

Property Maintenance Code Amendment

Section 150.231 Additions, Insertions and Changes.

The International Property Maintenance Code is amended and revised in the follow respects:

All references to Code Official shall be change to ~~Chief Building Official~~ [City Manager](#).

Section PM-101.1 Insert: City of Dublin

Section 101.2 Amend to read as follows:

This Code is intended to protect the public health, safety and welfare in all existing structures, residential and non-residential, and on all existing premises by establishing minimum requirements and standards for premises, structures, equipment and facilities for light, ventilation, space, heating, sanitation, protection from the elements, life safety, safety from fire and other hazards, and for safe and sanitary maintenance; fixing the responsibility of owners, operators and occupants; regulating the occupancy of existing structures and premises, and providing for administration, enforcement and penalties.

Nothing contained herein shall be construed to require an owner, operator or occupant to alter, remove, modify or otherwise abate a condition under the following parameters:

1) Existing conditions which are considered violations under this Code which were permissible when the structure or premises was originally constructed and/or issued a building permit shall be permitted to remain provided the condition is properly maintained in a condition similar to that at the time of original construction and said condition does not constitute a **Serious** Hazard; or 2) Existing conditions within structures built before March 1, 1959 or listed on the National Register of Historic structures, are exempted from this Code unless the condition is deemed to be a **Serious** Hazard to the health, safety or welfare of the occupant(s).

Section 103.1 Delete

Section 103.2 Delete

Section 106.4 Amend to read as follows:

Any person who shall violate a provision of this Code is guilty of a fourth degree misdemeanor. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

Section 111.1 Amend to read as follows:

Any person affected by a decision of the Code Official or a notice or order issued under this Code shall have the right to appeal to the Dublin Board of Zoning Appeals.

Section 111.2 through 111.8 Delete

Amend the definition of Code Official to read as follows:

Code Official: unless specifically identified shall mean the ~~Chief Building Official~~ [City Manager](#) of the City of Dublin. (City Manager)

Add the following definition:

~~Serious hazard: A hazard of considerable consequence to safety or health through the design, location, construction, or equipment of a building, structure or premises, or the condition thereof, which hazard has been established through experience, testing, or research to be of certain or probably consequence, or which can be determined to be, or which is obviously such a hazard.~~

Section 302.4 Amend to read as follows:

All premises shall be kept free from noxious weeds in accordance with the provisions of Chapter 95 of the Codified Ordinances of the City of Dublin.

Section 304.14 Insert: April 1 to November 1.

Section 404.5 Overcrowding. Amend to read as follows:

In every dwelling unit, every room occupied for sleeping purposes by one occupant shall contain at least 70 square feet of floor space, excluding closet space, and every room occupied for sleeping purposes by more than one occupant shall contain at least 70 square feet of floor space for each occupant of the room, excluding closet space.

Section 602.3 Insert: October 1 to May 1.

Section 602.4 Insert: October 1 to May 1.

150.999 PENALTY.

(A) Whoever violates any provision of this chapter for which no specific penalty is otherwise provided shall be fined not more than \$150. Each day on which a violation occurs or continues shall be deemed a separate offense.

Relocation of Sections 153.073(A), (C), (F), & (G) to Section 153.076(B)

Relocation of Sections 95.20 through 95.99 to Section 153.076(C)

Relocation of Section 95.09 to Section 153.076(D)

Relocation of Section 153.207 to Section 153.076(E)

Relocation of Sections 94.05(L) through (R), (U), & (V) to Section 153.076(F)

as follows:

153.073 COMPREHENSIVE RESIDENTIAL AND NEIGHBORHOOD IMPROVEMENT.

~~(A) Purpose.~~

~~—(1) The purpose of this section shall be the enhancement of the public health, safety and welfare by eliminating conditions favorable to pestilence, disease and general unsafe conditions, while at the same time improving the quality and appearance and most likely, the value of residential property for all residents of the municipality.~~

~~—(2) In conjunction therewith, it is important to maintain residential areas as residential areas and confine occupational uses to areas properly zoned for commercial and related nonresidential uses of property.~~

[\(A\)](#) ~~(B)~~ *Home occupation.* Home occupation shall be those limited occupations which are hereafter defined and which may be carried on in residential neighborhoods.

(1) *Standards for home occupations.* No home occupation shall hereafter be established, altered or enlarged in any residential district unless such home occupation is permitted by this chapter and complies with the following restrictions or standards:

(a) No person other than members of the family residing on the premises shall be engaged in a home occupation in any Residential District.

(b) No sign shall be used in connection with a home occupation, nor shall any display be used that will indicate from the exterior that the building is being utilized in part for any purpose other than that of a dwelling.

(c) There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation, which would change the essential character thereof as a dwelling.

(d) The space devoted for use of the home occupation must be within the main dwelling or basement and shall occupy not more than 300 square feet. Accessory buildings such as garages or sheds, whether attached or unattached, shall not be used for home occupations.

(e) No mechanical or electrical equipment shall be used except normal domestic or household equipment, adding machines, typewriters, copy machines and similar equipment, or any equipment necessary and essential to any of the permitted home occupations.

(f) No home occupation shall be used in such a manner as to create offensive noise, vibration, smoke or other particular matter, heat, humidity, glare, electronic interference or otherwise constitute a nuisance or safety hazard to any occupant of adjacent or nearby properties.

(g) There shall be no outdoor storage of equipment or materials used in the home

occupation.

(h) Not more than four motor vehicles, used by customers of the home occupation, shall be parked at the location of the home occupation at one time.

(i) The home occupation shall not generate traffic greater in volume than normal for residential neighborhood.

(j) All automobiles used by customers shall be parked in the driveway or along the street curb abutting the premises, unless other more satisfactory arrangements are required and approved by Director of Land Use and Long Range Planning after a public notice home occupation parking on non-curbed streets is prohibited. No truck other than one van-type truck may be used in connection with a home occupation. If this vehicle is stored on-site, it must be enclosed by a structure so that the vehicle cannot be entered upon or seen from an adjacent lot or street.

(2) *Permit.* All persons conducting home occupations which are presently existing, or which are established, changed or enlarged after this chapter is in effect shall be required to obtain a permit from the City Engineer or his agent. The initial permit shall be valid for a period of two years after the date of issuance. A renewal permit must be secured for each subsequent two-year period thereafter.

(3) *Permitted home occupations.* The following shall be illustrative of permitted home occupations: handicrafts, art or music lessons, dressmaking, millinery, laundry, preserving and home cooking. Other uses shall be permitted by the Manager, if determined that such uses are in keeping with the intent and purpose of this section. It shall not be the intent of this section to prohibit the maintenance by a homeowner of a private professional office (e.g., doctor's, lawyer's or architect's) on his premises, provided that the provisions of this section regarding signage, traffic and other provisions regulating home occupations are adhered to.

