.**

(a) General. When a structure or part thereof or equipment is found by the Code Official to be unsafe, or when a structure or part thereof is found unfit for human occupancy or use, or is found unlawful, it may be condemned pursuant to the provisions of this Code and may be placarded and vacated. It shall not be reoccupied without approval of the Code Official. Unsafe equipment may be placarded and placed out of service.

- (1) **Unsafe Structures.** An unsafe structure is one in which all or part thereof is found to be dangerous to life, health, property or the safety of the public or its occupants because it does not provide minimum safeguards for protection from fire or because it is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation that it is likely to partially or completely collapse.
- (2) **Unsafe Equipment.** Unsafe equipment includes any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers or other equipment on the premises or within the structure that is in such disrepair or condition that such equipment is a hazard to life, health, property or safety of the public or occupants or the premises or structure.
- (3) **Dangerous Structure or Premises.** For the purpose of this code, any structure or premises that has any or all of the conditions or defects described below shall be considered dangerous:
  - a. Any door, aisle, passageway, stairway, exit or other means of egress that does not conform to the approved building or fire code of the jurisdiction as related to the requirements for existing buildings.
  - b. The walking surface of any aisle, passageway, stairway, exit or other means of egress is so warped, worn loose, torn or otherwise unsafe as to not provide safe and adequate means of egress.
  - c. Any portion of a building, structure or appurtenance that has been damaged by fire, earthquake, wind, flood, deterioration, neglect, abandonment, vandalism or by any other cause to such an extent that it is likely to partially or completely collapse, or to become detached or dislodged.
  - d. Any portion of a building, or any member, appurtenance or ornamentation on the exterior thereof that is not of sufficient strength or stability, or is not so anchored, attached or fastened in place so as to be capable of resisting natural or artificial loads of one and one-half the original designed value.
  - e. The building or structure, or part of the building or structure, because of dilapidation, deterioration, decay, faulty construction, the removal or movement of some portion of the ground necessary for the support, or for any other reason, is likely to partially or completely collapse, or some portion of the foundation or underpinning of the building or structure is likely to fail or give way.
  - f. The building or structure, or any portion thereof, is clearly unsafe for its use and occupancy.
  - g. The building or structure is neglected, damaged, dilapidated, unsecured or

abandoned so as to become an attractive nuisance to children who might play in the building or structure to their danger, becomes a harbor for vagrants, criminals or immoral persons, or enables persons to resort to the building or structure for committing a nuisance or an unlawful act.

- h. Any building or structure has been constructed, exists or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the approved building or fire code of the jurisdiction, or of any law or ordinance to such an extent as to present either a substantial risk of fire, building collapse or any other threat to life and safety.
- i. A building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, ventilation, mechanical or plumbing system, or otherwise, is determined by the code official to be unsanitary, unfit for human habitation or in such a condition that is likely to cause sickness or disease.
- j. Any building or structure, because of a lack of sufficient or proper fire-resistance-rated construction, fire protection systems, electrical system, fuel connections, mechanical system, plumbing system or other cause, is determined by the code official to be a threat to life or health.
- k. Any portion of a building remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned so as to constitute such building or portion thereof as an attractive nuisance or hazard to the public

(2)

(4) **Structure Unfit for Human Occupancy.** A structure is unfit for human occupancy or use whenever the Code Official finds that it is unsafe or unlawful, or because of the degree to which it lacks maintenance, is in disrepair, is unsanitary, is vermin or rat infested, contains filth and contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by this Code, or because its location constitutes a hazard to its occupant or to the public.

(5) **Unlawful Structures.** An unlawful structure is one found in whole or in part to be occupied by more persons than permitted under the Zoning Code, or to have been or to be erected, altered or occupied contrary to law.

(b) **Closing of Vacant Structures.** If the structure or part thereof is vacant and unfit for human habitation, occupancy or use and is not in danger of structural collapse, the Code Official is authorized to post a placard of condemnation on the premises and order the structure closed up so it will not be an attractive nuisance. Upon failure of the owner to close up the premises within the time specified in the order, the Code Official shall cause the premises to be closed and secured through any available public agency or by contract or arrangement by private persons and the cost thereof shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

(c) Whenever the Code Official has Condemned a structure under the provisions of this Section, Notice shall be issued according to Section 1450.11.

(d) **Placarding.** Upon the failure of the owner or person responsible to comply with the notice provision

within the time given, the Code Official shall post on the premises a placard bearing the word “Condemned” and a statement of the penalties provided in for occupying the premises or removing the placard.

- (1) **Removal of Placard.** The Code Official shall remove the condemnation placard whenever the defect or defects upon which the condemnation and placarding action were based have been eliminated. Any person who defaces or removes a condemnation placard without the approval of the Code Official shall be subject to the penalties provided by this Code.

