

ORDINANCE NO. 2005-14

AN ORDINANCE OF THE VILLAGE OF NEW MADISON, OHIO, ESTABLISHING PROPERTY MAINTENANCE STANDARDS FOR RESIDENTIAL, COMMERCIAL, AND INDUSTRIAL PROPERTIES, FIXING THE RESPONSIBILITIES OF OWNERS, OPERATORS AND OCCUPANTS OF STRUCTURES AND THEIR PREMISES, AND PROVIDING FOR ADMINISTRATION, ENFORCEMENT, AND PENALTIES.

WHEREAS, the Council of the Village of New Madison, Ohio intends to support property values within the Village and such property values are affected by the condition and physical appearance of adjacent properties; and

WHEREAS, the accumulation of trash, rubbish, debris, and other nuisance conditions as defined herein constitute a threat to the health, safety and welfare of the residences of New Madison, Ohio; and

WHEREAS, the Village may abate any nuisance and prosecute in any court of competent jurisdiction, any person who creates, continues, contributes to, or causes such nuisance to exist as specified in Section 715.44 and Sections 731.51 through 731.54 of the Ohio Revised Code; and

WHEREAS, the Village may regulate by ordinance the use, control, repair, and maintenance of buildings used for human occupancy or habitation for the purpose of insuring the healthful, safe, and sanitary environment of the occupants thereof, as specified in Section 715.29 of the Ohio Revised Code;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF NEW MADISON, OHIO, as follows:

SECTION I: TITLE, PURPOSE, SCOPE

A. TITLE

This ordinance shall be known as the "Property Maintenance Code" of the Village of New Madison, Ohio (hereafter referred to as "the Village") and shall be referred to herein as "this Code".

B. PURPOSE

The purpose of this code is to provide minimum standards and regulations to help safeguard and preserve life or limb, property, and public welfare by regulating the use, occupancy, and maintenance of all structures, buildings, and properties within the Village.

C. SCOPE

This Code shall apply to all zoning districts, land, properties, structures, and buildings within the Village, including all vacant, occupied, residential, improved or unimproved land, properties, structures, and buildings.

D. OTHER ORDINANCES

If any other ordinances of the Village conflict with this Code and the standards and regulations established herein, the higher or stricter standard or regulation shall prevail.

E. INTENT

It is hereby declared to be the intent of this Code to protect the public health, safety, and welfare, property values, and general physical appearance of the Village by establishing minimum standards for maintenance, appearance, condition, and occupancy of structures, properties, and buildings within the Village; by fixing the responsibilities of owners, occupants, and operators of structures and their premises; and by providing for administration, enforcement, penalty, and appeals processes.

SECTION II: DEFINITIONS AND CONSTRUCTION OF LANGUAGE

A. CONSTRUCTION OF LANGUAGE

For the purposes of this Code, words and terms 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 neuter;
4. The word "shall" is mandatory and not discretionary;
5. The word "may" is permissive;
6. The phrase "used for" shall include the phrases "arranged for", "designed for", "intended for", "maintained for", and "occupied for";
7. The word "person" includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual;
and
8. The word "dwelling" includes the word "residence".

B. DEFINITIONS

All terms not defined within the Section or elsewhere in this Ordinance shall have their ordinary accepted meanings within the context with which they are used. Webster's New World Dictionary shall be considered as providing ordinary accepted meanings.

Accessory Structure: A building that is incidental to that of the main building and which is located on the same lot.

Approved: Approved by the Village Building and Zoning Inspector.

Basement: The portion of a building that is partly or completely below grade.

Condemn: To adjudge unfit for occupancy.

Dwelling Unit: A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.

Exterior Property: The open space on the premises and on adjoining property under the control of owners or operators of such premises.

Extermination: 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; by poison spraying, fumigating, trapping, or by any other approved pest elimination methods.

Habitable Space: Space in a structure for living, sleeping, eating, or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces, and similar areas are not considered habitable spaces.

Imminent Hazard: A condition that could cause serious or life-threatening injury or death at any time.

