

PART THIRTEEN – BUILDING CODE
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CHAPTER 1331
 General Provisions

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1331.01 TITLE.

These regulations shall be known as the Property Maintenance Code of the City of Franklin, Ohio, hereinafter referred to as "this Code."
 (Ord.2009-21. Passed 10/05/09)

1331.02 SCOPE.

The provisions of this Code shall apply to all existing residential and nonresidential buildings, structures and premises. The regulations contained herein shall constitute the minimum requirements and standards for the safe and sanitary maintenance of all existing residential and nonresidential buildings, structures and premises within the City. The regulations of this Code outline the responsibility of owners, operators and occupants, and outline the procedures and processes for the administration and enforcement of this Code, as well as the penalties for the violation of any provision thereof.
 (Ord.2009-21. Passed 10/05/09)

1331.03 FINDINGS; DECLARATION OF POLICY.

It is hereby found and declared that there exist in the City of Franklin various and several buildings, structures and premises which are, or may become in the future, deteriorated or defective with respect to exterior maintenance, or further, that such conditions, including, but not limited to, structural deterioration, lack of maintenance, the appearance of the exterior of the premises, and the existence of exterior fire hazards and unsanitary conditions, that constitute an immediate threat to the health, safety and welfare and reasonable comfort of the residents and inhabitants of the City. It is further found and declared that by reason of lack of maintenance and progressive deterioration, the exterior appearance of certain properties has the further effect of creating blighting conditions and initiating depressed neighborhood groupings, and that if the same are not curtailed and corrected, the conditions are likely to grow and spread and necessitate, in time, the expenditure of large amounts of public funds to correct and eliminate the same, and that by reason of timely regulations and restrictions, as herein contained, the growth of such blight may be prevented and the immediate neighborhood and property values thereby maintained.
 (Ord.2009-21. Passed 10/05/09)

1331.04 INTENT.

This Code shall be construed in accordance with its expressed intent of protecting public health, safety and welfare by establishing standards governing the maintenance, appearance and exterior condition of all buildings, structures and premises throughout the City. This Code is directed to visual

problems which may occasion deteriorated property values and incipient blighting conditions within the City. All matters of interior use, occupancy or habitation of any building or structure within the City are specifically excluded from the provisions of this Code, and all shall matters shall be dealt with as outlined in Section 1331.06(b).

(Ord.2009-21. Passed 10/05/09)

1331.05 SEVERABILITY.

If a section, subsection, sentence, clause or phrase of this Code is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Code.

(Ord.2009-21. Passed 10/05/09)

1331.06 APPLICABILITY.

(a) General. This Code shall apply to every residential, nonresidential or mixed occupancy building and the land on which it is situated, used or intended to be used for dwelling, commercial, business or industrial occupancy. This chapter establishes standards for maintenance and upkeep of the exterior of all residential and nonresidential structures and the property upon which such structures are located and all vacant lots. Where, in a specific case, different sections of this Code specify different requirements, the most restrictive shall govern.

(b) Interior of Structures.

(1) *Residential*: Maintenance of residential buildings, structures and the building equipment enforced in accordance with section 115.2 of the Ohio Residential Code and Chapter 1321 of this Code, as applicable.

(2) *Nonresidential*: Maintenance of nonresidential buildings, structures, equipment and parts thereof shall be enforced in accordance with section 3401.2 of the Ohio Building Code and Chapter 1321 of this Code, as applicable.

(c) Maintenance Responsibilities. Except as otherwise specified herein, the owner or the owner's designated agent shall be responsible for the maintenance of all dwellings, buildings, structures and premises. In the case of commonly-held properties associated with condominium or other similar property arrangement in which there is joint or common interest, ownership or control, it shall, in addition to the collective responsibility of each and every one of the owner-members, be the responsibility of the designated owners' association or similar organization to maintain all common areas and those items that are under its direct ownership or control.

(d) Application of Other Codes. Repairs, additions or alterations to any dwelling, building or structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of this Code and the City's Building Codes, as applicable.

(e) Existing Remedies. The provisions in this Code shall not be construed to abolish or impair any remedies, whether in law or in equity, relating to the removal or abatement of any condition which is dangerous, unsafe and/or unsanitary by the City, its officers or its agents.

(f) Workmanship. Repairs, maintenance work, alterations or installations which result either directly or indirectly from the enforcement of this Code shall be executed and installed in workmanlike manner, in accordance with this Code, the City's Building Codes, as applicable, and in accordance with the manufacturer's installation instructions.

(Ord.2009-21. Passed 10/05/09)

CHAPTER 1333
Definitions

1333.01 Construction of Language

1333.02

Definitions

1333.01 CONSTRUCTION OF LANGUAGE.

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

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

(c) Interpretation. For the purposes of this Code, the following terms, phrases, words and their derivations shall be interpreted as follows:

- (1) Words used in the singular shall include the plural, and the plural the singular;
- (2) Words used in the present tense shall include the future tense;
- (3) Words in the masculine gender shall include the feminine and the neuter;
- (4) The words “shall” and “will” are mandatory and not discretionary;
- (5) The word “may” is permissive.

(Ord.2009-21. Passed 10/05/09)

1333.02 DEFINITIONS.

(a) Appeals Board. “Appeals Board” means the City of Franklin Planning, Zoning and Building Appeal Board.

