

VILLAGE OF OBETZ
RECORD OF ORDINANCES



ORDINANCE: 51-15

PASSED: July 27, 2015

AN ORDINANCE AMENDING SECTIONS 1361.04, 1361.05, AND 1361.13 OF THE CODIFIED ORDINANCES AND ADDING SECTION 1361.99 TO THE CODIFIED ORDINANCES AND DECLARING AN EMERGENCY

WHEREAS, the Village has a Property Maintenance Code; and

WHEREAS, the Property Maintenance Code establishes a process for prosecuting violations of the Code; and

WHEREAS, it is necessary to clarify that process;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF OBETZ, OHIO, THAT:

Section 1. Section 1361.04 of the Codified Ordinances is hereby amended to read as follows:

1361.04 VIOLATIONS.

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

(b) Notice of Violation. The Code Enforcement Officer shall serve a notice of violation or order in accordance with Section 1361.05.

(c) Prosecution of Violation. Any person failing to comply with a notice of violation or order served in accordance with Section 1361.05 shall be **prosecuted in accordance with Section 1361.99.** ~~deemed guilty of a misdemeanor or civil infraction as determined by the local municipality, and the violation shall be deemed a strict liability offense. If the notice of violation is not complied with, the Code Enforcement Officer shall institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the structure in violation of the provisions of this code or of the order or direction made pursuant thereto. Any action taken by the authority having jurisdiction on such premises shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.~~

~~(d) Violation Penalties. Any person who shall violate a provision of this code, or fail to comply therewith, or with any of the requirements thereof, shall be prosecuted within the limits provided by state or local laws. Each day that a violation continues after due notice has been served shall be deemed a separate offense.~~

~~(e) Abatement of Violation. The imposition of the penalties herein prescribed shall not preclude the legal officer of the jurisdiction from instituting appropriate action to restrain, correct or abate a violation, or to prevent illegal occupancy of a building, structure or premises, or to stop an illegal act, conduct, business or utilization of the building, structure or premises. (Ord. 36-10. Passed 11-8-10.)~~

Section 2. Section 1361.05 of the Codified Ordinances is hereby amended to read as follows:

1361.05 NOTICES AND ORDERS.

(a) Notice to Person Responsible. Whenever the Code Enforcement Officer determines that there has been a violation of this code or has grounds to believe that a violation has occurred, notice shall be given in the manner prescribed in Sections 1361.05(b) and (c) below to the person responsible for the violation as specified in this code. Notices for condemnation procedures shall also comply with Section 1361.06(i).

(b) Form. Such notice prescribed in Section 1361.05(a) shall be in accordance with all of the following:

- (1) Be in writing;
- (2) Include a description of the real estate sufficient for identification;
- (3) Include a statement of the violation or violations and why the notice is
- (4) Include a correction order allowing a reasonable time to make the repairs and improvements required to bring the dwelling unit or structure into
- (5) Inform the property owner of the right to appeal as set forth in Section 1361.09;
- (6) Include a statement of the right to file a lien ~~in accordance with Section 1361.04(e);~~
- (7) Inform the person responsible that if another violation of the same or similar nature of any provisions of this code is committed within a year of the date of the original notice, the Village will proceed with the prosecution of said violation without further notification.

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

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

(d) Unauthorized Tampering. Signs, tags or seals posted or affixed by the Code Enforcement Officer shall not be mutilated, destroyed or tampered with, or removed without authorization from the Code Enforcement Officer.

(e) Penalties. Penalties for noncompliance with orders and notices shall be as set forth in Section 1361.04(d)99.

Section 3. Section 1361.13 of the Codified Ordinances is hereby amended to read as follows:

1361.13 EXTERIOR PROPERTY AREAS.

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

- (1) Broken or dilapidated fences, walls or other structures;
- (2) Motor vehicles, trailers, boats and/or other motorized vehicles parked in grass or upon any premises except upon driveways, parking lots, in garages or on areas improved for vehicular use and in accordance with other Codified Ordinances;

- (3) The storage of building materials or materials such as earth, sand, or dirt upon any premises when such materials are not currently being used for work on the property;
- (4) Out of use or non usable appliances or automobile parts;
- (5) Rugs, rags or other materials hung on lines or in other places on such premises in such a manner or for such period of time as to be unsightly or offensive; broken, dilapidated or unusable furniture or outdoor use of furniture intended for indoor use, mattresses or other household furnishings; plastic materials, paints, miscellaneous coverings and/or any other materials, including those described in this section, placed at or on the premises in such a manner as to be unsightly, grotesque or offensive;
- (6) Improperly disposed of materials, materials collected for salvage, unkempt garbage, trash, litter, and yard waste including brush, tree limbs, leaves and weeds. Improperly disposed of materials include those materials set out for collection by the waste haulers that do not meet the waste hauler's guidelines for collection.

