

## ORDINANCE 990

### EXTERIOR PROPERTY MAINTENANCE ORDINANCE

#### 1. SCOPE

This ordinance is strictly limited to the establishment of minimum standards for the maintenance of the exterior of all structures and buildings within the village including yard areas immediately contiguous thereto.

#### 2. APPLICABILITY

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 shall be in compliance with the provisions of this ordinance, whether or not such building shall have been constructed, altered or repaired before or after the enactment of this ordinance. This ordinance establishes minimum standards for the initial and continued occupancy and use of all such structures and does not replace or modify standards otherwise established for the construction, repair, alteration or use of the building. Where there is mixed occupancy, residential or nonresidential use therein shall be nevertheless regulated by and subject to the provisions of this ordinance.

#### 3. CONFLICT OF LAWS

In any case where a provision of this ordinance imposes a higher standard than that set forth in any other ordinance by the village or law of the State, then the standard set forth herein shall prevail, but if a provision of this ordinance imposes a lower standard than that imposed by any other ordinance of the village or law of the State, then the higher standard contained in any such other ordinance or law shall prevail.

#### 4. ENFORCEMENT

The enforcement of any and all provisions of this ordinance is placed with the Mayor together with such additional enforcement officers as may be required.

#### 5. INSPECTION

All buildings and premises within the Village are subject to exterior inspections from time to time by the Mayor.

#### 6. NOTICE

Where a violation of any of the provisions of this ordinance is found to exist, the Mayor shall cause a written notice to be served the person responsible for the correction thereof. The notice shall specify the violation committed and shall provide for a reasonable period of time to remedy the violation not to exceed sixty (60) days. A violation of section 12, Yard Area Maintenance, shall be corrected or abated within 15 days. In the event other factors occur in correcting or abating a violation, the Mayor may extend the time set out herein.

Notice may be served personally or by certified mail addressed to the last known address of the person to be served or by leaving a copy thereof at the usual residence of the person to be served. If the last known address cannot be ascertained, the notice shall be posted on the outside front entrance of the structure in alleged violation.

In the absence of an appeal, as provided below, the completion of notice, and failure to comply, shall constitute a Final Order as to these administrative proceedings.

#### 7. APPEAL

Within ten (10) days of the date of service of notice, any person affected by the notice may request a hearing thereon before the Village Council by filing a written request with the village Clerk. The Clerk, upon receipt of the request, shall, within sixty (60) days set the matter for hearing and give the affected party a minimum of five (5) days notice.

#### 8. MAINTENANCE RESPONSIBILITY

The owner and manager of every single or multiple unit structure within the Village shall be responsible for maintaining the exterior surfaces of the same in conformance with the provisions of this Ordinance.

The owner and manager of every multiple unit structure within the Village shall be responsible for maintaining the yard area contiguous thereto in conformance with the provisions of this Ordinance.

The owner, manager and any adult resident of a single dwelling structure within the Village shall be responsible for maintaining the yard area immediately contiguous thereto in conformance with the provisions of section 12 of this Ordinance.

Unless expressly provided to the contrary in this Ordinance, the respective obligations and responsibilities imposed herein upon the owner and manager, as differentiates from those of the residents, shall not be altered or affected by an agreement or contract by and between any of the aforesaid, or between them and other parties.

#### 9. GENERAL EXTERIOR MAINTENANCE REQUIREMENTS

The exterior surfaces of all structures within the village; whether functional or esthetic shall be maintained in good repair. Any exterior part or feature thereof having functional use shall be capable of performing the use for which such part or feature was designed.

#### 10. EXTERIOR SURFACES

All exterior surfaces of every structure within the Village shall be maintained so as to resist decay or deterioration from any naturally-occurring cause. All exterior surfaces shall be covered with paint, finish or other surface coating so as to prevent such decay or deterioration. An exterior wall segment, facing or other distinguishable surface area determined by the Village Council to have more than twenty-five percent (25) of its total area bare, peeling, flaking, pitted, corroded, or otherwise deteriorated shall be surface

coated in its entirety. If the surface to be coated is a portion of a larger structure, such surface coating shall be compatible in color, texture and design with the entire structure. If the entire exterior surface of a structure is to be surface-coated, such surface coating shall be compatible in color, texture and design with similar structures in the immediate neighborhood.

All deteriorated or decayed exterior walls, doors, porches, floors, steps, railings, or parts or features thereof, shall be repaired or replaced.

All damaged or broken windows, and deteriorated or decayed sill, sash, molding, lintel, frame or trim thereof shall be repaired or replaced.

#### 11. ROOFS, GUTTERS, DOWNSPOUTS AND CHIMNEYS

The roof of every structure within the Village shall be maintained weather-tight. All missing shingles, or other roofing materials, shall be replaced with materials of similar kind, nature, design and color as the original thereof. Any roof, or distinguishable portion thereof determined by the Village Council to have more than twenty-five percent (25) of its total area comprised of missing or deteriorated shingles, or other roofing material, shall be replaced in its entirety.

