

## 100120 DRAFT REGULATIONS

### 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 meets *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 all utilities disconnected or not in use;
- (7) Is under a condemnation notice or legal order to vacate; or
- (8) Is structurally unsound.

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(C) 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.

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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. A structure or premises shall be secured 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 to be boarded up 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~~ shall be repaired properly within thirty (30) days of notification.
  - (1) Methods of securing and/or repairing properties ~~may be~~ shall include 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 appears habitable.
  - (2) ~~No use of~~ Wood or plywood materials ~~is~~ shall not be 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.
- (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.

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- (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.
- (k) Walkways: Walkways shall be safe for pedestrian travel.

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(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.

### 7. Exemptions.

(a) A building under active construction/ renovation and having a valid building permit(s) at the time of initial inspection shall be exempt from ~~the registration~~ enforcement procedures until the expiration of the longest running, currently active building permit.

(b) A building that has suffered fire damage or damage caused by extreme weather conditions shall be exempt from ~~the registration requirements~~ enforcement procedures for a period of ninety (90) days after the date of the fire or extreme weather event if the property owner submits a request for exemption in writing to the Code

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Enforcement Officer. This request shall include the names and addresses of the owner or owners, and a statement of intent to repair and reoccupy the building in an expedient manner, or the intent to demolish the building.

- (c) A building that is for sale and listed with a licensed State of Ohio realtor [or for sale by owner](#) shall be exempted for a period of twelve (12) months from the start of vacancy, provided that the owner submits proof to the Code Enforcement Officer of such listing and for sale status.
- (d) Any owner of a vacant building may request an exemption from the provisions of this Chapter by filing a written application with the City who shall timely consider same. In determining whether a request for exemption should be granted, the City shall consider the following: the applicant's prior record as it pertains to Property Maintenance Code Violations; the amount of vacant property the applicant currently has within the City; and the length of time that the building for which the exemption is sought has been vacant. The City shall approve, approve with conditions, or reject the completed application for exemption within thirty (30) days of receiving it.

### (H) Penalty and Enforcement.

- a. All violations will be subject to enforcement procedures outline in Administrative Order 8.5. 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 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. 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.