~~(C) Condition of premises; waste accumulation. No person, firm, or other property owners or residents shall:~~

~~(1) Cause or permit waste, garbage, trash or any debris such as lumber and building materials, unused tires or other material to accumulate or remain on their property except as follows:~~

~~(a) Trash and garbage properly located for normal and regular pickup, provided that no such items shall be permitted to remain exposed to open view beyond normal pickup times.~~

~~(b) All trash and debris associated with or resulting from the construction of either residential or commercial structures permitted hereby shall be contained on the construction site in a stable and secure enclosure no smaller than ten cubic yards. The permit holder shall maintain the enclosure and site so as to control litter and debris at all times, and remove and dispose of the debris in an approved landfill. The enclosure shall be removed from the site within ten days of issuance of the occupancy permit or within ten days of cessation of active construction work.~~

~~(2) Permit commercial vehicles or non-private passenger vehicles exceeding four to be~~

~~parked or remaining in open view upon the premises of a residential neighborhood except in connection with repair or construction work being undertaken at the premises and only during such periods of repair or construction.~~

~~— (3) Fail to keep the exterior of all residential and commercial premises in good condition, and well-maintained, including painting, if necessary, and such persons shall, within a reasonable time, after notice, remove or remedy all unsightly, dirty and unsafe conditions.~~

~~— (4) Keep all vacant lots mowed as often as necessary in keeping with the character of the neighborhood to prevent pestilence, insect infestation, and to discourage use of the property for dumping or landfill purposes.~~

~~— (a) All such vacant property shall be kept free of hazardous and unhealthful accumulations of water and other conditions affecting the health and welfare of residents of the municipality.~~

~~— (b) In those instances where such vacant property is being used contrary to municipal zoning laws and other ordinances, the property owner, upon notice, shall take appropriate remedies to prevent such unlawful uses in cooperation with municipal officials.~~

~~— (c) All vacant lots shall be kept seeded or maintained in such manner as to prevent erosion of the property and excess drainage onto adjoining lands and kept free of trash and debris.~~

[\(B\)](#) ~~(D)~~ *Model homes in residential districts.* Regulation of model homes is intended to preserve the opportunity for potential residents of the city to inspect housing available within the municipality; to provide home builders a forum to demonstrate housing styles and options; to preserve the quality of residential life for nearby residents; and to protect residential areas from the potential adverse effects of non-residential uses.

(1) *Application.* This section shall apply to all residential districts, including residential planned districts, unless specific provisions of the applicable development text specify otherwise.

(2) *Approval.* The Administrative Official or designee shall be permitted to issue a Certificate of Zoning Plan Approval (CZPA) for model homes, sales offices, and sales trailers in residential districts, provided specific criteria are met.

(a) Model homes and sales offices may be approved for up to two years.

1. Certificates of Zoning Plan Approval may be approved for up to an additional two years until the residential development as defined in the application for a CZPA is 75% occupied.

2. When the residential development is greater than 75% occupied but less than 95% occupied, a CZPA may be approved by the Administrative Official for up to one year.

3. Operation of the model home or sales office shall be discontinued within 90 days once the residential development is 95% occupied.

4. For the purposes of this section, the term ***OCCUPIED*** shall refer to residential units

that are being used as a dwelling, or residential units that are vacant and owned by an entity other than the developer or a home builder.

5. Once operation of the model home or sales office is discontinued, all improvements made for the purposes of the model home or sales office use, including but not limited to signs and associated landscaping, lighting, and architectural modifications, shall be removed and restored to conditions typical of a residential development within 90 days.

(b) Sales trailers may be permitted for a maximum of two years, or until a model home or sales office is constructed, whichever occurs first.

(c) Approval of a CZPA for model homes and sales offices in residential districts shall be subject to the following:

1. The building which serves as the office/sales facility shall be sited within the development to ensure that the model home is easily accessible and identifiable and shall not detract from the residential and architectural character of the neighborhood.

2. External lighting may be approved provided it does not detract from the residential character of the building. In no case shall exterior lighting other than usual and customary residential lighting be permitted after 9:00 p.m. All interior lighting, with the exception of lighting in a maximum of two rooms, shall be turned off by 9:00 p.m. and remain off until 8:00 a.m. daily.

3. One identification sign is permitted for model homes and sales offices, not exceeding eight square feet in area and six feet in height. Signs shall maintain a minimum eight-foot setback from the right-of-way. A sign permit is required for all signs.

4. All structures shall comply with all applicable requirements of the city and any additional development standards for the zoning district.

5. Locations for parking for sales staff and customers shall avoid creating disruptions to surrounding residents. Parking for model homes and sales offices shall be provided either on-site or on-street adjacent to the facility, except as provided in division 6. below. Parking lots for sales trailers or sales offices shall meet all requirements of this chapter related to parking lots.

6. Freestanding, off-site parking lots for model homes shall be permitted only on residential lots adjacent to unoccupied lots with the exception of the model home and only after obtaining a special permit according to the procedures of § 153.231(G). The parking lot shall not extend beyond the rear elevation, nor project forward of the front elevation, of the model home. A sidewalk shall be provided from the parking lot to the model home. The parking lot and sidewalk must be removed within 90 days after a building permit is obtained for the adjacent vacant lot or the model home operation is discontinued.

7. An application for a CZPA shall include information regarding hours of operation, number and type of employees with the maximum number of employees expected on site at any time, provision of parking for employees and customers, and a description of the proposed facility's compliance with the standards of this section.

(3) *Number of model homes.* If the Administrative Official determines that the number of model homes in any residential district is excessive or is affecting the residential character of the neighborhood or the development, the applicant shall be required to obtain a special permit in accordance with the requirements of § 153.231(G) prior to operating the model home or sales office.

(4) *Notices.* The city shall notify any registered homeowners associations and all property owners within 300 feet of the site of a proposed model home, sales office, or sales trailer in a residential district within ten days from the receipt of a complete application for a CZPA. The notice shall, at a minimum, indicate the property that is the subject of the request, describe the nature of the request, and indicate when and where written comments will be received concerning the request. At least 14 days shall be provided for public comment prior to a determination by the Administrative Official.

(C) ~~(E)~~ *Community residences for people with disabilities.*

(1) A family community residence shall be allowed as of right in zoning districts R, R-I, R-2, R-3, R-4, R-10, R-12, ~~BSD~~~~E~~-R, ~~BSD~~~~E~~-OR, ~~BSD~~~~E~~-O, ~~BSD~~~~E~~-HC, ~~BSD~~~~E~~-HR, and all Planned Unit Developments, provided (1) it is located at least eight lots on its side of the street from an existing community residence and is at least 660 linear feet from the closest existing community residence as measured from the nearest property line of the proposed community residence to the nearest property line of the existing community residence, and (2) the operator or applicant is licensed or certified by the State of Ohio to operate the proposed community residence, has certification from an appropriate national accrediting agency, or has been recognized or sanctioned by Congress to operate the proposed community residence.