(e) **Prohibited Occupancy.** Any person who shall occupy a placarded premises or structure or part thereof, or shall use placarded equipment, and any owner or any person responsible for the premises who shall let anyone occupy a placarded premises which has been Condemned shall be liable for the penalties provided by this Code.

### **1450.14 EMERGENCY ORDERS.**

(a) **In General.** Whenever a Code Official finds that an emergency exists on any premises, or in any structure or part thereof, or on any defective equipment, which emergency requires immediate action to protect the public's health and safety or that of the occupants thereof, the Code Official may, with proper notice and service in accordance with the provisions of this Code, issue an order reciting the existence of such an emergency and requiring the vacation of the premises or such action taken as the Code Official deems necessary to meet such emergency. Notwithstanding other provisions of this Code, such order shall be effective immediately, and the premises or equipment involved shall be placarded immediately upon service of the order.

(b) **Hearing.** Any person to whom such an order is directed shall comply therewith. Such person may thereafter, upon petition directed to the Code Official, be afforded a hearing as prescribed in this Code. Depending upon the findings of the Bellbrook Property Review Commission (BPRC) at such hearing as to whether the provisions of this Code and the rules and regulations adopted pursuant thereto have been complied with, the BPRC shall continue such order or modify or revoke it.

(c) **EMERGENCY MEASURES.** Imminent danger. When, in the opinion of the code official, there is imminent danger of failure or collapse of a building or structure which endangers life, or when any structure or part of a structure has fallen and life is endangered by the occupation of the structure, or when there is actual or potential danger to the building occupants or those in the proximity of any structure because of explosives, explosive fumes or vapors or the presence of toxic fumes, gases or materials, or operation of defective or dangerous equipment, the code official is hereby authorized and empowered to order and require the occupants to vacate the premises forthwith. The code official shall cause to be posted at each entrance to such structure a notice reading as follows: “This Structure Is Unsafe and Its Occupancy Has Been Prohibited by the Code Official.” It shall be unlawful for any person to enter such structure except for the purpose of securing the structure, making the required repairs, removing the hazardous condition or of demolishing the same.

- (1) Temporary safeguards. Notwithstanding other provisions of this code, whenever, in the opinion of the code official, there is imminent danger due to an unsafe condition, the code official shall order the necessary work to be done, including the boarding up of openings, to render such structure temporarily safe whether or not the legal procedure herein described has been instituted; and shall cause such other action to be taken as the code official deems necessary to meet such emergency.
- (2) Closing streets. When necessary for public safety, the code official shall temporarily close structures and close, or order the authority having jurisdiction to close, sidewalks, streets, public ways and places adjacent to unsafe structures, and prohibit the same from being utilized.
- (3) Emergency repairs. For the purposes of this section, the code official shall employ the necessary labor and materials to perform the required work as expeditiously as possible.

- (4) Costs of emergency repairs. Costs incurred in the performance of emergency work shall be paid by the jurisdiction. The City Manager shall take action to put a lien on the property consistent with Ohio law where the unsafe structure is or was located for the recovery of such costs. The costs may include all labor, equipment or other materials to correct or remove such danger and an administrative fee.

**1450.15 DEMOLITION.**

**(a) Demolition Standards**

1) Purpose. It is the purpose of this section to ensure that demolition projects conducted in the City of Bellbrook are done in a safe and complete manner. The end product of demolition will be a "park-like" graded grass lot. 2) Applicability. These standards apply to all demolitions of residential, commercial and industrial principal and accessory structures. No structure, required to meet the standards of this Section, shall be demolished, in whole or in part, without the issuance of a Demolition Permit prior to commencing work. a. Exceptions. Fences, storage sheds (no larger than 250 sq. ft.) and above ground swimming pools shall be exempt from Section 1450.15 in its entirety