(b) Approved. The term “Approved” shall mean approved by the Code Official under the provisions of this Code, or approved by some other authority designated by law to give approval in the matter in question, as applied to a material, device or method of construction.

(c) Building. The term “Building” shall include every residential, nonresidential or mixed used occupancy building used for, or intended to be used for dwelling, commercial, business or industrial occupancy. For the purposes of this Code, the term “Building,” may include the terms “Dwelling” and “Structure.”

(d) Building Code. The most current edition of the City of Franklin Building Code and/or Residential Code, as applicable, or such other code as may be officially designated by Council, for the regulation of construction, alteration, addition, repair, removal, demolition, use, location, occupancy and maintenance of all buildings and structures within the City’s jurisdictional boundaries.

(e) City. City shall mean the City of Franklin, Ohio.

(f) Code Official. The official charged with the administration and enforcement of this Code, or his duly authorized representative. The terms “Code Official” and “Enforcement Officer” shall be interchangeable for the purposes of this Code.

(g) Collector’s Vehicle. Any motor vehicle or agricultural tractor or traction engine that is of special interest, that has a fair market value of one hundred dollars or more, whether operable or not, and that is owned, operated, collected, preserved, restored, maintained, or used essentially as a collector's item, leisure pursuit, or investment, but not as the owner's principal means of transportation. “Licensed collector's vehicle” means a collector's vehicle, other than an agricultural tractor or traction engine, that

displays current, valid license tags issued under section 4503.45 of the ORC, or a similar type of motor vehicle that displays current, valid license tags issued under substantially equivalent provisions in the laws of other states.

(h) Dwelling. A building or portion thereof designed, intended or used primarily for residential purposes, including cooking and sanitary facilities. The term does not include a tent, cabin, trailer, mobile home, motel, or hotel. For the purposes of this Code, the term “Dwelling” may include the term “Building” and “Structure.”

(i) Enforcement Officer. The official designated herein or otherwise charged with the responsibilities of administering this Code, or his authorized representative. The terms “Enforcement Officer” and “Code Official” shall be interchangeable for the purposes of this Code.

(j) Exterior Property. The open space on the premises, and on adjoining property, if applicable, under the control of the owners or operators of such premises.

(k) Extermination. The control and elimination of insects, rats or other pests by eliminating their harborage places by removing or making inaccessible materials that serve as their food or bedding, or by poison, spraying, fumigating, trapping, or by any other approved pest-elimination methods.

(l) Garbage. The animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food. It shall be taken to mean and include all table and kitchen refuse of every kind and description; also decaying vegetables and meats, or anything that will, or may, decompose and become offensive or dangerous to health. (See also “Junk,” “Litter” and “Rubbish”).

(m) Imminent Danger. A condition that is reasonably certain to place life or limb in peril by posing an impending and immediate danger.

(n) Infestation. The presence within, or contiguous to, a structure or premises of insects, rats, vermin or other pests.

(o) Junk. Scrapped materials such as glass, rags, paper, metal, or other scrap or waste material of whatsoever kind or nature, that is collected or accumulated for resale, salvage; disposal or storage; scrapped or worn-out vehicle parts, appliances, equipment or parts thereof, whether serviceable or not; or anything worn-out or fit to be discarded. (See also “Garbage,” “Litter” and “Rubbish”).

(p) Junk Motor 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.

(q) Litter. Includes any garbage, waste, peelings of vegetables or fruits, rubbish, ashes, cans, bottles, wire, paper, cartons, boxes, parts of automobiles, wagons, furniture, glass, oil of an unsightly or unsanitary nature, or anything else of an unsightly or unsanitary nature. (See also “Garbage,” “Junk” and “Rubbish”).

(r) Motor Vehicle. Motor Vehicle shall be as defined in Section 4501.01(B) of the Ohio Revised Code.

(s) Noxious Weeds. Noxious weeds shall be as defined by Ohio Administrative Code Chapter 901:5-37.

(t) Nuisance. Any offensive, annoying, unpleasant, or obnoxious activity or omission which results in such condition(s), that endangers life, health, gives offense to the senses, violates the laws of decency, or unreasonably obstructs, annoys or disturbs the reasonable and comfortable use by another of his property, and includes, but is not limited to, the following:

- (1) A physical condition, or use of any building, structure or premises regarded as public nuisance at common law;
- (2) Any physical condition, use or occupancy of any building, structure premises or its appurtenances considered an attractive nuisance to children, including but not limited to junk motor vehicles, abandoned wells, shaft, basements, excavations, abandoned refrigerators and unsafe fences or structures;
- (3) Any building, structure or premises which have unsanitary sewerage or plumbing facilities;
- (4) Any building, structure or premises which, by occasioning noxious exhalations or noisome or offensive smells, becomes injurious to the health, comfort or property of individuals or the public;
- (5) Any building, structure or premises which are manifestly capable of being a fire hazard, or are manifestly unsafe or insecure as to endanger life, limb or property;
- (6) Any building, structure or premises on which offal, filth, or noisome substances are collected or remain in any place to the damage or prejudice of others or of the public;
- (7) Any building, structure or premises which are unsanitary, or which are littered with rubbish, litter or garbage;
- (8) Any structure or building that is in a state of dilapidation, deterioration, decay or general neglect; faulty construction; overcrowded, open, vacant or abandoned; damaged by fire to the extent as not to provide shelter, in danger of collapse or failure and is dangerous to anyone on or near the premises;
- (9) The unlawful obstruction or impediment of the passage of any watercourse, stream or water, or the unlawful diversion of such watercourse from its natural course or state to the injury or prejudice of others;
- (10) The collection of stagnant water or putrid substances on any premises, or allowing any condition or obstruction that allows stagnant water to collect on private property;
- (10) The maintaining of a junk motor vehicle; or
- (11) Weeds or grass growing on any premises at a height of ten (10) inches or higher.