(2) A conditional use permit is required to establish any community residence within eight lots on its side of the street from an existing community residence or within 660 linear feet of the closest existing community residence as measured from the nearest property line of the proposed community residence to the nearest property line of the existing community residence, or the State of Ohio does not require the operator to be licensed or certified to operate the community residence or Congress does not recognize or sanction the community residence. The conditional use permit is subject to the standards for a conditional use permit set forth in § 153.236(C) and the following standards:

(a) The proposed community residence will not interfere with the normalization and community integration of the residents of any existing community residence for people with disabilities;

(b) The applicant demonstrates that it will operate the home in a manner similar to that ordinarily required by state licensing to protect the health, safety, and welfare of the occupants of the community residence; and

(c) The proposed community residence in combination with any existing community residences will not alter the character of the surrounding neighborhood by creating an institutional atmosphere or by creating a de facto social service district by excessively concentrating community residences on a block.

(3) A transitional community residence shall be allowed as of right in zoning districts R-12, ~~BSDC-R~~, ~~BSDC-OR~~, ~~BSDC-O~~, and ~~BSDC-HTN~~, and in any Planned Unit Development in which buildings with three or more dwelling units are allowed, provided (1) it is located at least eight lots on its side of the street from an existing community residence and is at least 660 linear feet from the closest existing community residence as measured from the nearest property line of the proposed community residence to the nearest property line of the existing community residence, and (2) the operator or applicant is licensed or certified by the State of Ohio to operate the proposed community residence, has certification from an appropriate national accrediting agency, or has been recognized or sanctioned by Congress to operate the proposed community residence.

(4) In the R-12, ~~BSDC-R~~, ~~BSDC-OR~~, ~~BSDC-O~~, and ~~BSDC-HTN~~ zoning districts, a conditional use permit is required to establish a transitional community residence within eight lots on its side of the street from an existing community residence or within 660 linear feet of the closest existing community residence as measured from the nearest property line of the proposed community residence to the nearest property line of the existing community residence, or the State of Ohio does not require the operator to be licensed or certified to operate the community residence or Congress does not recognize or sanction the community residence. The conditional use permit is subject to the standards for a conditional use permit set forth in § 153.236(C) and the following standards:

(a) The proposed community residence will not interfere with the normalization and community integration of the residents of any existing community residence for people with disabilities;

(b) The applicant demonstrates that it will operate the home in a manner similar to that ordinarily required by state licensing to protect the health, safety, and welfare of the occupants of the community residence; and

(c) The proposed community residence in combination with any existing community residences will not alter the character of the surrounding neighborhood by creating an institutional atmosphere or by creating a de facto social service district by concentrating community residences on a block.

(5) A transitional community residence shall be allowed by conditional use permit in residential districts R, R-I, R-2, R-3, R-4, R-10, and all Planned Unit Developments, subject to the standards for a conditional use permit set forth in § 153.236(C) and the following standards when there is an existing community residence within eight lots on its side of the street from the proposed community residence or within 660 linear feet of the closest existing community residence as measured from the nearest property line of the proposed community residence to the nearest property line of the existing community residence, or the State of Ohio does not require the operator to be licensed or certified to operate the community residence or Congress does not recognize or sanction the community residence:

(a) The proposed community residence will not interfere with the normalization and community integration of the residents of any existing community residence for people with disabilities;

(b) The applicant demonstrates that it will operate the home in a manner similar to that ordinarily required by state licensing to protect the health, safety, and welfare of the occupants of the community residence; and

(c) The proposed community residence in combination with any existing community residences, will not alter the character of the surrounding neighborhood by creating an institutional atmosphere or by creating a de facto social service district by concentrating community residences on a block.

~~—(F) *Corrective action by municipal officials.*~~

~~—(1) All violations of this section which remain uncorrected after not less than ten days notice to the owner or resident, may be corrected by the municipality, or by any person, firm or organization selected by the municipality, and the costs thereof shall be paid by the owner of such property within 30 days.~~

~~—(2) Any such charges which remain unpaid for the 30 days may be collected in any manner provided by law and shall be certified by the administration to the auditor of each county wherein such property may be located to be charged as a lien against the property.~~

~~—(3) Violations occurring on construction sites may result in the issuance of a stop-work order until the site is brought into compliance.~~

~~—(4) The city may also take any other judicial actions provided by law to address violations of this section.~~

~~—(G) *Appeals.* Any person affected or aggrieved by this section may appeal a decision of the Administrative Official or designee directly to Council, and the decision of Council shall be final.~~

WEEDS

~~§ 95.20 DEFINITIONS.~~

~~—Any word or phrase used in these guidelines which is not defined here shall have the meaning used in the section appropriate to the context in which such word or phrase is used.~~

~~—**GRASS.** Any of a large family (Gramineae) of monocotyledonous, mostly herbaceous plants with jointed stems, slender sheathing leaves, and flowers borne in spikelets of bracts.~~

~~—**NOXIOUS.** Physically harmful or destructive to living beings.~~

~~—**NOXIOUS WEEDS.** Means any type or species that have been included on the official list of noxious plants for the state.~~

~~—**WEED.** Plant that is not valued where it is growing and tends to overgrow more desirable plants.~~

~~(Ord. 88-00, passed 7-10-00)~~

~~§ 95.21 REMOVAL OF NOXIOUS WEEDS AND GRASS; DUTY OF CODE ENFORCEMENT OFFICER.~~

~~—(A) No person, whether as owner, lessee, agent, tenant or any other person having charge or care of land in the city, shall permit noxious weeds or grass to grow thereon to a height in excess of six inches, or to spread or mature seeds thereon, or fail to cut and destroy such noxious weeds and grass when notified by the Code Enforcement Officer.~~

~~—(B) The Code Enforcement Officer shall determine when lots and lands in the city contain noxious weeds and grass which constitute a nuisance or endanger the public health, and shall see that such weeds and grass are removed or the nuisance abated.~~

~~(Ord. 88-00, passed 7-10-00) Penalty, see § 95.99~~

~~§ 95.22 NOTICE TO OWNER TO CUT WEEDS AND GRASS.~~

~~—(A) The Code Enforcement Officer shall cause written notice to be served once each growing season, March 1 through October 31 of each calendar year, upon the owners, lessees, tenants or other persons or entities having charge or care of land in the city, notifying him that noxious weeds and grass are growing on such property and that they shall be cut and destroyed within five days after service of such notice and thereafter during the growing season with sufficient frequency to prevent such noxious weeds and grass from exceeding six inches or maturing seeds thereon.~~