Infestation: The presence of insects, rodents, vermin, or other pests within a structure or premises.

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 the 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 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; or the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

Premises: A lot, plot, or parcel of land including any and all structures thereon.

Public Nuisance: The following conditions, acts, and items are declared to be nuisances;

1. **Fire Hazards:** Dry or dead shrubs, trees, vegetation, combustible refuse and waste or any material either upon public or private property which, by reason of its size, location, or manner of growth or storage, constitutes a fire hazard to a building, improvement, crop, or other property.
2. **Polluted Water:** A swimming pool, pond, or other body of water which is abandoned, unattended, unfiltered, or otherwise left without maintenance, resulting in the water becoming polluted by bacterial growth, algae, dead animal, reptile, and/or insect remains, rubbish, refuse, debris, or any other foreign matter or material which, because of its nature or location, constitutes and unsanitary or unsafe condition.
3. **Open Burning:** The intentional and/or unauthorized outdoor burning of any material, structure, matter, or thing, excluding the ignition of materials for cooking edible products for human consumption within generally accepted containers (such as store-bought grills or barbecue pits).
4. **Refuse and Waste:** Matter which, by reason of its location and character, interferes with the reasonable enjoyment of property by neighbors, detrimentally affects property values within the surrounding neighborhood or community, or interferes with the prevention or suppression of fire upon the premises or lot or creates a danger to the public safety and welfare. Such matter includes, but is not limited to: trash, rubbish, unused or discarded matter, and/or material having no substantial market value such as rubble, asphalt, concrete, plaster, tile, rocks, bricks, soil, building materials, crates, cartons, containers, boxes, machinery or parts thereof, scrap metal and other pieces of metal (ferrous or nonferrous), furniture, trimmings from plants and trees, cans, bottles, and barrels.
5. **Storage of Junk Vehicles:** Inoperative, abandoned, wrecked, or dismantled motor vehicles, as defined in Sections 4513.63 and

4513.65 Ohio Revised Code, which are stored outside a completely enclosed structure or visible from the street or neighboring properties.

Structure: Anything constructed or erected which requires location on the ground or attachment to something having location on the ground.

Tenant: A person occupying a building or portion thereof as a unit, whether or not that person is the legal owner of record.

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.

SECTION III: APPLICATION

A. APPLICATION OF PROPERTY MAINTENANCE CODE

The provisions of this Code shall apply to all premises and structures used or intended to be used for residential, commercial, or industrial purposes within the Village.

B. COMPLIANCE

Every portion of a building or premises used or intended to be used for residential, commercial, or industrial purposes within the Village shall be required to be in compliance with this Code.

C. CONFLICT OF LAWS

In any case where a provision of this Code is found to be in conflict with a provision of any zoning, building, fire, safety, or health ordinance, or other ordinance or regulation, the provision that establishes the higher standard for the promotion and protection of the safety, health, and general welfare of the Village shall prevail.

D. EXISTING REMEDIES

Nothing in this Code shall be deemed to abolish, impair, or prevent the execution of any existing remedies of the Village or its officers or agents to the abatement of a public nuisance.

E. SEVERABILITY

If any section, provision, or part of this Code is adjudged to be invalid or unconstitutional, such adjudication shall not affect the validity of this Code as a whole or any section, provision, or part hereof not adjudged invalid or

unconstitutional, and all remaining portions of this Code unaffected by adjudication shall remain in full force and effect.

F. RESPONSIBILITY AND TRANSFER OF OWNERSHIP

Every owner of a premise within the Village shall maintain such premises in compliance with this code. An owner shall not let, rent, or lease a premise for occupancy or use that does not comply with the provisions of this code.

It shall be unlawful for the owner of any dwelling unit or structure who has received a Notice of Violation to sell, transfer, mortgage, lease, or otherwise dispose of such dwelling unit or structure to another until all provisions of such Notice of Violation have been complied with and a Certificate of Compliance has been issued, or until such owner shall first furnish the grantee, transferee, mortgagor, or lessee a true copy of any Notice of Violation. In such a case, the owner shall furnish the Building and Zoning Inspector with a signed and notarized statement from the grantee, transferee, mortgagor, or lessee acknowledging the receipt of copy of said Notice of Violation and fully accepting, without condition, the responsibility of compliance with the provisions of the Notice of Violation.