(u) ORC. ORC means the Ohio Revised Code.

(v) Owner. Any person, agent, firm, corporation, or partnership that alone, jointly, or severally with others:

- (1) Has legal or equitable title to any premises, building, structure, dwelling or dwelling unit, with or without accompanying actual possession thereof; or
- (2) Has charge, care or control of any premises, building, structure, dwelling or dwelling unit, as agent of the owner or as executor, administrator, trustee or guardian of the estate of the beneficial owner.

The person(s) shown on the records of the Warren County Recorder to be the owner(s) of a particular property shall be presumed to be the person(s) in control of that property.

(w) Person. Any individual, trustee, receiver, personal representative, assignee or guardian, or a corporation, association, organization, partnership or any other group acting as a unit.

(x) Premises. A lot, plot or parcel of land with its appurtenances, building, dwellings and/or structures thereon, and including any yards.

(y) Private Property. Any building, structure or premises within the City of Franklin which is privately owned and which is not public property, as defined herein.

(z) Public Property. Any street, highway, public right-of-way or public easement, or any other publicly owned property or facility.

(aa) 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, metal, mineral matter, glass, crockery and dust and other similar materials. (See also "Garbage," "Junk" and "Litter").

(bb) Strict Liability Offense. An offense whose elements do not contain the need for criminal intent or *mens rea*; in prosecuting such case, it only need be proven that the defendant either did the act which was prohibited, or failed to do an act which the defendant was legally required to do.

(cc) Structure. A combination of materials forming an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner, but excluding the following: utility mains, lines and underground facilities. As used in this Code, the term "Structure" may include the terms "Building," and/or "Dwelling."

(dd) Toxic or Noxious Substance. Any solid, liquid, or gaseous matter including, but not limited to, gases, vapors, dusts, fumes, and mists containing properties that by chemical means are inherently harmful and likely to destroy life or impair health or capable of causing injury to the well-being of person or damage to property.

(ee) UDO. UDO means the City of Franklin Unified Development Ordinance.

(ff) Used Building Materials. Any materials including, but not limited to, wood, stone, brick, cement blocks or any composition or combination thereof, used or useful in the erection of any building or structure which has been used previously for the erection or construction by the same person or other persons.

(gg) Vacant. Lands or buildings that are not actively used for any purpose.

(hh) Workmanlike. Executed in a skilled manner, e.g., generally plumb, level, square, in line, undamaged and without marring adjacent work.

(ii) Yard. An open space at grade between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward.
(Ord.2009-21. Passed 10/05/09)

CHAPTER 1335
Administration and Enforcement

1335.01	Department of Property Maintenance Inspection	1335.04	Violations and Penalties
1335.02	Duties and Powers of the Code Official	1335.05	Notice and Orders
1335.03	Modifications	1335.06	Transfer of Ownership
		1335.07	Emergency Measures

1335.01 DEPARTMENT OF PROPERTY MAINTENANCE INSPECTION.

(a) General. The Department of Property Maintenance Inspection is hereby created and the executive official in charge thereof shall be known as the Code Official.

(b) Appointment. The Code Official shall be appointed by the City Manager, upon the concurrence of City Council, and the Code Official so appointed may be a person or agency providing services to the City pursuant to contract.

(c) Deputies. With the concurrence and approval of the City Manager, the Code Official shall have the authority to appoint Deputy Code Officials, other related technical officers, inspectors and other employees.

(d) Restriction of Employees. An official or employee connected with the enforcement of this Code shall not be engaged in, or directly or indirectly connected with, the furnishing of labor, materials or appliances for the construction, alteration or maintenance of any dwelling, structure, building or premises, or the preparation of construction documents therefor, unless that person is the owner of the building; nor shall such officer or employee engage in any work that conflicts with his official duties or with the interests of the Department.

(e) 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 Franklin, 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 official duties.

(Ord.2009-21. Passed 10/05/09)

1335.02 DUTIES AND POWERS OF THE CODE OFFICIAL.

(a) General. The Code Official, or his designee, shall be responsible for enforcing the provisions of this Code.

(b) Authority. The Code Official shall have the authority to:

- (1) To interpret and implement the provisions of this Code and to secure the intent thereof;
- (2) To designate requirements applicable because of local climatic or other conditions.

(c) Inspections. The Code Official shall make all inspections required by this Code, or shall accept reports of inspection by approved agencies or individuals, such as the Warren County Health Department, or the Fire Marshal. All 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 experts or professionals, as he may deem necessary, to report upon unusual technical issues that arise, subject to the approval of the City Manager.