**(b) Ordered Demolition**

- 1) **In general.** The Code Official may order the owner of premises upon which is located any structure or part thereof which, in the Code Official's judgment, is so deteriorated or dilapidated or has become so out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human habitation, occupancy or use, and cannot reasonably be repaired, to raze and remove such structure or part thereof, or, if it can be made safe by repairs, to repair it and make it safe and sanitary or to raze it and remove it at the owner's option, or, where there has been a cessation of normal construction without completion of any structure for a period of more than two years, to raze and remove such structure or part thereof.
- 2) **Unreasonable repairs.** Whenever the Code Official determines that the cost of such repairs would exceed 100 percent of the current value of such structure, such repairs shall be presumed to be unreasonable and it shall be presumed, for the purpose of this section, that such structure is a public nuisance which may be ordered to be razed without option on the part of the owner to repair. Any such affected property owner may appeal the decision of the Code Official to the Bellbrook Property Review Commission.
- 3) **Order.** The order shall specify a time within which the owner shall comply therewith and specify repairs, if any. It shall be served on the owner of record, or upon an agent where an agent is in charge of the building, and upon the holder of any encumbrance of record, in the manner provided for service of a summons by a court of record. If the owner or a holder of an encumbrance of record cannot be found, the order may be served by posting it on the main entrance of the building and by publishing it once each week for three successive weeks in a newspaper authorized to provide service of publication.
- 4) **Restraining actions.** Anyone affected by any such order may, within 20 days after service of such order, apply to a court of record for an order restraining the Code Official from razing and removing such structure or parts thereof.
- 5) **Failure to comply.** Whenever the owner of a property fails to comply with a demolition order within the time prescribed, the Code Official may take action pursuant to the provisions of the

Ohio Revised Code.

- 6) Salvage materials from an Ordered Demolition.** When any structure has been ordered to be razed and removed, the governing body or other designated officer under such contract or arrangement aforesaid may sell the salvage and valuable materials at the highest price obtainable. The net proceeds of such sale, after deducting the expenses of such razing and removal, shall be promptly remitted with a report of such sale or transaction, including the items of expense and the amounts deducted, for the use of the person who may be entitled thereto, subject to any order of a court. If such a surplus does not remain to be turned over, the report shall so state.

**(c) Demolition Process**

- 1) Security Deposit.** Applicants desiring a permit to demolish a structure shall deposit with the City a security deposit in the amount specified below.
- a. Residential Accessory Structure \$5,000.00
  - b. Single-Family Dwelling \$10,000.00
  - c. Multi-Family Dwelling (3 units or less) \$5,000.00 per unit
  - d. Nonresidential and Multi-Family Residential (4 units or more) \$5.00 per square foot
- 2) Bond in Lieu of Security Deposit.** In lieu of the security deposit required, as set forth above, an owner or authorized representative may deposit with the City a performance bond or irrevocable letter of credit, in a sum equal to the security deposit that would be required pursuant to this Section, to ensure the completion of the demolition per the standards set forth herein.
- 3) Forfeiture of Bond or Security Deposit.** In the event that demolition is not completed per the standards set forth herein, the required security deposit, bond, or irrevocable letter of credit shall be forfeited and paid over to the City. However, if the bond, security deposit, or letter of credit is not sufficient to cover all inspection or demolition costs, additional fees shall be required when needed, at the discretion of the City Manager. Such fees will be the responsibility of the property owner.

**(d) Demolition Requirements:**

- 1) Safety Precautions.** The owner or authorized representative shall take appropriate safety precautions in order to prevent injury, property damage, and unauthorized entry. Reasonable control measures shall be in place at all times as necessary including, but not limited to, guard rails, barriers, warning lights, fences, and warning notices. Trenches, ditches or other excavations that are falling or tripping hazards shall not be left unattended unless protected by temporary fencing or other barrier designed to prevent unauthorized entry.
- 2) Dust and Debris Control.** The demolition site shall at all times be maintained in a manner to reduce the impact of dust on adjacent properties and prevent debris from falling on adjacent properties or public rights of way.
- 3) Maintenance of the Right of Way.** All streets, sidewalks and other areas in the public right-of-way shall be kept free of mud and/or debris as a result of demolition activities, including hauling and grading activities.
- 4) Utilities.** All utilities, including sanitary sewer, water, gas, and electric shall be disconnected and capped per the appropriate utility's regulations. The Contractor is responsible for contacting the Ohio Utilities Protection Service (OUPS) to locate utilities and each individual utility to confirm



the status of abandonment, retirement or capping of those utilities.

- 5) **Foundations.** All footers and foundation walls shall be removed in their entirety.
- 6) **Concrete and Asphalt.** All slabs, driveways, parking areas, driveway approaches and other areas of impervious surface shall be removed unless agreed upon in writing by the City prior to commencement of demolition. Public sidewalks shall remain. New curbing shall be installed in accordance with City specifications where driveway approaches were removed.
- 7) **Removal of Accessory Structures.** When demolition includes demolition of the principal structure, all accessory structures, including but not limited to fences, decks, storage sheds, garages, and signs, shall be removed along with the principal structure unless agreed upon to remain prior to demolition.
- 8) **Landscaping.** All landscaping shall be removed from the site unless agreed upon to remain prior to demolition by the City.
- 9) **Finish Grading.** All excavations shall be leveled with approved clean fill and compacted substantially to prevent future settling. Finish grade shall be level, smooth and free of rocks and/or other debris.
- 10) **Grass.** Grass shall be replaced on the lot either by seed or sod. Seed shall be reasonably free of weeds or coarse grass and shall be evenly sown onto the topsoil. Demolition shall not be considered completed until grass has been restored to the site.