SECTION IV: ENFORCEMENT

A. OFFICIALS

Enforcement of this Code shall be assigned to the Village Building and Zoning Inspector and/or his or her designee. The Village Police Department shall assist the Building and Zoning Inspector (hereafter referred to as "the Inspector") when necessary in the enforcement of this Code. Additionally, the Inspector may call upon other Village or County departments for necessary assistance in handling Code enforcement.

B. LIABILITY

No officer, agent, or employee of the Village shall be held personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his duties as prescribed under this Code.

C. INSPECTION

The Inspector shall be authorized to inspect or cause to be inspected all premises located within the Village for purposes of enforcing this Code. Inspections shall be conducted at reasonable hours only unless determination is made that an emergency situation exists. Upon request, the Inspector shall provide appropriate identification to the occupant and/or owner of such premises to be inspected. As a matter of routine, single family, owner-occupied dwellings will not be inspected for interior compliance. Exception to this shall be: cases of written complaints, when the Inspector has probable

cause of specific conditions that warrant inspection, or upon request by the owner/occupant.

D. PROCEDURES FOR CODE ENFORCEMENT

Notification: Upon the determination that a violation of this Code exists, the Inspector shall provide a detailed Notice of Violation to the occupants and/or owners of a premise. Such notice shall:

- a. Be in writing;
- b. Include a description of the premises sufficient for identification;
- c. Include a detailed description of the violation;
- d. Detail the action required to correct the violation and be in compliance with this Code;
- e. Allow a reasonable amount of time, in the judgment of the Inspector, for compliance;
- f. Specify penalties for non-compliance;
- g. State the right of the owner and/or occupant of the premises in question to appeal the Notice of Violation to the Village Planning Commission within seven (7) days of issuance.

Service: A Notice of Violation shall be deemed to be properly served if one (1) or more of the following methods are used.

- a. Such notice is served by the Inspector, a Village Police Officer, or other authorized designee of the Inspector by personal delivery to the owner and/or occupant of the premises or by leaving the Notice at the premises or the usual place of residence of the owner with a person of suitable age and discretion; or
- b. By certified mail deposited in the United States Post office addressed to the owner and/or occupant at their last known address, with return receipt requested. If such notice is returned unclaimed, notice shall be sent by ordinary mail and evidenced by a certificate of mailing, to be filed by the Inspector. Service shall be deemed complete when the certificate of mailing is filed by the Inspector; or
- c. By posting a copy of the notice form in a conspicuous place on the premises in violation of this Code and publishing a legal notice once a week for two (2) consecutive weeks in a newspaper of general circulation in the Village. Such legal notice shall identify the owners of the premises, the last address, if known, of the owner(s) of the premises, the parcel identification, and notification of violation of this Code.

E. PROCESS OF APPEALS

Building and Standards Board: To implement the purposes and Requirements of this Code, the Village of New Madison hereby creates a Building and Standards Board, hereafter referred to as "the Board". For the purposes of this Code, the Village of New Madison, Ohio Planning

Commission shall function as the Building and Standards Board.

1. Procedure: The Commission may adopt of procedure not inconsistent with this Code. No member of the Commission shall act as a voting member or take part in any hearing or determination in which he or she has a personal or financial interest. Three (3) members of the Commission in attendance at any meeting shall constitute a quorum. In all other facets, such as meeting times, Commission appointments, and the like, the Commission shall function in the manner specified by the Village's zoning regulations.
2. Authority: The Commission 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 inspector.