(d) Right of Entry. The Code Official is authorized to enter any premises at reasonable times, and upon reasonable notice to the owner, in order to inspect; however such right shall be subject to constitutional restrictions on unreasonable searches and seizures. If entry is refused or not obtained, the Code Official is authorized to pursue recourse as provided by law including, but not limited to, seeking an administrative search warrant.

(e) Identification. The Code Official shall carry proper identification when inspecting structures or premises in the performance of his duties under this Code.

(f) Notices and orders. The Code Official shall issue all necessary notices or orders to ensure compliance with this Code, in accordance with Section 1335.05.

(g) Department Records. The Code Official shall keep official records of all business and activities of the Department, as specified in this Code. Such records shall be retained as long as the building, dwelling, structure or premises to which such records relate remains in existence, unless otherwise provided for by other regulations.

(h) Coordination of Inspections. Whenever, in the enforcement of this Code, the Code Official finds that any other official of the City, County or State is engaged in the process of enforcing another City code or ordinance, County regulation, or State rule or regulation, it shall be the duty of the Code Official to coordinate his inspections and administrative orders with those of the other officials, as fully as practicable, so that visits of numerous inspectors and multiple or conflicting orders can be minimized. Whenever an inspector from any agency or department of the City observes an apparent or actual violation of any provision of this Code, the inspector shall report his findings to the Code Official.

(i) Appeals. Any person adversely affected by an administrative decision regarding any rule, requirement or interpretation made by the Code Official may appeal such decision to the Appeals Board. Such appeal shall be filed within thirty (30) days of the issuance of the Code Official's decision. (Ord.2009-21. Passed 10/05/09)

1335.03 MODIFICATIONS.

(a) Whenever the Code Official finds that the enforcement of the provisions of this Code would impose a burden upon the owner of the building or structure that unduly outweighs the City's interest in the health, safety or welfare of the public, the Code Official shall have the authority to grant modifications for individual cases. Such modifications shall not be granted unless the Code Official finds that:

- (1) Special conditions, which do not result from any action or omission by the aggrieved party, make the strict letter of this Code impractical;
- (2) The modification is in compliance with the intent and purpose of this Code; and
- (3) Granting the modification would not lessen any other health, life and/or fire safety requirements.

Any modifications granted by the Code Official shall be recorded and entered in the department files.

(b) Alternative Materials, Methods and Equipment. The provisions of this Code are not intended to prevent the installation of any material or to prohibit any method of construction not specifically prescribed by this Code, provided that the Code Official has approved any such alternative. An alternative material or method of construction may be approved where the Code Official finds that the proposed design is satisfactory and complies with the intent of the provisions of this Code, and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this Code in quality, strength, effectiveness, fire resistance, durability and safety.

(c) Required Testing.

- (1) Whenever there is evidence of noncompliance with the provisions of this Code, or evidence that a material or method does not conform to the requirements of this Code, or in the consideration of requests for alternative materials or methods, the Code Official shall have the authority to require tests be made as evidence of compliance, at the cost of the owner.
- (2) Test methods shall be as specified in this Code or by other industry-recognized test standards. In the absence of recognized and accepted test methods, the Code Official shall approve the testing procedures.
- (3) All tests shall be performed by an approved agency.
- (4) Reports of tests shall be retained by the Code Official for the period required by section 1335.02(g).

(d) Material and Equipment Reuse. Materials, equipment and devices shall not be reused unless such elements are in good repair or have been reconditioned and tested when necessary, and have placed in good and proper working condition, and have been approved by the Code Official.

(e) Appeals. Any person aggrieved by the denial of a modification, or any person specially aggrieved by the granting of a modification, may appeal such decision to the Appeals Board. Such appeal shall be filed within thirty (30) days of the issuance of the Code Official's decision.
(Ord.2009-21. Passed 10/05/09)

1335.04 VIOLATIONS AND PENALTIES.

(a) Unlawful Acts. It shall be unlawful for any owner to maintain, or allow to be maintained, any building, dwelling, structure or premises in conflict with, or in violation of, any of the provisions of this Code, or for any person to violate any provision of this Code. Upon the issuance of a notice of violation and a correction order, it shall be unlawful for any owner or any person to fail to comply with said notice and correction order.

(b) Notice. The Code Official shall serve notices of violation and correction orders in accordance with Section 1335.05.

(c) Prosecution of Violations. Upon the failure of any owner or any person to comply with a notice of violation and a correction order served in accordance with Section 1335.05, the Code Official may institute the appropriate proceeding, whether in law or in equity, to restrain, correct or abate such violation.

(d) Penalties. Unless otherwise provided in this Chapter, the penalties for violation of this Code shall be as follows. The application of the penalties herein described shall not prevent the abatement of prohibited conditions.

- (1) *First Offense:* Any person who fails to comply with a notice of violation and correction order served in accordance with Section 1335.05, or any person who violates any other provision of this Code, shall be deemed guilty of a minor misdemeanor, and the violation shall be deemed a strict liability offense. The penalty shall be one hundred fifty dollars (\$150.00) per violation, and each day the violation continues shall be considered a separate offense.
- (2) *Second Offense:* Any person who fails to comply with a notice of violation and correction order served in accordance with Section 1335.05, or any person who violates any other provision of this Code, upon a conviction of a second offense within a two-year time period, shall be guilty of a misdemeanor of the third degree, and the violation shall be deemed a strict liability offense. The penalty shall not more than five hundred dollars (\$500.00), nor less than two hundred and fifty dollars (\$250.00) per violation, and no more

than sixty (60) days imprisonment. Each day the violation continues shall be considered a separate offense.

