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153.002(B) DEFINITIONS.

SECURED. A building which has all points of entry into the structure closed by use of windows and doors which are in proper working order, intact, without holes, broken elements, and are locked.

VACANT STRUCTURE. Any building or structure, in whole or in part, including an accessory building, which has become vacant or abandoned for a period of at least thirty (30) consecutive days and which also meet at least one of the following conditions:

- (1) Is open to casual entry or trespass;
- (2) Is damaged to an extent which prohibits safe human occupancy;
- (3) Demonstrates a lack of property maintenance and upkeep;
- (4) Is under notice for being in violation of City ordinances;
- (5) Has been secured or boarded up for at least thirty days;
- (6) Has utilities disconnected or not in use;
- (7) Is under a condemnation notice or legal order to vacate; or
- (8) Is structurally unsound.

153.076 PUBLIC NUISANCE REGULATIONS.

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.

(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

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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:
 1. Trash and garbage properly located for normal and regular pickup, provided that 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.
 2. 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

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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.
 - 1. 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.
 - 2. 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.
 - 3. 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) The property owner may pay any such charges 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 any other penalties that may be levied.
 - (c) Violations occurring on construction sites may result in the issuance of a stopwork order until the site is brought into compliance.

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

(B) Vacant structures.

(1) Intent. The presence of vacant structures creates an element that lowers property values, leads to deteriorating housing conditions, undermines the quality of neighborhood life, affects the public health, safety and general welfare, and can also result in human injury and criminal activities. Vacant structures occupy an inordinate amount of City administrative and ordinance enforcement resources and the prolonged presence of vacant structures is unacceptable.

(2) Securing and maintenance of structures and premises.

Any structure on a premises that is designated as vacant is required to be maintained and secured so as not to be accessible to any unauthorized person through the following means including, but not limited to:

- (a) Any structure found to be unsecure must be secured within forty eight (48) hours of notification.
- (b) Boarding up a damaged or unsecure door, window or other openings may be permitted only to eliminate an immediate hazard, but not to exceed thirty (30) days.
- (c) In the case of damaged or broken doors, windows or other openings, they must be repaired properly within thirty (30) days of notification. Methods of securing properties may be materials typically used in other homes including glass materials for windows, doors in entrance and exit areas, and other materials that ensure the structure is compatible with the surrounding area and appear habitable. No use of wood or plywood materials is permitted beyond the 30 days notification.
- (d) Closure and locking of all windows, doors and other openings that may allow access to the interior of a structure.

(3) Vacant building will be subject to the following maintenance requirements:

- (a) Structure Openings: Doors, windows, areaways and other openings shall be weather tight and secured against entry by birds, vermin and trespassers. Missing or broken doors, windows and other such openings shall be covered by glass or other rigid transparent materials, which are weather protected, and tightly fitted and secured to the opening.

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- (b) Roofs. Roofs and flashings shall be sound and tight, not admit moisture or have defects, which might admit moisture, rain or roof drainage, and allow for drainage to prevent dampness or deterioration in the interior walls or interior of the structure.
- (c) Drainage. The structures storm drainage system shall be functional and installed in a manner consistent with City regulations and allow discharge in a manner consistent with City regulations.
- (d) Structure: The structure shall be in good repair, not in violation of City regulations, structurally sound and free from debris, rubbish and garbage. The structure shall be sanitary. The structure shall not pose a threat to the public health and safety.
- (e) Structural Members. The structural members shall be free of deterioration and capable of safely bearing imposed dead and live loads.
- (f) Foundation Walls: The foundation walls shall be structurally sound and in a sanitary condition so as not to pose a threat to public health and safety. The walls shall be capable of supporting the load of normal use and shall be free from open cracks and breaks, free from leaks and be rodent proof.
- (g) Exterior Walls: The exterior walls shall be free of holes, breaks and loose or rotting materials. Exposed metal, wood, or other surfaces shall be protected from the elements and against decay or rust by periodic application of weather coating materials, such as paint or similar surface treatment.
- (h) Decorative Features: The cornices, belt courses, corbels, trim, wall facings and similar decorative features shall be safe, anchored and in good repair. Exposed metal, wood or other surfaces shall be protected from the elements and against decay or rust by periodic application of weather coating materials, such as paint or similar surface treatment.
- (i) Overhanging Extensions: All balconies, canopies, marquees, signs, metal awnings, stairways, fire escapes, standpipes, exhaust ducts and similar features shall be in good repair, anchored, safe and sound. Exposed metal and wood surfaces shall be protected from the elements and against decay or rust by periodic application of weather coating materials, such as paint or similar surface treatment.
- (j) Chimneys and Towers: Chimneys, towers, and similar features shall be structurally safe and in good repair. Exposed metal and wood surfaces shall be protected from the elements and against decay or rust by periodic application of weather coating materials, such as paint or similar surface treatment.

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- (k) Walkways: Walkways shall be safe for pedestrian travel.
- (l) Accessory Structures: Accessory structures such as garages, sheds and fences shall be free from safety, health and fire hazards and shall comply with all village regulations.
- (m) Premises: The premises upon which the structure is located shall be clean, safe and sanitary. It shall be free from waste, rubbish, debris or excessive vegetation in compliance with City regulations and shall not pose a threat to public health and safety.

(4) Right of entry and inspections.

If the owner has failed to maintain a property and it has been maintained by the City, the City may enter or reenter the premises to conduct necessary inspections to insure compliance with the requirements of this chapter and to determine if there are any emergency or hazardous conditions.

(5) Reuse and occupancy.

No vacant structures shall be reoccupied until inspected and found to be in full compliance with all applicable City codes and a Certificate of Occupancy is issued by the City.

(6) Responsibility for violations.

All nuisance, housing, building and related code violations will be cited and noticed to the owner of record and shall become the owner's responsibility to bring in compliance. If the owner sells or otherwise disposes of the property to another party, the new owner shall not be entitled to any extension of time to correct or address such violations as existed at the time of sale, transfer or conveyance of the property.

(D) 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.** Any type or species that have been included on the official list of noxious plants for the state.

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- (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 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.

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.
 - (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.
- a. 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 division (C)(1) of this section, 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.
 - b. 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.

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- c. 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 division (C)(3) of this section 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 division (C)(7) of this section.
 - d. Exemptions. Areas cultivated specifically as a wildflower area, vegetable garden, or undeveloped land exceeding one acre in size designated as a natural area for birds and other wildlife are exempt from the provisions of this chapter. Designated natural areas abutting residential property or city right-of-way must maintain a 100 foot buffer at a maximum six inches in height around the perimeter of the entire site.
 - e. Penalty. Whoever violates any provision of divisions (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.
- (1) 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.
 - (2) For properties located in the Architectural Review District, as defined by § [153.170](#)(A) and illustrated in Appendix F, containers housing residential waste, yard waste, or recycling materials 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, fence or wall so long as it maintains 100% year round opacity and is compatible with the material and color of the adjacent structure. Screening shall be provided on all sides of the storage area to a height of six inches more than the tallest waste or recycling container. A solid gate matching the screening material is permitted on one side of the structure for walls and fences to provide access to the storage area. For landscape barriers, one side is permitted to remain open so long

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as it does not directly face a public street or adjacent property. Residential waste and recycling container screening located within the Architectural Review District is subject to review and approval through the Certificate of Zoning Plan Approval (CZPA) process.

(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 nonmotorized 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

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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 (E)(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 (E)(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

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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.
- (G) Penalty.
- (1) Any person violating any provisions of 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

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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.