Hearings: Any person affected by any Notice of Violation which has been issued in connection with the enforcement of any provision of this Code may request and shall be granted a hearing on the matter before the Commission, provided that such person shall file in the office of the Inspector a written petition requesting such hearing and setting forth the name, address, and phone number of the petitioner and a brief statement of the grounds for such hearing or for the mitigation of any item appearing on any order of the Inspector. The petition shall be filed no later than seven (7) days after the receipt of the Notice of Violation; in any case, a petition for appeals must be filed prior to any deadline given for correcting said violation(s). Upon receipt of such a petition, the Inspector shall set a time and place for a hearing before the Commission and shall give the petitioner written notice thereof by first class mail postmarked at least ten (10) days prior to such hearing. Except for orders to vacate, enforcement of any notice and order issued by the Inspector shall be stayed during the pending of an appeal filed in a proper and timely matter. The hearing shall be held no less than ten (10) days and no more than forty-five (45) days from the date of filing. At such hearing, the petitioner shall be given an opportunity to be heard and to show cause why any item appearing on such notice or order should be modified or withdrawn. The failure of the petitioner or his representative to appear and state his case at such hearing shall have the same effect as if no petition was filed. In all such petitions, the burden of proof for modifying or withdrawing orders from the Inspector shall rest solely on the petitioner.

Findings: Prior to sustaining any violation and compliance order, the Commission shall find that the petitioner was served with a Notice of Violation as provided for on Page 7, Procedures for Code Enforcement.

At the conclusion of an appeals hearing, the Commission shall render its decision, which shall be binding. At the discretion of the Commission, it may grant a stay of the original Notice of Violation for a maximum of thirty (30) days to allow further investigation before rendering a decision. In no case, however, shall more than thirty (30) days expire before the Commission renders a decision. The petitioner shall be notified in writing of the decision of the Commission.

Records: The Commission shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examination and other official actions, all of which shall be immediately filed in the office of the Inspector and shall become a matter of public record

F. ABATEMENT OF VIOLATIONS BY VILLAGE & COST RECOVERY

Should any person, firm, or corporation fail to correct a nuisance or violation within the period specified by a Notice of Violation or within any extensions granted by the Planning Commission, the Village shall, at the discretion of the Inspector, take any and all actions necessary and allowable by law to cause said violation(s) or nuisance(s) to be corrected. All costs incurred during the course of correcting said violation(s) or nuisance(s), including notification and mailing fees shall be recovered from the owner(s) of the property in question in the following order:

- a. The owner(s) of said property shall be billed through the office of the Fiscal Officer by Certified Mail deposited with the United States Post Office. If such notice is returned unclaimed, notice shall be sent by ordinary mail and evidenced by a certificate of mailing, to be filed by the Inspector.
- b. As provided for in Sections 715.26.1 and 731.53 – 731.54 of the Ohio Revised Code, the Fiscal Officer shall certify the total costs of correcting the violation(s) or nuisance(s), together with a description of the lands, to the Darke County Auditor who shall place the costs upon the tax duplicate. Such costs shall be a lien upon the lands from and after the date of entry. The total costs shall be collected as other taxes and returned to the Village.
- c. As provided for in Section 715.26.1 of the Ohio Revised Code, the Village shall commence a civil action to recover all costs, including attorney fees, from the owners.

SECTION V: EXTERIOR PROPERTY STANDARDS

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 that such occupant controls or occupies in a clean and sanitary condition.

B. GRADING AND DRAINAGE

All premises shall be graded and maintained in a manner that shall prevent the erosion of soil and the accumulation of stagnant water thereon, or within any structure located thereon. Water retention areas and reservoirs approved by the Inspector shall be exempt from this standard.

C. SIDEWALKS AND DRIVEWAYS

All sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair, maintained free from hazardous conditions. Driveways are designated for vehicles. If the driveway is full of vehicles, then vehicles are to be parked at the curb of the street. No vehicles are to be parked in yards or other non-designated areas.

D. WEEDS

All premises and exterior property shall be maintained free from weeds or plant growth in excess of six (6) inches. All noxious weeds shall be prohibited. All yards are to be mowed at least once a month during the growing season. Areas of naturalized perennial vegetation, such as wetlands, prairies or other areas certified by the Inspector as naturalized areas shall be exempt from this provision. Non-platted property of more than one acre in size may also be exempted from this provision on a case-by-case basis.