- (3) *Subsequent Offenses*: Any person who fails to comply with a notice of violation and correction order served in accordance with Section 1335.05, or any person who violates any other provision of this Code, upon a conviction of a third offense or more within a two-year time period, shall be guilty of misdemeanor of the first degree, and the violation shall be deemed a strict liability offense. The penalty shall be not more than one thousand dollars (\$1,000.00) nor less than five hundred dollars (\$500.00), and no more than one hundred and eighty (180) days imprisonment. Each day the violation continues shall be considered a separate offense.

(e) Abatement of Violations. Where the owner of any building, dwelling, structure or premises fails to comply with the notice of violation and correction order served in accordance with Section 1335.05, within the time period specified in the notice and order, the Code Official may cause such violation to be corrected, removed and/or abated. The City Manager, upon receipt of such order from the Code Official, may contract with a private person or firm to accomplish the task. The actual cost of bringing the property into compliance, plus twenty-five percent (25%) for inspections and administration, shall be billed to the owner. If the bill is not paid within ten (10) days after submission to the owner, then the City's Finance Director shall certify the costs, together with an additional ten percent (10%) penalty, to the Warren County Auditor for placement upon the tax duplicate, to be collected as other taxes are collected for return to the City.

(f) Other Remedies. The imposition of the penalties herein prescribed shall not preclude the City from instituting the appropriate action, whether in law or in equity, to restrain, correct or abate a violation, or to prevent illegal occupancy of a building, structure or premises, or to stop an illegal act, illegal business or the illegal use of any building, dwelling, structure or premises, or any other unlawful act under the provisions of this Code.

(Ord.2009-21. Passed 10/05/09; Ord. 2011-03. Passed 03/21/11)

1335.05 NOTICES AND ORDERS.

(a) Notice of Violation. Whenever the Code Official determines that there has been a violation of this Code or has grounds to believe that a violation has occurred, notice shall be given to the owner of the building, dwelling, structure or premises in the manner prescribed in this section.

(b) Form of Notice. Notices shall be in writing and shall contain the following information:

- (1) A description of the real estate sufficient for identification;
- (2) A statement outlining the violation(s); and
- (3) A correction order allowing a reasonable time for the owner(s) to make the repairs and/or improvements required to bring the building, dwelling, structure or premises into compliance with the provisions of this Code.

(c) Method of Service. Notices shall be deemed properly served upon the owner by any of the following methods:

- (1) Personal service;
- (2) Registered or certified mail sent to the owner last known mailing address;
- (3) Ordinary mail sent to the owner last known mailing address, evidenced by a certificate of mailing;
- (4) Posting the notice in a conspicuous place in or about the premises which is the subject of the notice; or
- (5) Publication of the notice in a newspaper of general circulation in the County.

(d) Penalties. Penalties for noncompliance with notices of violation and correction orders shall be as set forth in Section 1335.04(d).
(Ord.2009-21. Passed 10/05/09)

1335.06 TRANSFER OF OWNERSHIP.

(a) It shall be unlawful for the owner of any building, dwelling, structure or premises who has been served with a notice of violation and correction order to sell, transfer, mortgage, lease or otherwise dispose of such property to another, except under the following circumstances:

- (1) The provisions of the correction order have been complied with; or
- (2) The Code Official has been furnished with an affidavit from the grantee, transferee, mortgagee or lessee that:
 - A. Acknowledges receipt of a true copy of the notice of violation and correction order from the owner; and
 - B. States the grantee's, transferee's, mortgagee's or lessee's unconditional acceptance of the responsibility for making the corrections or repairs required by the correction order.

(b) Whoever violates this section shall be guilty of a misdemeanor of the first degree, and the violation shall be deemed a strict liability offense. The penalty shall be not more than one thousand dollars (\$1,000.00) nor less than five hundred dollars (\$500.00), and no more than one hundred and eighty (180) days imprisonment.
(Ord.2009-21. Passed 10/05/09)

1335.07 EMERGENCY MEASURES.

(a) Imminent Danger. When, in the opinion of the Code Official, any premises poses an imminent danger to any person, the Code Official is hereby authorized and empowered to order and require the occupants to vacate the building, dwelling, structure or premises forthwith.

(b) Emergency Repairs.

- (1) Notwithstanding other provisions of this Code, whenever, in the opinion of the Code Official, there is imminent danger due to an unsafe condition that creates an emergency, the Code Official shall order the necessary work to be done to render premises temporarily safe, whether or not the legal procedure herein described has been instituted; and shall cause such other action to be taken he deems necessary to meet such emergency.
- (2) For the purposes of this section, the City shall employ the necessary labor and materials to perform the required work as expeditiously as possible.
- (3) Actual costs incurred by the City in the performance of emergency work shall be charged to the owner, together with an administrative fee of two hundred dollars (\$200.00). Notice of such assessment shall be served upon the owner in accordance with the notice provision of Section 1335.05(c). If the bill is not paid within ten (10) days after submission to the owner, then the City's Finance Director shall certify the costs, together with a fifty dollar (\$50.00) penalty, to the Warren County Auditor for placement upon the tax duplicate, to be collected as other taxes are collected for return to the City.