Any structure within the Village having gutters and/or downspouts in place shall be maintained in such a manner as to keep such gutters and/or downspouts free of exterior rust and corrosion. Such rust and corrosion as may develop in the course of ordinary use of the same shall be removed, painted or otherwise surface-coated so as to keep such gutters and/or downspouts free of visible rust or corrosion.

The chimney of every structure within the Village shall be maintained structurally sound and in good repair, free of loose, missing or deteriorated mortar and bricks, or other chimney building materials. Any such loose, missing or deteriorated mortar or bricks shall be refitted, replaced or repaired.

#### 12. YARD AREA MAINTENANCE

The yard area contiguous to all structures within the Village, and extending up to and including the lot line in all directions shall be maintained in a safe, clean and sanitary condition.

No furniture, mattresses, household furnishings, rugs, appliances, or automobile parts shall be placed or stored in any yard area contiguous to any structure within the Village over a period exceeding of twenty-four (24) hours, provided however, that such of the items as are set forth herein which are usually and ordinarily placed for municipal refuse hauling may be so placed for a period of time not to exceed the next regularly scheduled municipal refuse hauling date.

Exterior property areas of all premises shall be kept free of debris, objects, materials, or conditions that, in the opinion of the Village Council create a health, accident or fire

hazard, or are a public nuisance, or constitute a blighting or deteriorating influence on the neighborhood. Broken glass, stumps, filth, garbage, trash, and debris shall not be permitted on any property.

All trees, shrubs, plants and grass shall be maintained in conformance with Ordinance 1009.

### 13. APPURTENANT STRUCTURES

All structures located in the yard area contiguous to any residential and commercial structure within the Village, such as sheds, barns, garages, bins and the like, shall be maintained in good repair in conformance with other provisions of this Ordinance having regard to roofs and exterior surfaces.

Any broken, deteriorated or decayed fence, yard enclosure or other device or structure located in the yard area contiguous to any residential or commercial structure within the Village shall be repaired or removed.

### 14. ABANDONED STRUCTURES AND UNOCCUPIED LOTS

If any structure shall be come abandoned, such structure shall be presumed to be a nuisance affecting or endangering surrounding property values and to be detrimental to the public health, safety, convenience, comfort or general welfare of the community and shall be abated. A structure shall be presumed abandoned if it has not been used or occupied for the purpose it was intended for a period of one year.

Whenever the Mayor shall find any structure to be abandoned within the meaning of this Ordinance, notice shall be given in the same manner as service of summons in civil cases or by certified mail addressed to the owner of record of the premises at the last known address or to the address to which tax bills are sent, or by a combination of the foregoing methods, to abate such abandoned condition within Sixty (60) days either by placing the structure in operation in accordance with this Ordinance, adapting and using the structure for another use permitted in the Zoning District, or by razing the structure, removing all debris, any signs, goods, supplies and equipment, and filling depressions to the grade level of the lot, provided however, that if the structure is in use at the time notice is given and remains in operation for ninety (90) consecutive days, the provisions of this Ordinance shall not apply.

Upon the failure, neglect or refusal of any owner to comply with the notice to abate such abandonment, the Mayor shall advise the Village Solicitor of all the facts and the Village Solicitor shall proceed to exercise on behalf of the Village any remedy which shall then be available to it to secure an abatement of such abandonment, including any that pertains to the abatement of a public nuisance, and to recover any damages or enforce any penalties which may be recovered or imposed at the instance of the Village.

Unoccupied or inoperative structures, whether or not abandoned, the lot upon which any such structure is located, with any other unoccupied lot, shall be maintained in accordance with the provisions of this Ordinance. Any such lot shall be provided with

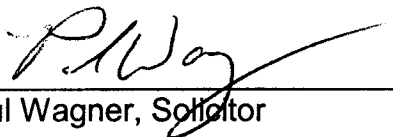
grass or other appropriate ground cover or landscaping material so as to assure absorption of rainfall and prevent erosion and rapid run-off of surface water. The owner shall cut and maintain all grass or other ground cover and remove all rubbish and weeds from the premises.

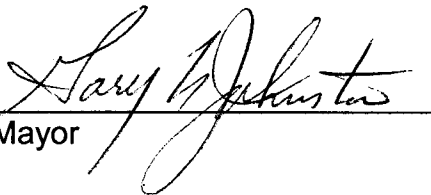
15. PENALTY

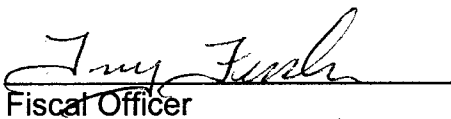
60 days after notice of the violation is served and the violation cited in the notice has not been appropriately remedied, the owner, manager, person, or entity cited in the notice may be issued a subsequent citation. Each day thereafter shall constitute a separate violation. Each offense cited shall be served in accordance with the provisions of this Ordinance. Each violation of this Ordinance shall be a Misdemeanor of the Fourth Degree as defined in the Ohio Revised Code.

PASSED this 4 day of April, 2006.

Approved as to form:

  
Paul Wagner, Solicitor

  
Mayor

  
Fiscal Officer

  
President of Council