E. RODENT, VERMIN, AND INSECT CONTROL

Every owner and tenant of a structure or property shall keep such property or structure free of insects, rats, mice, vermin, or other pests which create a hazard or nuisance to adjacent property or are otherwise deemed detrimental to the public health, safety, or welfare.

F. GLARE

Exterior lights placed or erected on structures or premises shall be constructed and installed so as not to create a nuisance or traffic hazard.

G. ACCESSORY STRUCTURES

All accessory structures, including, but not limited to carports, awnings, patio covers, garages, sheds, and storage buildings shall be maintained structurally sound and free of deterioration. All accessory structures shall be protected from the elements by periodic painting, staining, or other approved methods

of weatherproofing or surface protection. All accessory structures shall be constructed of materials designed for exposure to outdoor elements.

H. ANTENNAS AND TOWERS

Antennas, towers, and similar outdoor structures shall be maintained structurally sound, free of deterioration and firmly secured.

I. FENCES

All fences shall be maintained reasonably plumb and structurally sound. Fences shall be free from deterioration and shall be periodically protected from the elements by painting, staining, or other approved methods of weatherproofing or surface protection. External bracing of a fence in lieu of replacing or repairing of posts, columns, or other structural members shall be prohibited.

J. NUISANCES

All properties, structures, and premises shall be maintained free of nuisances as defined within this ordinance.

K. OUTDOOR STORAGE

All materials of an unsightly manner not considered to be trash, rubbish, or items contributing to a public nuisance condition shall be stored in such a method that screens all such material from view from public right of way and adjacent properties. Porches are not to be considered for storage purposes.

L. EXHAUST VENTS

Pipes, ducts, conductors, fans, or other methods of discharge from a structure shall not discharge gases, steam, vapor, hot air, grease, smoke, offensive odors, or other gaseous or particulate waste directly upon any adjoining property or public right of way.

M. PORCHES

Open porches on front, side, or back of dwelling places, or screened or glass enclosed are for leisure use only. Porches are not to be used for storage. Upholstered furniture should not be used on a porch because of the possibilities of mold and/or rodents harboring in the upholstery.

SECTION VI: STANDARDS FOR EXTERIORS OF STRUCTURES

A. GENERAL

The exterior of a structure shall be maintained in good repair and structurally sound so as not to present a threat to the public safety, health, or welfare.

B. STRUCTURAL MEMBERS

All structural members of a structure shall be kept sound, free of deterioration and maintained in a manner so as to continue its capability of safely bearing the dead and live loads upon them.

C. EXTERIOR SURFACES

The foundation, exterior wall, floor, roof, and all exterior surfaces of every structure shall be maintained in a state of repair sufficient to exclude rodents, birds, vermin, insects, and other animals. Peeling paint, cracked or loose plaster, decayed wood and other defective surface conditions shall be repaired, replaced, repainted, or restored.

D. FOUNDATION WALLS

All foundation walls shall be maintained so as to safely carry applicable dead and live loads that are imposed upon the foundation walls.

E. EXTERIOR WALLS

The exterior walls of every structure shall be free of holes, breaks, loose or rotting boards or timbers, and any other conditions that might admit rain or dampness to the interior portions of the walls or to the interior of the structure. Exterior wall surface materials shall be of a material designed for exposure to the elements and shall be kept in a manner so as to be protected from the elements to prevent deterioration.

F. ROOFS AND GUTTERS

The roof and gutters of every structure shall be sound, tight, and free of leaks and maintained in an adequate state of repair. Roof drainage shall be adequate to prevent rain, snow, ice or other forms of moisture from causing dampness in the walls or interior portion of the structure.

G. DECORATIVE FEATURES

Cornices, entablatures, 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. EXTERIOR ATTACHMENTS

All exterior canopies, marquees, signs, awnings, stairways, fire escapes, standpipes, rain gutters, and similar exterior attachments to a structure shall be maintained in good repair with proper anchorage and in a safe condition, and shall be painted or protected as required to prevent deterioration.