(e) **Demolition Plan.** A demolition plan is required upon submittal of a Demolition Permit Application. The plan shall include the following items:

- 1) Erosion Control Plan;
- 2) Projected Start and End Date;
- 3) Staging Requirements; and
- 4) Site plan showing demolition, location of construction fences, barriers, railings, & walkways (can be copied from Greene County GIS). 5) Copy of the approved Greene County Demolition Permit Section

#### **1450.16 MEANS OF APPEAL.**

(a) **Application for Appeal.** Any person directly affected by a decision of the Code Official or a notice or order issued under this Code shall have the right to appeal to the Bellbrook Property Review Commission (BPRC), provided that a written application for appeal is filed

within 20 days after the day the decision, notice or order was served. An application for appeal shall be based on a claim that the true intent of this Code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this Code do not fully apply, or the requirements of this Code are adequately satisfied by other means.

(b) **Open Hearing.** All hearings before the BPRC shall be open to the public. The appellant, the appellant's representative, the Code Official and any person whose interests are affected shall be given the opportunity to be heard.

(c) **BPRC Decision.** The BPRC shall hear all appeals relative to the enforcement of this Code, and by a concurring vote of the majority of its members may reverse or affirm wholly or partly, or may modify, the

decision appealed from, and shall make such order or determination as in its opinion ought to be made. Failure to secure such concurring votes shall be deemed a confirmation of the decision of the Code Official.

(d) **Official Records.** An official record shall be kept of all business and activities of the BPRC.

(e) **Postponed hearing.** When the full board is not present to hear an appeal with the appellant or the appellant's representative the board shall have the right to request a postponement of the hearing. The appellant or appellant's representative may also request postponement of the hearing. Such notice of postponement by the appellant shall be given in advance of at least (24) twenty-four hours.

### 1450.20 GENERAL

(a) **Scope.** Unless otherwise expressly stated, the following terms shall, for the purposes of this Code, have the meanings shown in this chapter.

(b) **Interchangeability.** Words stated in the present tense include the future; words stated in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural, the singular.

(c) **Terms not Defined.** Where terms are not defined through the methods authorized by this section, such terms shall have ordinarily accepted meanings such as the context implies.

(d) **Parts.** Whenever the words "dwelling unit," "dwelling," "premises," "building," "rooming house," "rooming unit," "housekeeping unit" or "story" are stated in this Code, they shall be construed as though they were followed by the words "or any part thereof."

### 1450.21 GENERAL DEFINITIONS

**ANCHORED.** Secured in a manner that provides positive connection.

**APPROVED.** Approved by the Code Official or the Property Review Commission.

**BASEMENT.** That portion of a building which is partly or completely below grade.

**CODE OFFICIAL.** The official who is charged with the administration and enforcement of this Code, or any duly authorized representative.

**CORD.** A unit of volume used for measuring stacked firewood, equal to 128 cu. ft., usually specified as 8 ft. long, 4 ft. wide, and 4 ft. high.

**CONDEMN.** To adjudge unfit for occupancy.

**DETACHED.** When a structural element is physically disconnected from another and that connection is necessary to provide a positive connection.

**DETERIORATION.** To weaken, disintegrate, corrode, rust or decay and lose effectiveness. The term "deterioration" for use in determining unsafe conditions related to structural materials that may be beyond their limit state. "Limit state" is a condition beyond which a structure or member becomes unfit for service and is not longer useful for its intended function. Where it is apparent that a material is beyond its limit state as a result of deterioration, the code official can cite the condition as unsafe and require repair as needed.

**DWELLING UNIT.** A single unit providing complete, independent living facilities or one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

**EASEMENT.** That portion of land or property reserved for present or future use by a person or agency other than the legal fee owner(s) of the property. The easement shall be permitted to be for use under, on or above a said lot or lots.

**EXTERIOR PROPERTY.** The open space on the premises and on adjoining property under the control of owners or operators of such premises.

**GARBAGE.** The animal or vegetable waste resulting from the handling, preparation, cooking and consumption of food or any waste associated with the removal of trees, tree limbs, grass, weeds, or other yard/vegetation debris.

**GUARD.** A building component or a system of building components located at or near the open sides of elevated walking surfaces that minimizes the possibility of a fall from the walking surface to a lower level.

**IMMINENT DANGER.** A condition which could cause serious or life-threatening injury or death at any time.

**INFESTATION..** An infestation is the actual presence of live insects, rodents, vermin or other pests. If the actual presence of pests cannot be readily confirmed, the presence of fresh droppings, larvae, eggs, rodent holes or other such evidence can identify a current infestation.