~~—(B) Service of the notice may be served by certified mail, as listed in the County Auditor's tax lists at the mailing address as shown on such tax lists; ordinary mail if the certified mail is refused or unclaimed; personal service, by posting at the subject property; or by publishing such a notice once in a newspaper of general circulation in the city.~~

~~(Ord. 88-00, passed 7-10-00)~~

~~§ 95.23 FAILURE OF OWNER TO COMPLY.~~

~~—The Code Enforcement Officer may determine that noxious weeds and grass are growing on land for which a notice has been issued pursuant to § 95.21, which constitute a nuisance and/or endanger the public health, safety or welfare, and that the person having charge or care of the land has neglected or refused to comply with the notice. Thereupon, the Code Enforcement Officer may cause such noxious weeds and grass to be cut by use of city forces and equipment or by the hiring of private contractors.~~

~~(Ord. 88-00, passed 7-10-00)~~

~~§ 95.24 COSTS.~~

~~—The property owner shall pay all costs associated with the cutting and removal of the noxious weeds and grass. Upon completion of the cutting and removal of the noxious weeds and grass, the Code Enforcement Officer shall determine the cost of cutting and removal, and shall cause a statement thereof to be mailed to the owner of the land.~~

~~(Ord. 88-00, passed 7-10-00) Penalty, see § 95.99~~

~~§ 95.25 PAYMENT OF COSTS; UNPAID COSTS A LIEN.~~

~~— The property owner may pay such fees as charged in accordance with this chapter to the city within 30 days after the statement of costs is issued without penalty. If the fee is not paid within 30 days after the statement of charges has been mailed to the owner, the Director of Finance shall certify the charges for services as provided in § 95.23 to the County Auditor, together with a proper description of the premises. Such amounts shall be entered upon the tax duplicate and shall be a lien upon such lands from the date of entry, and shall be collected as other taxes and returned to the City General Fund as provided by R.C. § 731.54. The recovery of costs by the city pursuant to this section is a remedy in addition to the penalty provided in § 95.99.~~

~~(Ord. 88-00, passed 7-10-00) Penalty, see § 95.99~~

~~§ 95.26 EXEMPTIONS.~~

~~— Areas cultivated specifically as a wildflower area, vegetable garden, natural area for birds and other wildlife, or other areas as determined by Council are exempt from the provisions of this chapter.~~

~~(Ord. 88-00, passed 7-10-00)~~

~~§ 95.99 PENALTY.~~

~~—(A) Whoever violates §§ 95.02 through 95.07 and § 95.09 is guilty of a minor misdemeanor. Each day that a violation occurs or continues shall be deemed a separate offense.~~

~~(‘80 Code, § 557.02(i)) (Am. Ord. 20-10, passed 6-14-10, effective 9-12-10)~~

~~—(B) Whoever violates § 95.08 is guilty of a misdemeanor.~~

~~(‘80 Code, § 557.03(h))~~

~~—(C) Whoever violates any provision of §§ 95.20 through 95.26 is guilty of a minor misdemeanor. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such.~~

~~(‘80 Code, § 561.99) (Ord. 115-87, passed 9-21-87; Am. Ord. 88-00, passed 7-10-00)~~

~~§ 95.09 STORAGE OF RESIDENTIAL WASTE AND RECYCLING CONTAINERS.~~

~~— All residential waste and recycling containers shall be placed inside the garage of a residence or to a location at the side or rear of the residence that is shielded from the view of any adjoining property's occupants and any street by natural landscape barriers, which will maintain a 100% year round opacity within two years of planting. Any landscape barrier is subject to the review and approval of the City Manager or the Manager's designee.~~

~~(Ord. 20-10, passed 6-14-10, effective 9-12-10) Penalty, see § 95.99~~

~~§ 153.207 PARKING IN RESIDENTIAL DISTRICTS.~~

~~—(A) *Definitions.* For purposes of this section, the following definitions shall apply.~~

~~—**COMMERCIAL VEHICLE.** Any vehicle used or designed to be used for business or commercial purposes which infringes on the character of a residential district and includes, but is not necessarily limited to: a bus, cement truck, commercial tree trimming equipment, construction equipment, dump truck, garbage truck, panel truck, semi-tractor, semi-trailer, or any other non-recreational trailer used for commercial purposes, stage bed truck, step van, tank truck, tar truck, or other commercial type vehicle licensed by the Ohio State Bureau of Motor Vehicles as a commercial vehicle or commercial truck.~~

~~—**PERSONAL AUTOMOBILE.** Any vehicle that seats less than ten passengers, is registered as a passenger vehicle or a non-commercial truck, and used for the sole purpose of transporting resident(s) and guests(s) to and from daily activities.~~

~~—**RECREATIONAL VEHICLE.** Any motorized vehicle and/or associated non-motorized equipment used for camping, traveling, boating, or other leisure activities including, but not limited to campers, boats, travel trailers, motor buses (more than nine passengers), motor homes, snow mobiles, wave runners, and other vehicles designed for traveling on water (motorized and non-motorized). Trailers used for transporting this type of vehicle are also included within this definition.~~

~~—(B) *Commercial vehicles.* Commercial vehicles are prohibited within residential districts, except as follows: commercial vehicles are permitted within an enclosed garage provided the garage door is no taller than nine feet in height.~~

~~—(C) *Recreational vehicles.* A recreational vehicle may be stored on a residential property provided it is fully enclosed by a structure so that it cannot be entered upon or seen from an adjacent street.~~

~~—(D) *Personal automobiles.* The following restrictions apply to personal automobiles:~~

~~—(1) *Location.* No personal automobile shall be parked, stored, or allowed to remain on a lot or parcel of land that does not contain a principal structure. Personal automobiles must be parked on a hard surface and shall be prohibited within required side or rear yards and no-build/disturb zones. All personal automobiles shall be parked in a safe manner and shall not obstruct the public right-of-way.~~

~~—(2) *Registration.* All personal automobiles shall be operable and have a valid registration and license within the most recent 12-month period. For purposes of this section, operable means capable of being started and driven from the location in question.~~

~~—(3) *Maintenance/condition.* All inadequately maintained personal automobiles shall be removed from the residential lot. "Inadequately maintained" includes, but is not limited to broken~~

~~windows or windshield, missing wheels, tires, motor or transmission, and/or malfunctioning engines, systems or parts.~~

~~—(E) Exemptions:~~

~~—(1) Habitation/guest occupancy. A recreational vehicle may be located on a residential lot and outside of an enclosed structure for up to 72 hours in any 30-day period, provided the owner or person in charge of the vehicle is a guest of the resident(s) of that lot. The recreational vehicle will be prohibited within the public right-of-way, any required side or rear yards and no-build/disturb zones. In no case shall the vehicle be used for overnight sleeping or living.~~

~~—(2) Construction/delivery. Division (B) of this section shall not apply to commercial vehicles used for conveying the necessary tools and materials to premises where labor, using such tools and materials, is to be performed during the time of parking such vehicles. Division (B) of this section shall not apply during the time which commercial vehicles are being loaded or unloaded or used to deliver or hoist property or merchandise for completion of delivery, if such actions are conducted diligently and without unnecessary delay.~~

~~(‘80 Code, § 1193.08) (Ord. 68-86, passed 12-8-86; Am. Ord. 61-00, passed 9-17-01) Penalty, see § 153.999~~

§ 94.05 LITTERING.