I. CHIMNEYS

All chimneys, cooling towers, smoke stacks, and similar appurtenances shall be maintained structurally safe, sound, properly anchored, and properly protected from the elements as required to prevent deterioration.

J. STAIRS, PORCHES AND HANDRAILS

Every stair, porch, balcony, deck, and all appurtenances attached thereto shall be constructed in a manner so as to be capable of supporting the live and dead loads imposed upon it, and shall be maintained in a sound manner and weatherproofed so as to prevent deterioration. All porches, decks, stairways and similar structures shall be constructed of materials designed for the purposes that they serve, and all exterior portions of such shall be of a material designed for exterior exposure. All handrails shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in a state of repair.

K. WINDOWS AND DOOR FRAMES

The windows, doors, and frames of every structure shall be constructed and maintained in such a manner as to exclude rain, snow, and other elements from the structure. All windows, doors and frames shall be maintained sound and in a state of repair. Broken glass shall be replaced with a material of similar appearance and construction. Windows shall not be covered with any material not specifically designed for that purpose. Windows may be temporarily secured and/or covered with an alternative material during construction, remodeling, or repairs with the approval of the Inspector. All windows, other than those designed in a fixed manner, shall require minimum effort to open and shall be able to be held in place with routine hardware.

L. DOOR HARDWARE

All exterior door hardware, including, but not limited to, locks, hinges, latches, and handles shall be maintained in a state of good repair. Locks shall be capable of tightly securing the door. All means of egress doors shall be readily operable from the side from which egress is to be made without the need for keys, special knowledge or effort.

M. GARAGE DOORS

All garage doors shall be capable of being closed reasonably plumb and be properly attached to the structure. All exterior surfaces shall be maintained in a state of good repair and protected from the elements as required to prevent deterioration.

N. BASEMENT HATCHWAYS

Every basement hatchway shall be maintained to prevent the entrance of rodents, vermin, insects, and other animals, rain, snow, and surface drainage water.

SECTION VII: STANDARDS FOR INTERIORS OF STRUCTURES

A. GENERAL

The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. Every occupant shall

keep that part of the structure that such occupant controls or occupies in a clean and sanitary condition. Every owner of a structure containing a rooming house, hotel, dormitory, two or more dwelling units or two or more nonresidential occupancies shall ensure that all occupants maintain the portion of the structure in which they occupy in a clean and sanitary manner, and shall maintain all shared, public, and exterior areas of the structure in a clean and sanitary manner.

B. STRUCTURAL MEMBERS

All structural members shall be maintained sound and be capable of supporting the live and dead loads imposed upon them.

C. FREE FROM DAMPNESS

Cellars, basements, and crawl spaces of every structure shall be maintained reasonably free from dampness to prevent conditions conducive to the decay or deterioration of the structure, and to prevent conditions detrimental to the health, safety, and welfare of the occupants.

D. SANITATION

The interior of every structure shall be maintained in a clean and sanitary condition and free from excessive or unnecessary accumulation of rubbish, refuse, garbage, and other unsanitary conditions.

E. INSECT AND RODENT HARBORAGE

All owners and occupants of structures shall take appropriate measures to prevent the infestation of insects, rodents, vermin, and other animals. At any such time evidence of rodents, insects, vermin, and other animals is found, extermination measures shall be promptly enacted and proper precautions taken to prevent re-infestation. The owner of a structure containing two or more dwelling units, hotel, a rooming house, or any other structure designed for multiple occupancy shall be responsible for extermination in all public or common areas of the structure or premises. Occupants shall take responsible measures to prevent infestation and shall immediately report any such infestation to the owner of a property, but it shall be the ultimate responsibility of the owner of any premises to ensure that occupants are maintaining structures in such a manner as to mitigate the possibility of infestation. Infestations caused by defects in the structure shall be the sole responsibility of the owner of such structure.

F. INTERIOR SURFACES

All interior surfaces, including doors and windows, shall be maintained in good, clean, and sanitary condition. Peeling paint, cracked or loose plaster, decayed wood and other defective surface conditions shall be corrected by repairing, replacing, repainting, or restoring.