**INOPERABLE MOTOR VEHICLE.** A vehicle which cannot be driven upon the public streets for reason including but not limited to being unlicensed, wrecked, abandoned, in a state of disrepair, or incapable of being moved under its own power.

**JUNK.** Scrap metal, vehicular parts, or any dismantled, partially dismantled, non-operative, or discarded machinery, appliance, equipment, or boat, or part thereof, stored on exterior property areas outside of a completely enclosed structure. Any item of tangible personal property designed to be used in an environment protected from the elements, such as inside a building, shall be presumed to be junk if the item is stored outside.

**JUNK VEHICLE.** A junk motor vehicle means any motor vehicle, excepting collector's vehicles, that meets the following criteria: (1) The vehicle is physically inoperable and/or is missing parts so that it could not be legally driven upon any public highway or street, and/or it is not maintained for driving. A physically operable vehicle shall start and move under its own power upon request by the Code Official; or (2) The vehicle does not bear a valid registration plate. A vehicle setting on a bona fide sales lot that is open for business during normal operating hours shall not be required to bear valid registration.

**LET FOR OCCUPANCY OR LET.** To permit, provide or offer possession or occupancy of a dwelling, dwelling unit, rooming unit, building, premise or structure by a person who is or is not the legal owner of record thereof, pursuant to a written or unwritten lease, agreement or

license, or pursuant to a recorded or unrecorded agreement of contract for the sale of land.

**NEGLECT.** The lack of proper maintenance for a building or structure.

**OCCUPANCY.** The purpose for which a building or portion thereof is utilized or occupied.

**OCCUPANT.** Any individual living or sleeping in a building, or having possession of a space within a building.

**OPERATOR.** Any person who has charge, care or control of a structure or premises which is let or offered for occupancy.

**OWNER.** Any person, agent, operator, firm or corporation having a legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

**PERSON.** An individual, corporation, partnership or any other group acting as a unit.

**PEST ELIMINATION.** The control and elimination of insects, rodents or other pests by eliminating their harborage places; by removing or making inaccessible materials that serve as their food or water; by other approved pest elimination methods.

**PREMISES.** A lot, plot or parcel of land, easement or public way, including any structures thereon.

**PUBLIC WAY.** Any street, alley or similar parcel of land that: is open to the outside air; leads to a street; has been deeded, dedicated or otherwise permanently appropriated to the public for public use. **RUBBISH.** Combustible and noncombustible waste materials, except garbage; the term shall include the residue from the burning of wood, coal, coke and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery and dust and other similar materials. The term is usually considered to be a synonym for similar terms such as "refuse" or "trash" and generally encompasses the broad range of worthless, discarded materials other than garbage. The term "garbage" is typically limited to describing wastes generated by food preparation operations.

**SLEEPING UNIT.** A room or space in which people sleep, which can also include permanent provisions for living, eating and either sanitation or kitchen facilities, but not both. Such rooms and spaces that are also part of a dwelling unit are not sleeping units.

**STACK.** Any neatly arranged arrangement of wood or other material in which the items interlock or create a cohesive grouping.

**STRICT LIABILITY OFFENSE.** An offense in which the prosecution in a legal proceeding is not required to prove criminal intent as a part of its case. It is enough to prove that the defendant either did an act which was prohibited, or failed to do an act which the defendant

was legally required to do.

**STRUCTURE.** That which is built or constructed or a portion thereof.

**TENANT.** A person, corporation, partnership or group, whether or not the legal owner of record, occupying a building or portion thereof as a unit.

**VENTILATION.** The natural or mechanical process of supplying conditioned or unconditioned air to, or removing such air from, any space.

**WORKMANLIKE.** Executed in a skilled manner; e.g., generally plumb, level, square, in line, undamaged and without marring adjacent work.

**YARD.** An open space on the same lot with a structure.

### **1450.30 GENERAL REQUIREMENTS.**

(a) **Scope.** The provisions of this Code shall govern the minimum conditions and the responsibilities for maintenance of structures, equipment and exterior property.

(b) **Responsibility.** The owner of the premises shall maintain the structures and exterior property in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy premises which are not in a sanitary and safe condition and which do not comply with the requirements of this Code.

(c) **Vacant Structures and Land.** All vacant structures and premises thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety. **All vacant structures shall be registered with the City of Bellbrook in accordance with the Vacant Property Registration in accordance with Part Fourteen, Title 4, Section 1454.**

### **1450.31 EXTERIOR PROPERTY AREAS.**

(a) **Sanitation.** All exterior property and premises shall be maintained in a clean, safe and sanitary condition. The occupant shall keep that part of the exterior property which such occupant occupies or controls in a clean and sanitary condition.