(A) *Definitions.* For the purpose of this section, the following terms, phrases, words, and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number. The word "shall" is always mandatory and not merely directory:

(1) **AIRCRAFT.** Any contrivance now known or hereafter invented, used or designed for navigation or for flight in the air, and includes but is not limited to helicopters and lighter-than-air dirigibles and balloons.

(2) **AUTHORIZED PRIVATE RECEPTACLE.** A litter storage and collection receptacle as required and authorized in this article.

(3) **CITY.** The City of Dublin.

(4) **COMMERCIAL HANDBILL.** Any newspaper or similar publication containing substantial amounts of matter advertising articles or things for sale or any businesses or services for profit which newspaper or similar publication is in normal course distributed without charge and without subscription therefore by the recipients, and includes, but is not limited to, any printed or written matter, any sample or device, dodger, circular, leaflet, pamphlet, booklet, paper or any other printed or otherwise reproduced original and copies of any matter or literature which:

(a) Advertises for sale any merchandise, product, commodity or things; or

(b) Directs attention to any business or mercantile or commercial establishment or activity

for the purpose of either directly or indirectly promoting the interest thereof by sales; or

(c) Directs attention to or advertises any meeting, theatrical performance, exhibition or event of any kind, for which an admission fee is charged for the purpose of profit; or

(d) While containing reading matter other than advertising matter, is predominantly and essentially an advertisement and is distributed or circulated for advertising purposes or for private benefit and gain for any person so engaged as advertiser or distributor.

(5) **LITTER.** Garbage, refuse, and rubbish and all other waste material which, if thrown or deposited in a manner prohibited by this article, tends to create a danger to public health, safety and welfare or significantly reduces the aesthetic appearance of public or private property or the public right of way.

(6) **LITTER RECEPTACLE.** A dumpster, trash can, trash bin, garbage can or similar container in which litter is deposited for removal.

(7) **NEWSPAPER.** Any newspaper of general circulation as defined by general law, any newspaper duly entered with the Post Office Department of the United States, in accordance with the federal statute or regulation, any newspaper filed and recorded with any recording officer as provided by general law and includes but is not limited to any newspaper, periodical or current magazine regularly published and sold to the public by subscription.

(8) **NONCOMMERCIAL HANDBILL.** Any printed or written matter, any sample or device, dodger, circular, leaflet, pamphlet, newspaper, magazine, paper booklet or any other printed or otherwise reproduced original or copies of any matter of literature not included in the definitions of a commercial handbill.

(9) **PARK.** A park, reservation, playground, recreation center or any other public area in the city owned or used by the city and devoted to recreation.

(10) **PERSON.** Any person, firm, partnership, association, corporation, company or organization of any kind.

(11) **PRIVATE PREMISES.** Any dwelling, house, building, multi-family structure or other structure designed or used either wholly or in part for private residential purposes, whether inhabited or temporarily or continuously uninhabited or vacant, and includes but is not limited to any yard, grounds, walk, driveway, porch, steps, vestibule or mailbox belonging or appurtenant to such dwelling, house building or other structure.

(12) **PUBLIC PLACE.** Any and all streets, sidewalks, boulevards, alleys or other public ways and any and all public parks, squares, spaces, grounds and buildings.

(13) **REFUSE.** All putrescible and nonputrescible solid wastes except body wastes, including garbage, rubbish, ashes, street cleanings, dead animals, abandoned, wrecked or junked vehicles or parts thereof and solid market and industrial wastes.

(14) **RUBBISH.** Nonputrescible solid wastes consisting of both combustible and noncombustible wastes, such as paper, wrappings, cigarettes, cardboard, tin cans, yard clippings, leaves, metal, wood, glass, crockery, bedding and similar materials.

(15) **RIGHT OF WAY.** The entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

(16) **VEHICLE.** Every device in, upon or by which any person or property is or may be transported or drawn upon a highway.

(B) *Litter in public places.* No person shall throw or deposit litter in or upon any street, sidewalk or other public place including freshwater streams, lakes, and ponds within the city except in public receptacles, or in authorized private receptacles for refuse, recycling or yard waste collection or as placed at the curb for chipper service, leaf service or other city sponsored collection service.

(C) *Placement of litter in receptacles.* Persons placing litter in public receptacles or in authorized private receptacles shall do so in such a manner as to prevent it from being carried, or deposited by the elements upon any street, sidewalk or other public place or upon private property.

(D) *Depositing litter in gutters.* No person shall sweep into or deposit in any gutter, street or other public place within the city the accumulation of litter from any public or private sidewalk or driveway or any building or lot. Persons owning or occupying property or places of business shall keep the sidewalk and parkway in front of their premises free of litter.

(E) *Litter from a vehicle.* No person, while a driver or passenger in a vehicle, shall throw or deposit litter upon any street or other public place within the city, or upon private property.

(F) *Littering in parks.* No person shall throw or deposit litter in any park within the city except in public receptacles and in such manner that the litter will be prevented from being carried or deposited by the elements upon any part of the park or upon any street or other public place. Where public receptacles are not provided, all litter shall be carried away from the park by the person responsible for its presence and properly disposed of elsewhere as provided in this article or as prescribed by other sections of the city's codified ordinances.

(G) *Deposit of commercial handbills on public property.* No person shall throw or deposit any commercial or noncommercial handbill in or upon any sidewalk, street or other public place within the city, nor shall any person hand out or distribute or sell any commercial handbill in any public place, but nothing in this section shall be deemed to prohibit any person from handing out or distributing on any sidewalk, street, or other public place within the city, without charge to the receiver thereof, any commercial handbill to any person willing to accept it.

(H) *Handbills: placing on vehicles.* No person shall throw or deposit any commercial or noncommercial handbill in or upon any vehicle, but it is not unlawful in any public place for a person to hand out or distribute without charge to the receiver thereof, a noncommercial handbill to any occupant of a vehicle who is willing to accept it.