G. STAIRS AND RAILINGS

All interior stairs and railings shall be maintained structurally sound and in good repair. Railings and handrails shall be properly secured and capable of supporting normally imposed loads.

H. EXIT FACILITIES

Every stair, ramp, landing, balcony, porch, deck or other interior exit facility shall be maintained in sound condition and in good repair. All means of egress shall be kept clear. All means of egress doors and windows shall be readily operable from the side in which egress is to be made without special knowledge, tools, or effort.

I. PLUMBING FIXTURES

Every residential dwelling structure and unit shall be provided with a kitchen sink, water closet, lavatory, and bathtub or shower. All associated fixtures shall be maintained in a state of good repair and capable of being operated in the manner in which each was designed.

J. SUPPLIED WATER

All plumbing fixtures within residential units shall be connected to an approved water supply and each sink, lavatory, and bathtub or shower shall be provided with an ample supply of hot and cold running water, except where deemed by the Inspector as unnecessary for the safety and sanitation of the unit.

K. HEATING FACILITIES

Heating facilities shall be required in all structures designed for habitation. Every dwelling unit shall be provided with heating facilities capable of maintaining a room temperature of 68 degrees Fahrenheit in all habitable rooms, at a point three (3) feet above the floor and three (3) feet from an exterior wall. All heating facilities shall be of an approved construction and design.

L. ELECTRICAL FACILITIES

All electrical equipment, wiring, and appliances shall be installed and maintained in a safe manner. Every public hall, interior stairway, bathroom, laundry room and furnace room shall contain at least one electric light fixture. Every habitable space in a dwelling shall contain at least two separate receptacle outlets.

M. MECHANICAL EQUIPMENT

All mechanical equipment, fireplaces, and solid fuel burning appliances shall be properly installed and maintained in a safe working condition and capable of performing the intended function of such equipment.

N. COOKING AND HEATING EQUIPMENT

All cooking and heating equipment contained within a structure and designed for use within that structure shall be maintained in a safe working condition. All such equipment shall be vented in a proper manner and have any and all necessary provisions for disconnection in the event of an emergency.

SECTION VIII: FIRE SAFETY REQUIREMENTS

A. GENERAL

All premises shall be maintained in a manner that promotes proper fire safety precautions. All fire standards prescribed by the State of Ohio shall have full force and effect. Whenever a local standard is found to conflict with that issued by the State of Ohio, the stricter standard shall prevail.

B. RESPONSIBILITY

The owner of a structure shall be responsible for providing and maintaining all necessary fire protection systems, equipment, and facilities.

C. MULTI-UNIT MEANS OF EGRESS

All owners of a structure containing two or more dwelling units shall provide for not less than two (2) separate means of egress. No owner of a structure containing two or more dwelling units shall allow common areas or means of egress to become blocked or obstructed by the accumulation of rubbish, trash, or other materials.

D. FIRE PROTECTION SYSTEMS

All premises shall contain a minimum of one approved smoke detector. All structures containing two or more dwelling units shall contain a minimum of one smoke detector for each dwelling unit. All smoke detectors shall be capable of manual testing for proper operation.

SECTION IX: DANGEROUS PROPERTY

A. DECLARATION OF IMMINENT HAZARD

Failure of an owner or occupant of a structure to maintain any structure or property or portion thereof to an extent that, in the judgment of the Inspector, an immediate endangerment of life, limb, property, safety, or welfare of the public or the occupants thereof exists, shall be grounds for the property to be declared an Imminent Hazard.

B. ORDER TO VACATE

Any structure or property which has been declared an Imminent Hazard and is in such condition as to render same immediately dangerous to the life, limb, safety, or welfare of the public or the occupants, there shall be grounds for the Inspector to order the structure or property vacated.

C. RIGHT OF APPEAL

Any owner or occupant of a structure that has been issued an Order to Vacate shall have the right to appeal the order to the Planning Commission. An appeal of an Order to Vacate shall have immediate precedence within the Planning Commission.

Passed by Village Council, December 19th 2005


FISCAL OFFICER


COUNCIL PRESIDENT


MAYOR