(b) **Grading and Drainage.** Excluding approved retention and reservoirs, all premises shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water thereon, or within any structure located thereon. No stormwater (including sump pump discharge) shall be discharged so as to accumulate and create an unsafe condition on any abutting property. No stormwater shall be discharged in a manner that creates a public nuisance.

(c) **Sidewalks and Driveways.** All sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair, and maintained free from hazardous conditions. **The code official is authorized to require that all sidewalks, walkways, stairs, driveways, parking spaces, etc., are usable and kept in proper repair as per Part 10, Title 2, Sec. 1011.04 of the City of Bellbrook Municipal Code.**

(d) **Vegetation.** All premises and exterior property shall be maintained free from weeds or plant

growth in accordance with Chapter 678 of the Bellbrook Municipal Code.

- (1) All plant materials, including trees and shrubs, afflicted with decay, disease, insect infestation, or otherwise considered dangerous to other plant material, shall be removed or appropriately treated, and dead trees and shrubs and “high risk” trees that pose an imminent danger to subject property or adjacent properties shall be removed. All sound plant materials, including trees and shrubs, shall be properly maintained and have no evident signs of neglect. **Dead vegetation is considered garbage and must be disposed, any accumulation of such will be deemed outside storage. Stacked wood is exempt however brush piles and fallen trees are examples of the forementioned waste.**
- (2) All lawns, hedges, bushes, trees and other vegetation shall be kept trimmed and shall not be permitted to become overgrown and unsightly where exposed to public view or where such vegetation may constitute a blighting influence on adjoining property.

(e) **Rodent Harborage.** All structures and exterior property shall be kept free from rodent harborage and infestation. Where rodents are found, they shall be promptly exterminated by approved processes which will not be injurious to human health. After pest elimination, proper precautions shall be taken to eliminate rodent harborage and prevent reinfestation.

**Rodents carry disease organisms in their feces and on their bodies. The code official may require the extermination of all rodents by approved processes. All harborage areas should be eliminated by removing piles of rubbish, towing or repairing inoperable cars and cutting back weeds. Garbage should be stored in solid containers with tight-fitting lids and disposed of regularly.**

(f) **Exhaust Vents.** Pipes, ducts, conductors, fans or blowers shall not discharge gases, steam, vapor, hot air, grease, smoke, odors or other gaseous or particulate wastes directly upon abutting or adjacent public or private property or that of another tenant.

(g) **Accessory Structures.** All accessory structures, including but not limited to detached garages, sheds, permanent outdoor play equipment, lighting fixtures, fences and walls shall be maintained, structurally sound and in good repair at all times.

- (1) **Swimming Pools.** Swimming pools shall be maintained in a clean and sanitary condition, and in good repair.

(h) **Motor Vehicles.** Except as provided for in other regulations, no inoperative or unlicensed motor vehicle shall be parked, kept or stored on any premises, and no vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. Painting of vehicles is prohibited unless conducted inside an approved spray booth. **Leaving a motor vehicle on jack stands or blocks in a driveway, parking lot, parking garage or public street is prohibited and considered a hazard and can warrant the code official skipping the formal notice of violation and issuing a final notice of violation.**

Exception: A vehicle of any type is permitted to undergo major overhaul, including body work, provided that such work is performed inside a structure or similarly enclosed area designed and approved for such purposes.

(i) **Defacement of Property.** No person shall willfully or wantonly damage, mutilate or deface any exterior surface of any structure or building on any private or public property by placing thereon any marking, carving or graffiti. It shall be the responsibility of the owner to restore said surface to an approved state of maintenance and repair.

- (j) **Outside Storage.** In **all districts**, all outdoor storage shall be effectively screened from view

and storage of miscellaneous items must be within enclosed structures or screened as required in the Zoning Code. No person shall accumulate, cause to be accumulated, or allow to be accumulated junk, garbage, rubbish, or junk vehicles upon any property located within the City. Any item that is not an outside child's toy, outdoor furniture, trash receptacles or other items meant for storage outside shall be deemed outside storage and be required to be screened from view or removed from the property. Any accumulation of outdoor furniture and/or lawn ornaments that are numerous in a manner as to create a nuisance to surrounding neighbors shall be considered outside storage, with the exception of holidays.

(k) Storage of Firewood. The storage of firewood is limited to three (3) cords, to be stacked horizontally. Firewood must be stacked in a reasonably compact and orderly fashion. Firewood must be cut into sections that can be stacked as to interlock and created an orderly arrangement. Firewood shall not be dumped haphazardly. Brush piles do not constitute firewood under this code.