(c) Closing Streets. When necessary for public safety, the Code Official may temporarily close structures and close, or order the authority having jurisdiction to close, sidewalks, streets, public ways and places adjacent to unsafe premises and prohibit the same from being utilized.
(Ord.2009-21. Passed 10/05/09)

CHAPTER 1337
General Requirements

1337.01	General	1337.07	Junk Motor Vehicles
1337.02	Exterior Property Areas	1337.08	Abandoned Refrigerators
1337.03	Exterior of Structure	1337.09	Sidewalks
1337.04	Weeds and Grass	1337.10	Standing Water; Putrid Substances
1337.05	Garbage, Junk, Litter and Rubbish	1337.11	Noxious Odors
1337.06	Extermination	1337.12	Tree Trimming

1337.01 GENERAL.

(a) Scope. The provisions of this Chapter govern the minimum requirements, conditions, and responsibilities of owners for the exterior maintenance of buildings, dwelling, structures or premises.

(b) Responsibility. The owner of the building, dwelling, structure and/or premises shall be held responsible for the maintenance of exterior of the structures and property in compliance with these requirements, except as otherwise provided for in this Code. Any agreement between the owner and the occupant of a building, dwelling or structure, whether written or oral, whereby the occupant is responsible for keeping the building, dwelling, structure, or any part thereof, in a clean, sanitary and safe condition shall be enforced by the owner and not the City.

(c) Vacant Structures and Land. All vacant buildings, dwellings, structures, premises and/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, safety or welfare.
(Ord.2009-21. Passed 10/05/09)

1337.02 EXTERIOR PROPERTY AREAS.

(a) Sanitation. All exterior property and premises shall be maintained in a clean, safe and sanitary condition.

(b) Grading and Drainage. All premises shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water within any structure located thereon and/or anywhere on the premises, with the exception of detention/retention areas and reservoirs that have been approved by the City.

(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.

(d) Rodent Harborage. All buildings, dwelling, structures, premises and exterior property shall be kept free from rodent harborage and infestation. Where rodents are found, approved processes that will not be injurious to human health shall promptly exterminate them. After extermination, proper precautions shall be taken to eliminate the rodent harborage and prevent re-infestation.

(e) 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.

(f) Accessory Structures. All accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in good repair.

(g) Gates. Gates which are required to be self-closing and self-latching in accordance with the Building Code or the UDO shall be maintained in such a manner that the gate will positively close and latch when released from a still position of 6 inches (152 mm) from the gatepost.

(h) Swimming pools. Swimming pools shall be maintained in a clean and sanitary condition and in good repair.

(i) Firewood. Firewood shall be stacked and maintained in a neat and tidy manner.

(j) Defacement of Property. No person shall willfully or wantonly damage, mutilate or deface any exterior surface of any building, dwelling or structure 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.

(k) Trailers. No trailer, when loaded with trash, garbage, junk, litter, or damaged/inoperable vehicles shall be parked for a period longer than forty-eight (48) hours, except in a totally enclosed building, or as otherwise approved by the Code Official.

(l) Semi-Trailers. No semi-trailer shall be used as a storage facility, except that semi-trailers parked on construction job sites may be used for storage related to the site, but shall be removed upon completion of the project. No semi-trailer shall be used for the display of signs or banners.
(Ord.2009-21. Passed 10/05/09)

1337.03 EXTERIOR OF STRUCTURE.

(a) General. The exterior of a structure shall be maintained in good repair, structural soundness and a sanitary condition to prevent posing a threat to the health, safety or welfare of the occupant or the public.

(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 watertight. 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 established 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) Premises Identification. Buildings, dwellings and structures shall have City approved address numbers placed in a position to be plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be a minimum of 3 inches high with a minimum stroke width of 0.5 inch.

(d) Structural Members. All structural members shall be maintained in a sound condition, free from deterioration, and shall be capable of safely supporting the imposed dead and live loads.

(e) Walls.

(1) 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.

- (2) 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.
- (f) Roofs and Drainage.
- (1) *Roofs:* The roof and flashing shall be sound, not have defects that admit rain, and shall be maintained weather-tight. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure, and shall be handled by suitable collectors and downspouts.
 - (2) *Drainage:* 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, nor in a manner that causes excess water to flow onto adjacent property or over sidewalks. Connection of any pipe carrying roof water, yard drainage or foundation drainage to a sanitary sewer is prohibited.
- (g) Decorative Features. All cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features shall be maintained in good repair, with proper anchorage, and in a safe condition.
- (h) 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, properly anchored, and 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.
- (i) 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 shall be capable of supporting the imposed loads.
- (j) 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.
- (k) 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.
- (l) Windows, Skylights and Door Frames.
- (1) Every window, skylight, door and frame shall be kept in sound condition, good repair and shall be weather-tight.
 - (2) *Glazing:* All glazing materials shall be maintained free from cracks and holes.
 - (3) *Insect Screens:* During the period from March 1 to November 30, insect screening shall be required on all door, window and outside openings required for the 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. Such insect screening shall consist of approved tightly-fitting screens of not less than 16 mesh per inch (16 mesh per 25 mm), and every swinging door shall have a self-closing device in good working order. Insect screening may not be required where other approved means, such as air curtains or insect repellent fans, are employed.