(I) *Handbills: deposited on posted property.* No person shall throw, deposit or distribute any commercial or noncommercial handbill upon any private premises, if requested by any one thereon not to do so, or if there is placed on the premises in a conspicuous position near the entrance thereof, a sign bearing the words, "No Trespassing," "No Peddlers or Agents," "No Advertisement," or any similar notice, indicating in any manner that the occupants of said premises do not desire to have their right of privacy disturbed, or to have any handbill left upon such premises.

(J) *Depositing handbill at inhabited premises: mail and newspapers.* No person shall throw, deposit or distribute any commercial or noncommercial handbill in or upon private premises which are inhabited unless the handbill is so placed or deposited as to secure or prevent the handbill from being blown or drifted about the premises or sidewalks, streets or other public places, and except that mailboxes may not be so used when so prohibited by federal postal law or regulations. The provisions of this section shall not apply to the distribution of mail by the United States nor of newspapers as defined by this article.

(K) *Dropping litter from aircraft.* No person in an aircraft shall throw out, drop or deposit within the city any litter, handbill or any other object.

~~(L) *Deposit of litter on occupied private property.* No person shall throw or deposit litter on any occupied private property within the city, whether owned by such person or not, except that the owner or person in control of private property may maintain authorized private receptacles or collection in such a manner that litter will be prevented from being carried or deposited by the elements upon any street, sidewalk, or other public place or upon any private property.~~

~~(M) *Maintenance of litter free premises.* The owner or person in control of any private property shall at all times maintain the premises free of litter; but this section shall not prohibit the storage or litter in authorized private receptacles for collection, or within any building when not in violation of any health, fire, building code or other regulation, order, ordinance or statute.~~

~~(N) *Vacant lots.* No person shall throw or deposit litter on any open or vacant private property within the city whether owned by such person or not. Vacant lots shall be kept free of litter at all times by the person responsible for the property.~~

~~(O) *Business establishments: receptacles.* Every person owning, or managing, or having charge, control or occupancy of any real property in the city, who maintains a receptacle designated for their use shall dispose of refuse in such a way that said receptacle shall not overflow and the refuse so deposited shall not circulate freely in the environment.~~

~~(P) *Receptacles: sanitary conditions.* Every person owning, or managing, or having charge, control or occupancy of any real property in the city who maintain litter receptacles shall maintain such containers and receptacles in good condition. No receptacle may have ragged or sharp edges or any other defect liable to hamper or injure the person depositing or collecting the contents thereof.~~

~~(Q) *Unightly premises.* Every person owning, or managing, or having charge, control or occupancy of any real property in the city shall not allow any part of such property visible from~~

~~the street of adjoining premises to become so unsightly or untidy as to substantially detract from the appearance of the immediate neighborhood or tend to threaten the safety and welfare of the immediate neighborhood.~~

~~—(R) *Abatement.* All persons, firms, or corporations owning, leasing or occupying buildings, grounds, or lots are hereby required to remove rubbish, trash, weeds, or other accumulation of filth or debris which constitutes a hazard to the public health, safety and welfare, from buildings, grounds, lots, contiguous sidewalks, streets, and alleys.~~

~~—(S) *Notice of abatement: procedure.* Any person, whether as principle, manager, agent or employees, of the owner, lessee or occupant of any building, grounds or lots who receive Notice to Abate from the City Manager or his authorized representative will have five working days from the receipt of the Notice to Abate to abate litter as described in divisions (A) through (R) of this section.~~

~~—(T) *Copy of resolution to be served or published.* A copy of the Notice to Abate adopted under division (S) of this section may be served personally or at the usual place of residence of such owner, occupant or person in charge of such land or by registered mail, or in lieu of such service, may be published for two consecutive weeks in a newspaper of general circulation in the city.~~

~~—(U) *Enforcement.* In case of failure or refusal to comply with any such Notice of Abatement, the work required thereby may be done at the expense of the city and the amount of money expended therefor shall be a valid claim against the owner, occupant or person in charge and a lien upon such land which may be enforced by suit in any court of competent jurisdiction. Proceedings under this division shall not relieve any party defendant from criminal prosecution or punishment for violation of any other criminal law or ordinance in force within the city.~~

(V)(L) *Penalty.* Whoever violates this section shall be guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to a violation of this section or any substantially equivalent state law or municipal ordinance, the offender shall be guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to two or more violations of this section or any substantially equivalent state law or municipal ordinance, the offender shall be guilty of a misdemeanor of the third degree.

~~—(2) Each day such violation is committed or permitted to continue after the initial five working days to abate shall constitute a separate offense and shall be punishable as such hereunder.~~

~~(Ord. 29-98, passed 5-4-98) Penalty, see § 94.99~~

153.076 PUBLIC NUISANCE REGULATIONS.

~~—(A) *Prevention of nuisance.* Every structure or use subject to the provisions of this chapter shall be located, arranged and operated in accordance with the following provisions so that it will not interfere with the development and enjoyment of adjacent property.~~

~~(B)~~ (A) *Required limits.* The following limits of development and operation are provided to control hazardous, obnoxious or other nuisance activity of uses subject to the provisions of this chapter.

(1) *Noise.* Noise or vibration shall be so controlled that at the property line on which such noise or vibration is produced it will not be at a level above that normally perceptible from other development in the area or from the usual street traffic observed at the street right-of-way line of the lot, except occasional blast or shock required in normal operation and produced in such manner as not to create a hazard.

(2) *Smoke.* Smoke shall be controlled in its emission so as to be less dark in shade than that designated as No. 2 on the Ringlemann Chart published and used by the U.S. Bureau of Mines, except that emission above such level shall be permitted for a period of three minutes or less during the operation of starting or cleaning a fire.

(3) *Dust.* Dust or particulate matter shall be so controlled as not to produce a hazardous or obnoxious situation beyond the property lines of the lot on which such dust or particulate matter is produced.

(4) *Odor or fumes.* Odor or noxious fumes shall be so controlled as not to be offensive nor to create a hazard.

(5) *Glare.* Glare or heat from processing or other activity or lighting shall be so screened as not to be perceptible beyond the property lines of the lot on which such glare or heat is produced.

(B) Residential Property Management. The purpose of this section shall be the enhancement of the public health, safety and welfare by eliminating conditions favorable to pestilence, disease and general unsafe conditions, while at the same time improving the quality and appearance and most likely, the value of residential property for all residents of the municipality.