(l) Brush Piles. Brush piles are not permitted in a front yard and are limited to properties where they can properly be screened from public streets or surrounding neighbors. Brush piles shall not exceed (3) feet.

(m) Construction Equipment. Unless construction equipment is actively being used for construction purposes on the property upon which the equipment is located, all construction equipment must not remain outside more than fifteen days. Any construction equipment left out longer than fifteen days without use can constitute the items being considered outside storage.

(n) Remedy Vacant or Unattended Properties. Whenever the Code Official becomes aware of the existence of a vacant or unattended property which has not been maintained in a clean, safe and sanitary manner, the Code Official shall give or cause to be given as provided in this Code, to the owner of the property, written notice of such violation and requiring the unclean, unsafe or unsanitary conditions to be removed. If an owner fails to remove the unclean, unsafe or unsanitary conditions within the time specified on the notice and order, the Code Official may remove or cause to be removed the unclean, unsafe, unsanitary conditions and may employ the necessary labor to perform such work or cause it to be done by the appropriate City Department, such work will then be sent via invoice to the property owner, if payment is not received a lien on the property may be issued.

(o) Drainage Ways. Owners are obligated to maintain drainage ways in the same manner as the rest of their property. These tasks include all normal and routine maintenance such as mowing grass and weeding, removing brush and other vegetation, removing obstructions such as fallen trees and limbs and policing their yards for litter and other debris. the accumulation of stagnant water thereon.

(1) Drainage Swales. Swales are to be maintained by the owners of the parcels on which they are located, and at no time shall anyone plant shrubs and/or trees in, or discharge, empty or place any material, fill or waste into, any swale so as to divert or impede drainage flow.

(p) Garbage and Rubbish Containers. The owner and operator of every establishment producing garbage, vegetable wastes or other putrescible materials shall provide, and at all times cause to be used, leakproof approved containers provided with closely fitting covers for the storage of such materials until removed from the premises for disposal. Properly constructed compost piles shall be exempted.

Trash containers shall be removed from the public right of way not later than twenty-four hours after trash pick-up. The containers shall be returned to the public right-of-way area not earlier than twenty-four hours before the next trash pick-up. Trash that is not in the designated container or arranged for bulk pick-up will not be picked up by the city trash provider and thus will be considered a violation.

**1450.32 EXTERIOR STRUCTURE.**

- (a) In General. The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the health, safety or welfare.
- (b) Protective Treatment. All exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences, shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. All siding and masonry joints, as well as those between the building envelope and the perimeter of windows, doors and skylights, shall be maintained weather resistant and water tight. All metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion, and all surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.
- (c) Street Numbers. Each structure to which a street number has been assigned shall have such a number displayed in a position easily observed and readable from the public way.
- (d) Structural Members. All structural members shall be maintained free from deterioration and shall be capable of safely supporting the imposed dead and live loads.
- (e) Foundation Walls. All foundation walls shall be maintained plumb and free from open cracks and breaks and shall be kept in such condition so as to prevent the entry of rodents and other pests.
- (f) Exterior Walls. All exterior walls shall be free from holes, breaks, and loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent deterioration that admit rain. Some materials do not require surface coating, including: certain metals (aluminum, copper, etc.); masonry products (bricks, stone, stucco, etc.); naturally, decay-resistant woods (redwood, cedar, etc.); and woods that have been treated with chemicals to prevent decay.
- (g) Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.
- (h) Decorative Features. All cornices, belt courses, corbels, trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.
- (i) Overhang Extensions. All overhang extensions including, but not limited to canopies, marquees, signs, metal awnings, fire escapes, standpipes and exhaust ducts shall be maintained in good repair and be properly anchored so as to be kept in a sound condition. When required, all exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.
- (j) Stairways, Decks, Porches and Balconies. Every exterior stairway, deck, porch and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads. They shall have and maintain proper handrails as described in (l) as to help facilitate the safety of occupants.
- (k) Chimneys and Towers. All chimneys, cooling towers, smoke stacks, and similar appurtenances



shall be maintained structurally safe and sound, and in good repair. All exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment. Chimneys shall show no signs of falling or posing any risk to occupants or surrounding neighbors.

(l) **Handrails and Guards.** Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition. Every exterior flight of stairs having more than four risers shall have a handrail on one side of the stair and every open portion of a stair, landing, balcony, porch, deck, ramp or other walking surface that is more than 30 inches above the floor or grade below shall have guards. Handrails shall be not less than 30 inches in height or more than 42 inches in height measured vertically above the nosing of the tread or above the finished floor of the landing or walking surfaces. Guards shall be not less than 30 inches in height above the floor of the landing, balcony, porch, deck, or ramp or other walking surface.