(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 thereon, or within any structure located thereon. Exception: Approved retention areas and reservoirs.

(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) Weeds. **Regulated by Chapter 905 of the Codified Ordinances**. All premises and exterior property shall be maintained free from weeds or plant growth in excess of six (6) inches. All noxious weeds are prohibited.

~~(1) Noxious weeds defined. Wild mustard; musk thistle (nodding thistle); oxeye daisy; Canada thistle; poison hemlock; wild carrot; purple loosestrife; wild parsnip; mile-a-minute weed; Russian thistle; cressleaf groundsel; shattercane; Johnsongrass; hogweed; chicory; thistle; plantain; dandelion; trumpet vine; amur honeysuckle; lambs quarters; grapevines (abandoned); poison ivy; poison oak; poison sumac.~~

~~(2) Weeds defined. All grasses, annual plants, and vegetation, other than trees or shrubs provided however, this term shall not include cultivated flowers and gardens. Natural plantings of native wild plants and accepted cultivars of wild plants are a recognized type of landscaping. These areas must be tended, cultivated in a manner consistent with natural plantings, and confined to a definite area.~~

~~(3) Charges for destroying noxious weeds, weed, or mowing lawns. Should the property owner fail to mow the lawn and/or destroy noxious weeds or weeds after service of a notice of violation, they shall be subject to prosecution in accordance with Section 1361.04(c) and any duly authorized employee of the Village or contractor hired by the Village shall be authorized to enter upon the property in violation and cut the grass and/or destroy the weeds growing thereon, and the costs of such including administrative, labor, overhead, bookkeeping, mileage, and incidentals, shall be charged to the property owner and shall be added to the property's tax bill. Written notice will only be sent once per year.~~

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

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

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

(h) Motor Vehicles. Except as provided for in other regulations, no inoperative or unlicensed motor vehicle shall be parked, kept or stored on any premises, and no vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. Painting of vehicles is prohibited unless conducted inside an approved spray booth. Exception: A vehicle of any type is permitted to undergo major overhaul, including body work, provided that such work is performed inside a structure or similarly enclosed area designed and approved for such purposes.

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

(j) Swimming Pools, Spas, and Hot Tubs. Swimming pools, spas, and hot tubs shall be maintained in a clean and sanitary condition, and in good repair. All swimming pools, spas, and hot tubs that do not contain water must be covered at all times. All swimming pools must be covered between the months of November through April except for routine maintenance. All hot tubs and spas must be covered when not in use.

Section 4. Section 1361.99 shall be added to the Codified Ordinances and shall read as follows:

1361.99 PROSECUTION OF VIOLATIONS AND PENALTIES.

(a) Prosecution of Violation. Any person who violates or fails to comply with a provision of this Ordinance shall be prosecuted within the limits provided by state and local laws. After notice of the violation has been served, pursuant to Section 1361.05, each day a violation continues shall be deemed a separate offense.

(b) Violation Penalties. A first violation shall be classified as a minor misdemeanor. All subsequent violations of any kind shall be classified as a fourth degree misdemeanor. Whoever violates any provision of this Ordinance shall be fined as prescribed in Section 501.99 of the Codified Ordinances.

(c) Abatement of Violation. The imposition of the penalties herein prescribed shall not preclude the Village Administrator from instituting appropriate action to restrain, correct or abate a violation, or to prevent illegal occupancy of a building, structure or premises, or to stop an illegal act, conduct, business or utilization of the building, structure or premises.

Section 5. This Ordinance is hereby declared to be an emergency measure, necessary for the preservation of the public health, safety and welfare, such emergency arising from the need to clarify the process for prosecuting violations to the Property Maintenance Code; WHEREFORE, this Ordinance shall take effect and be in force from and after its passage.

ORDINANCE: 51-15

PASSED: July 27, 2015

Passed this 27 day of July, 2015.

ATTESTS:

Stacey Boumis
Stacey Boumis, Clerk of Council

D. Greg Scott
D. Greg Scott, Mayor

Angela M. Kirk
Angela Kirk, Council President Pro Tem

APPROVED AS TO FORM ✓

Eve M. Ellinger
Eve M. Ellinger, Esq., Law Director

CERTIFICATION OF PUBLICATION

Pursuant to the Village Charter, I, Stacey E. Boumis, Clerk of Council of the Village of Obetz, Ohio, do hereby certify that Ordinance 51-15 was duly posted at 2:45 PM (time) on the 10 day of August, 2015, at the Obetz Government Center, as well as on the Obetz website.

Stacey Boumis
Stacey Boumis, Clerk

8/10/15
Date