(1) Condition of premises; waste accumulation. No person, firm, or other property owners or residents shall:

(a) Cause or permit waste, garbage, trash or any debris such as lumber and building materials, unused tires or other material to accumulate or remain on their property except as follows:

(i) Trash and garbage properly located for normal and regular pickup, provided that ~~no~~ such items shall only be permitted to remain exposed to open view for a period of 24 hours immediately preceding and 24 hours immediately after the time scheduled for garbage or trash pickup by a waste collector ~~beyond normal pickup times.~~

(ii) All trash and debris associated with or resulting from the construction of either residential or commercial structures permitted hereby shall be contained on the construction site in a stable and secure enclosure no smaller than ten cubic yards. The permit holder shall maintain the enclosure and site so as to control litter and debris at all times, and

remove and dispose of the debris in an approved landfill. The enclosure shall be removed from the site within ten days of issuance of the occupancy permit or within ten days of cessation of active construction work.

(b) Permit commercial vehicles or non-private passenger vehicles exceeding four to be parked or remaining in open view upon the premises of a residential neighborhood except in connection with repair or construction work being undertaken at the premises and only during such periods of repair or construction.

(c) Fail to keep the exterior of all residential and commercial premises in good condition, and well-maintained, including painting, if necessary, and such persons shall, within a reasonable time, after notice, remove or remedy all unsightly, dirty and unsafe conditions.

(d) Keep all vacant lots mowed as often as necessary in keeping with the character of the neighborhood to prevent pestilence, insect infestation, and to discourage use of the property for dumping or landfill purposes.

(i) All such vacant property shall be kept free of hazardous and unhealthful accumulations of water and other conditions affecting the health and welfare of residents of the municipality.

(ii) In those instances where such vacant property is being used contrary to municipal zoning laws and other ordinances, the property owner, upon notice, shall take appropriate remedies to prevent such unlawful uses in cooperation with municipal officials.

(iii) All vacant lots shall be kept seeded or maintained in such manner as to prevent erosion of the property and excess drainage onto adjoining lands and kept free of trash and debris.

(2) *Corrective action by municipal officials.*

(a) All violations of this section which remain uncorrected after not less than ten days' notice to the owner or resident, may be corrected by the municipality, or by any person, firm or organization selected by the municipality, and the costs thereof shall be paid by the owner of such property within 30 days. The notice required herein may be waived if immediate action is required to protect the health, safety, morals, or welfare.

(b) ~~Any such charges which remain unpaid for the 30 days may be collected in any manner provided by law and shall be certified by the administration to the auditor of each county wherein such property may be located to be charged as a lien against the property.~~ The property owner may pay any such charges such fees as charged in accordance with this chapter to the city within 30 days after the statement of costs is issued without penalty. If the fee is not paid within 30 days after the statement of charges has been mailed to the owner, the Director of Finance shall certify the charges for services to the County Auditor, together with a proper description of the premises. Such amounts shall be entered upon the tax duplicate and shall be a lien upon such lands from the date of entry, and shall be collected as other taxes and returned to the City General Fund as provided by R.C. § 731.54. The recovery of costs by the city pursuant

to this section is a remedy in addition to ~~the~~ any other penalties that may be levied. ~~penalty provided in (C)(7):~~

(c) Violations occurring on construction sites may result in the issuance of a stop-work order until the site is brought into compliance.

(d) The city may also take any other judicial actions provided by law to address violations of this section.

~~(3) Appeals. Any person affected or aggrieved by this section may appeal a decision of the Administrative Official or designee directly to Council, and the decision of Council shall be final.~~

(C) Weeds.

(1) Definitions. Any word or phrase used in these guidelines which is not defined here shall have the meaning used in the section appropriate to the context in which such word or phrase is used.

(a) GRASS. Any of a large family (Gramineae) of monocotyledonous, mostly herbaceous plants with jointed stems, slender sheathing leaves, and flowers borne in spikelet's of bracts.

(b) NOXIOUS. Physically harmful or destructive to living beings.

(c) NOXIOUS WEEDS. Means any type or species that have been included on the official list of noxious plants for the state.

(d) WEED. Plant that is not valued where it is growing and tends to overgrow more desirable plants.

(2) Removal of Noxious Weeds and Grass; Duty of Code Enforcement Officer.

(a) No person, whether as owner, lessee, agent, tenant or any other person having charge or care of land in the city, shall permit noxious weeds or grass to grow thereon to a height in excess of six inches, or to spread or mature seeds thereon, or fail to cut and destroy such noxious weeds and grass when notified by the Code Enforcement Officer.

(b) The Code Enforcement Officer shall determine when lots and lands in the city contain noxious weeds and grass which constitute a nuisance or endanger the public health, and shall see that such weeds and grass are removed or the nuisance abated.

(3) Notice to Owner to Cut Weeds and Grass.

(a) The Code Enforcement Officer shall cause written notice to be served once each growing season, March 1 through October 31 of each calendar year, upon the owners, lessees, tenants or other persons or entities having charge or care of land in the city, notifying him that noxious weeds and grass are growing on such property and that they shall be cut and

destroyed within five days after service of such notice and thereafter during the growing season with sufficient frequency to prevent such noxious weeds and grass from exceeding six inches or maturing seeds thereon.

(b) Service of the notice may be served by certified mail, as listed in the County Auditor's tax lists at the mailing address as shown on such tax lists; ordinary mail if the certified mail is refused or unclaimed; personal service, by posting at the subject property; or by publishing such a notice once in a newspaper of general circulation in the city.

(4) Failure of Owner to Comply. The Code Enforcement Officer may determine that noxious weeds and grass are growing on land for which a notice has been issued pursuant to (C)(1), which constitute a nuisance and/or endanger the public health, safety or welfare, and that the person having charge or care of the land has neglected or refused to comply with the notice. Thereupon, the Code Enforcement Officer may cause such noxious weeds and grass to be cut by use of city forces and equipment or by the hiring of private contractors.

(5) Costs. The property owner shall pay all costs associated with the cutting and removal of the noxious weeds and grass. Upon completion of the cutting and removal of the noxious weeds and grass, the Code Enforcement Officer shall determine the cost of cutting and removal, and shall cause a statement thereof to be mailed to the owner of the land.

(6) Payment of Costs; Unpaid Costs a Lien. The property owner may pay such fees as charged in accordance with this chapter to the city within 30 days after the statement of costs is issued without penalty. If the fee is not paid within 30 days after the statement of charges has been mailed to the owner, the Director of Finance shall certify the charges for services as provided in (C)(3) to the County Auditor, together with a proper description of the premises. Such amounts shall be entered upon the tax duplicate and shall be a lien upon such lands from the date of entry, and shall be collected as other taxes and returned to the City General Fund as provided by R.C. § 731.54. The recovery of costs by the city pursuant to this section is a remedy in addition to the penalty provided in (C)(7).

(7) Exemptions. Areas cultivated specifically as a wildflower area, vegetable garden, natural area for birds and other wildlife, or other areas as determined by Council are exempt from the provisions of this chapter.