(m) **Window, Skylight and Door Frames.** Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight.

1. **Openable Windows.** Every window, other than a fixed window, shall be capable of being easily opened.
2. **Glazing.** All glazing materials shall be maintained free from cracks and holes.

(n) **Insect Screens.** During the period from April 1 to December 1, every door and window or other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored shall be supplied with approved tightly fitting screens of not less than sixteen mesh per inch and every screen door used for insect control shall have a self-closing device in good working condition.

Exception: Screens shall not be required where other approved means, such as air curtains or insect repellent fans, are employed.

(o) **Doors.** All exterior doors, door assemblies and hardware shall be maintained in good condition. Locks at all entrances to dwelling units and sleeping units shall tightly secure the door. Every door available as an exit shall be capable of being opened from the outside.

(p) **Basement Hatchways.** Every basement hatchway shall be maintained to prevent the entrance of rodents, rain and surface drainage water.

(q) **Guards for Basement Windows.** Every basement window that is openable shall be supplied with rodent shields, storm windows or other approved protection against the entry of rodents.

(r) **Building Security.** Doors, windows or hatchways for dwelling units, room units or housekeeping units shall be provided with devices designed to provide security for the occupants and property within.

(s) **Lighting Fixtures & Electrical.** All lighting fixtures and electrical outlets or panels shall be properly protected from the elements and free of any breaks, cracks, or lack of coverage to reduce the risk of electric shock.

### **1450.90 EXISTING STRUCTURES.**

(a) **Alterations or Repairs.**

1. Alterations or repairs, other than increasing the height or area of a structure, may be made to any structure without requiring the existing structure to comply with all requirements of this

Code for new construction, provided such work conforms to the requirements of this Code. Alterations or repairs shall not cause an existing structure to become unsafe or adversely affect the performance of the building.

2. Alterations or repairs to an existing structure which are nonstructural and do not adversely affect any structural member or any part of the structure having a required fire-resistance rating, may be made with the same materials of which the structure is constructed.
3. Anything to the contrary herein notwithstanding, this Code shall not require the alteration of a lawful structure, existing on the effective date of the adoption or amendment of this Code, that could not be built under the terms of this Code. Such a lawfully nonconforming structure may be continued so long as it remains otherwise lawful, subject to the following provisions:
  - A. No such nonconforming structure may be enlarged or altered in a way which increases its nonconformity, but any structure or portion thereof may be altered to decrease its nonconformity.
  - B. Should such nonconforming structure or nonconforming portion of a structure be destroyed by any means to an extent of more than fifty percent of its replacement cost at the time of destruction, it shall not be reconstructed except in conformity with the provisions of this Code.
  - C. Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations of this Code.

(b) Other Ordinances. This Code establishes minimum requirements for the initial and continued occupancy and use of all structures and premises and does not replace or modify requirements otherwise established by ordinance which may be additional or more stringent for the construction, repair, alteration or use of structures, equipment or facilities.

### **1450.99 VIOLATIONS: LEGAL AND EQUITABLE REMEDIES.**

(a) Unlawful Acts. It shall be unlawful for a person, firm or corporation to be in conflict with or in violation of any of the provisions of this Code.

(b) Any person failing to comply with a notice of violation or order served in accordance with this Code shall be deemed guilty of a misdemeanor of the fourth degree and shall not be fined more than five-hundred dollars(\$500.00) per violation of this code ORC 715.67 or imprisoned not more than thirty days, or both, and the violation shall be considered a strict liability offense.

(c) If the notice of violation is not complied with, the Code Official shall institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the structure in violation of the provisions of this Code or of the order or direction made pursuant thereto.

(d) Any action taken by the City on such premises shall be charged against the real estate upon which the structure is located and shall be certified to the County Auditor for collection, the same as other taxes and assessments are collected.

(e) A separate offense shall be deemed committed each day during or on which a violation occurs or continues.

(f) Nothing herein contained shall prevent the City from taking such other lawful action as necessary to prevent or remedy any violation.

(g) Repeat Violators. For the second violation of the same general character occurring not sooner than twenty (20) days and not later than two (2) years after the first violation, the notice provided may be omitted and a violation notice that specifies that the violation shall be corrected within twenty-four hours after service of the notice of violation, served pursuant to Section 107.3, may be issued. If the violation is not corrected by the specified compliance date, appropriate action or proceeding may be instituted in a court of proper jurisdiction. For the third violation of the same general character occurring not sooner than twenty (20) days and not later than two (2) years after the first violation, appropriate action or proceeding may be instituted immediately in a court of proper jurisdiction without notification to the property owner.