(m) Doors. All exterior doors, door assemblies and hardware shall be maintained in good condition.

(n) Basement Hatchways. Every basement hatchway shall be maintained in a manner that prevents the entrance of rodents, rain and surface drainage water.

(o) 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.
(Ord.2009-21. Passed 10/05/09)

1337.04 WEEDS AND GRASS.

(a) Cutting Required.

- (1) The owner of all premises, whether residential, non-residential, commercial or industrial, and whether occupied or vacant, shall cut down and remove therefrom all offensive and noxious weed, vines, and grass of a height of ten (10) inches or more, and any and all weeds, vines and grass constituting a threat to the public health, safety, comfort or welfare.
- (2) It is a prima-facie violation of this section if weeds or grass of a height ten (10) inches or more exist on any lot, parcel or premises within the City between April 1 and November 1.
- (3) The City Manager shall cause annual notice to be published, in March of each year, in a newspaper of general circulation in the County notifying City residents of the requirements of this section.

(b) Notice to Cut.

- (1) When the Code Official determines that such weeds or grass are growing in violation of this section, he shall serve written notice, in accordance with Section 1335.05, upon the owner of the premises upon which such weeds or grass are located, ordering the owner to cut and remove such weeds and/or grass.
- (2) If the address of the owner is unknown, it is sufficient to serve the owner by posting the notice in a conspicuous place in or about the premises which is the subject of the notice.
- (3) Only one notice per calendar year is required per lot, parcel or premises under this section. If, after a notice has been served in accordance with this section, the Code Official determines that a subsequent violation has occurred, the City may proceed with the remedy set forth in subsection (d) hereof.

(c) Failure to Comply. No owner shall fail to comply with the notice provided for in subsection (b) hereof within five (5) days from the receipt thereof.

(d) Procedure When Owner Fails to Comply.

- (1) If the owner fails to comply with the notice provided for in subsection (b) hereof, the City shall cause such weeds, grass or other vegetation to be cut and removed.
- (2) The costs incurred by the City to cut said weeds, grass or other vegetation, including the cost to serve notice, shall be charged to the owner, together with an administrative fee of two hundred dollars (\$200.00). Notice of such assessment shall be served upon the owner in accordance with the notice provision of Section 1335.05(c). If the bill is not paid within ten (10) days after submission to the owner, then the City's Finance Director shall certify the costs, together with a fifty dollar (\$50.00) penalty, to the Warren County Auditor for placement upon the tax duplicate, to be collected as other taxes are collected for return to the City.

(e) Responsibility of Adjacent Owner.

The owner of each lot adjacent to a street or alley shall be responsible for the area between the curb and the sidewalk, or between the edge of the street and the property line where there is no curb or

sidewalk, and the area between the center line of the alley and the property line or the center line of an unimproved street and the property line.

(f) Penalties.

The procedure outlined under subsection (d) hereof shall be the exclusive remedy of a violation of this section.

(g) Exemptions:

(1) Agricultural Exemption:

A. If, in the year 2009, prior to the effective date of these regulations, high grass and weeds were being grown upon the premises for use agriculturally as hay, the owner of the premises may apply to the City Manager, upon the form provided by the City Manager, for an exemption from these regulations. Upon verification that high grass and weeds were being grown upon the premises for use agriculturally as hay in the year prior to the effective date of these regulations, the City Manager shall grant the exemption. If, in any year, the use of this exemption ceases, the exemption shall cease, unless the reason the exemption ceased was the use of the property for another pre-existing agricultural use.

B. Any premises granted an agricultural exemption under this section shall still maintain a front yard setback of fifteen feet (15') from the curb or street edge in which the grass shall be kept at a height below ten inches (10").

(2) Government-Owned or Protected Land: These regulations shall not apply to land owned by the federal, state or municipal government, or to land that is protected under federal or state regulations including, but not limited to, wetlands, nature parks, riparian zones, or land under conservation easements.

(Ord.2009-21. Passed 10/05/09; Ord.2010-21. Passed 09/20/10)

1337.05 GARBAGE, JUNK, LITTER AND RUBBISH.

(a) Accumulation of Garbage, Junk, Litter and Rubbish. All exterior property and premises, and the interior of every building, dwelling and structure, shall be kept free from any accumulation of rubbish or garbage.

(b) Disposal of Garbage, Junk, Litter and Rubbish. Every owner a building, dwelling or structure shall dispose of all garbage, junk, litter and rubbish in a clean and sanitary manner by placing such materials in approved containers, and shall require all occupants of said building, dwelling or structure to do the same. Every occupant of a structure shall dispose of garbage in a clean and sanitary manner by placing such garbage in an approved garbage disposal facility or approved garbage containers.

(c) Disposal Facilities. The owner of every occupied building, dwelling, structure or premises shall supply approved, covered containers for the disposal of garbage, junk, litter and rubbish, and the owner of the premises shall be responsible for the removal of the same.

(d) Garbage facilities. The owner of every dwelling shall supply at least one of the following: an approved mechanical food waste grinder in each dwelling unit; an approved incinerator unit in the structure available to the occupants in each dwelling unit; or an approved leak-proof, tightly-covered, outside garbage container.