(8) Penalty. Whoever violates any provision of (C)(1) through (C)(6) or (D) of this Section is guilty of a minor misdemeanor. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such.

(D) Storage of Residential Waste and Recycling Containers.

All residential waste and recycling containers shall be placed inside the garage of a residence or to a location at the side or rear of the residence that is shielded from the view of any adjoining property's occupants and any street by natural landscape barriers, which will maintain a 100% year round opacity within two years of planting. Any landscape barrier is subject to the review and approval of the City Manager or the Manager's designee.

(E) Parking in Residential Districts.

(1) Definitions. For purposes of this section, the following definitions shall apply.

(a) COMMERCIAL VEHICLE. Any vehicle used or designed to be used for business or commercial purposes which infringes on the character of a residential district and includes, but is not necessarily limited to: a bus, cement truck, commercial tree trimming equipment, construction equipment, dump truck, garbage truck, panel truck, semi-tractor, semi-trailer, or any other non-recreational trailer used for commercial purposes, stage bed truck, step van, tank truck, tar truck, or other commercial-type vehicle licensed by the Ohio State Bureau of Motor Vehicles as a commercial vehicle or commercial truck.

(b) PERSONAL AUTOMOBILE. Any vehicle that seats less than ten passengers, is registered as a passenger vehicle or a non-commercial truck, and used for the sole purpose of transporting resident(s) and guests(s) to and from daily activities.

(c) RECREATIONAL VEHICLE. Any motorized vehicle and/or associated non-motorized equipment used for camping, traveling, boating, or other leisure activities including, but not limited to campers, boats, travel trailers, motor buses (more than nine passengers), motor homes, snow mobiles, wave runners, and other vehicles designed for traveling on water (motorized and non-motorized). Trailers used for transporting this type of vehicle, or any trailers used for hauling equipment or materials, are also included within this definition.

(2) Commercial vehicles. Commercial vehicles are prohibited within residential districts, except as follows: commercial vehicles are permitted within an enclosed garage provided the garage door is no taller than nine feet in height.

(3) Recreational vehicles. A recreational vehicle may be stored on a residential property provided it is fully enclosed by a structure so that it cannot be entered upon or seen from an adjacent street.

(4) Personal automobiles. The following restrictions apply to personal automobiles.

(a) Location. No personal automobile shall be parked, stored, or allowed to remain on a lot or parcel of land that does not contain a principal structure. Personal automobiles must be parked on a hard surface and shall be prohibited within required side or rear yards and no-build/disturb zones. All personal automobiles shall be parked in a safe manner and shall not obstruct the public right-of-way.

(b) Registration. All personal automobiles shall be operable and have a valid registration and license within the most recent 12-month period. For purposes of this section, operable means capable of being started and driven from the location in question.

(c) Maintenance/condition. All inadequately maintained personal automobiles shall be removed from the residential lot. "Inadequately maintained" includes, but is not limited to broken windows or windshield, missing wheels, tires, motor or transmission, and/or malfunctioning engines, systems or parts.

(5) Exemptions.

(a) Habitation/guest occupancy. A recreational vehicle may be located on a residential lot and outside of an enclosed structure for up to 72 hours in any 30-day period, provided the owner or person in charge of the vehicle is a guest of the resident(s) of that lot. The recreational vehicle will be prohibited within the public right-of-way, any required side or rear yards and no-build/disturb zones. In no case shall the vehicle be used for overnight sleeping or living.

(b) Construction/delivery. Division (2) of this section shall not apply to commercial vehicles used for conveying the necessary tools and materials to premises where labor, using such tools and materials, is to be performed during the time of parking such vehicles. Division (2) of this section shall not apply during the time which commercial vehicles are being loaded or unloaded or used to deliver or hoist property or merchandise for completion of delivery, if such actions are conducted diligently and without unnecessary delay.

(F) Littering.

(1) Deposit of litter on occupied private property. No person shall throw or deposit litter on any occupied private property within the city, whether owned by such person or not, except that the owner or person in control of private property may maintain authorized private receptacles or collection in such a manner that litter will be prevented from being carried or deposited by the elements upon any street, sidewalk, or other public place or upon any private property.

(2) Maintenance of litter free premises. The owner or person in control of any private property shall at all times maintain the premises free of litter; but this section shall not prohibit the storage or litter in authorized private receptacles for collection, or within any building when not in violation of any health, fire, building code or other regulation, order, ordinance or statute.

(3) Vacant lots. No person shall throw or deposit litter on any open or vacant private property within the city whether owned by such person or not. Vacant lots shall be kept free of litter at all times by the person responsible for the property.

(4) Business establishments: receptacles. Every person owning, or managing, or having charge, control or occupancy of any real property in the city, who maintains a receptacle designated for their use shall dispose of refuse in such a way that said receptacle shall not overflow and the refuse so deposited shall not circulate freely in the environment.

(5) Receptacles: sanitary conditions. Every person owning, or managing, or having charge, control or occupancy of any real property in the city who maintain litter receptacles shall maintain such containers and receptacles in good condition. No receptacle may have ragged or sharp edges or any other defect liable to hamper or injure the person depositing or collecting the contents thereof.

(6) Unsightly premises. Every person owning, or managing, or having charge, control or occupancy of any real property in the city shall not allow any part of such property visible from

the street of adjoining premises to become so unsightly or untidy as to substantially detract from the appearance of the immediate neighborhood or tend to threaten the safety and welfare of the immediate neighborhood.

(7) *Abatement.* All persons, firms, or corporations owning, leasing or occupying buildings, grounds, or lots are hereby required to remove rubbish, trash, weeds, or other accumulation of filth or debris which constitutes a hazard to the public health, safety and welfare, from buildings, grounds, lots, contiguous sidewalks, streets, and alleys.

(8) *Enforcement.* In case of failure or refusal to comply with any such Notice of Abatement, the work required thereby may be done at the expense of the city and the amount of money expended therefor shall be a valid claim against the owner, occupant or person in charge and a lien upon such land which may be enforced by suit in any court of competent jurisdiction. Proceedings under this division shall not relieve any party defendant from criminal prosecution or punishment for violation of any other criminal law or ordinance in force within the city.

~~(9)(G) *Penalty.*~~

(a)(1) Any person violating any provisions of this section ~~will~~ shall be ~~deemed guilty of a misdemeanor and subject to penalty~~ guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to a violation of this section or any substantially equivalent state law or municipal ordinance, the offender shall be guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to two or more violations of this section or any substantially equivalent state law or municipal ordinance, the offender shall be guilty of a misdemeanor of the third degree.

(b)(2) Each day such violation is committed or permitted to continue after the initial five working days to abate shall constitute a separate offense and shall be punishable as such hereunder.