(e) Containers. The owner of every business establishment shall provide, and at all times shall cause the business operator to utilize, approved, leak-proof containers provided with close-fitting covers for the storage of waste materials resulting from said business until removed from the premises for disposal.

(Ord.2009-21. Passed 10/05/09)

1337.06 EXTERMINATION.

(a) Infestation. All structures shall be kept free from insect and/or rodent infestation. All structures in which insects or rodents are found shall be promptly exterminated by approved processes that will not be injurious to human health. After extermination, proper precautions shall be taken to prevent re-infestation.

(b) Responsibility. The owner of any building, dwelling, structure or premises shall be responsible for extermination, and shall be responsible for the continued rodent and pest-free condition of the building, dwelling, structure or premises. Any agreement between the owner and the occupant of a building, dwelling or structure, whether written or oral, whereby the occupant is responsible for keeping the building, dwelling, structure, or any part thereof, free from insect and/or rodent infestation shall be enforced by the owner and not the City.

(Ord.2009-21. Passed 10/05/09)

1337.07 JUNK MOTOR VEHICLES.

(a) No person shall maintain a junk motor vehicle, uncovered, in the open, on private property for more than forty-eight (48) hours.

(b) Recording Information. The Code Official shall photograph the junk motor vehicle that is in violation of these regulations, and shall record the make, model, serial number when available, and shall list the damages to the vehicle.

(c) Notice of Violation. The Code Official shall send notice of the violation, in accordance with Section 1335.05, to the owner of the private property upon which the junk motor vehicle is maintained, or the notice may be affixed in a conspicuous place on the exterior of the vehicle. Said notice shall:

- (1) Specify the location of the junk motor vehicle;
- (2) Identify the type of vehicle;
- (3) Specify the time period for removal, which time shall be no less than seven (7) nor more than twenty-one (21) days;
- (4) State the penalty for failure to remove the junk motor vehicle within the time period specified.

(d) Storage of Unlicensed Collector's Vehicles. No unlicensed collector's vehicle shall be maintained on private property unless the vehicle is concealed by means of buildings, fences, suitable vegetation, terrain or other suitable screening.

(e) Remedies. If the owner fails to comply with the provisions of the section, the Code Official may proceed under Section 1335.04, and in addition to any criminal actions, may abate the nuisance.

(Ord.2009-21. Passed 10/05/09)

1337.08 ABANDONED REFRIGERATORS OR OTHER AIRTIGHT CONTAINERS.

No person shall abandon, discard or knowingly permit to remain on premises own or controlled by him any abandoned or discarded refrigerator or other airtight container, or semi-airtight container, except in a completely enclosed and secured building. If such container has been placed on the property for removal by a trash collector, the container shall be secured or otherwise rendered harmless to human life in a manner to prevent any other person from being confined therein.

(Ord.2009-21. Passed 10/05/09)

1337.09 SIDEWALKS.

(a) Duty to Keep Sidewalks in Repair and Clean: No owner or person having charge of the property shall fail to keep the sidewalks, curbs and gutters on his property in repair and free of snow, ice, leaves,

grass clippings, debris, trash or any other nuisance, unless the owner or occupant has been otherwise directed by a public official in cases such as “Spring Clean Up” or “Fall Leave Pick Up.”

(b) No person shall allow any cellar or trap door, coal chute or elevator or lift opening in any sidewalk to remain open without providing suitable safeguards to protect and warn pedestrian traffic of the dangerous condition.

(Ord.2009-21. Passed 10/05/09)

1337.10 STANDING WATER; PUTRID SUBSTANCES.

(a) No person shall allow or permit stagnant water or putrid substances to be and remain upon his property in a way that is prejudicial to the health, comfort or convenience of any of the citizens of the neighborhood. “Stagnant” means a long-term gathering of water that has no place to drain, not short-term gathering of water in insignificant indentation from ground saturation after a heavy rain.

(b) No person shall fail to remove all obstructions from culverts, covered drains, or private property, laid in any natural watercourse, creek, brook, or branch, which obstructs the water naturally flowing therein, causing it to flow back or become stagnant, in a way that is prejudicial to the health, comfort, or convenience of any of the citizens of the neighborhood.

(c) Should any person fail to comply with any order of the Code Official under this section, the City may proceed with enforcement in accordance with Ohio Revised Code Section 715.47.

(Ord.2009-21. Passed 10/05/09)

1337.11 NOXIOUS ODORS.

(a) No person shall erect, continue, use, or maintain a dwelling, building, structure or place for a residence or for the exercise of a trade, employment or business, or for the keeping or feeding of an animal that, by occasioning or emitting noxious exhalations or noisome or offensive smells, becomes injurious to the health, safety or welfare of individual properties or of the public.

(b) No person shall allow or permit offal, filth or noisome substances to be collected or remain upon his property in a way that is prejudicial to the health, comfort, or convenience of any of the citizens of the neighborhood.

(Ord.2009-21. Passed 10/05/09)

1337.12 TREE TRIMMING.

No owner of any tree, any part of which overhangs or extends over any part of a public sidewalk or street, shall fail to trim or cause to be trimmed such tree to a height of at least fourteen feet (14ft.) over the street and nine feet (9 ft) over the sidewalk.

(Ord.2009-21. Passed 10/05/09)