

ORDINANCE NO. 76-1996

Offered by Mr. Waszak

AN ORDINANCE ENACTING CHAPTER 1307 OF THE BUILDING CODE ENTITLED "EXTERIOR PROPERTY MAINTENANCE CODE"

BE IT ORDAINED by the Council of the Village of Richfield, Summit County, State of Ohio:

SECTION 1. That a new Chapter 1307 of the Building Code entitled "Exterior Property Maintenance Code" be enacted to read as follows:

"CHAPTER 1307
Exterior Property Maintenance Code

1307.01 TITLE.

This Chapter shall be known as the Exterior Property Maintenance Code of the Village of Richfield.

1307.02 SCOPE.

This Chapter is strictly limited to the establishment of minimum standards for the maintenance of exterior surfaces and exterior functioning units of all structures, buildings and uses within the Village, including yard areas immediately contiguous thereto. No provisions of this Chapter shall, in any way, directly or indirectly, be interpreted to interfere with, or to limit the right of, any owner or resident to inhabit real property owned or leased by them in such manner and form as they may determine appropriate, consistent with other applicable provisions of law. This Chapter is directed to obvious visual problems which may occasion incipient blighting conditions within the Village. All matters of the interior use, occupancy or habitation of any structure or building within the Village are specifically excluded from the provisions of this Chapter.

1307.03 PURPOSE.

The purpose of this Code is to protect the public health, safety and welfare by establishing minimum standards governing the maintenance, appearance and exterior condition of all premises and uses throughout the Village; to fix certain responsibilities and duties upon owners, residents and managers of the same as to both separate and correlative responsibilities and duties; to authorize and establish procedures for the exterior inspection of such premises and uses; to fix penalties for the violations of this Code; and to provide for the repair, demolition or vacation of premises unfit for human habitation, occupancy or use. This Code is hereby declared to be remedial and essential for the public interest, and it is intended that this Code be construed and interpreted to effectuate the purpose as stated herein.

1307.04 APPLICABILITY.

Every building, occupancy or use shall comply with the provisions of this Code, whether or not such building or use shall have been constructed, altered or repaired before or after the enactment of this Code, and without regard to any permits or licenses which shall have been issued for the use or occupancy of the building or premises, for the construction or repair of the building or use, or for the installation or repair of equipment or facilities prior to the effective date of this Code. This Code establishes minimum standards for the initial and continued occupancy and use of all such structures and does not replace or modify standards otherwise established for the construction, repair, alteration or use of the building. Where there is a mixed occupancy, residential or nonresidential use therein shall be nevertheless regulated by and subject to the provisions of this Code.

1307.05 CONFLICT OF LAWS.

In any case where a provision of this Chapter imposes a higher standard than that set forth in any other ordinance by the Village or law of the State, then the standard set forth herein shall prevail, but if a provision of this Chapter imposes a lower standard than that imposed by any other ordinance of the Village or law of the State, then the higher standard contained in any such other ordinance or law shall prevail.

1307.06 ENFORCEMENT.

The enforcement of any and all provisions of this Chapter is placed with the Zoning Inspector, and additional enforcement officers including but not limited to Summit County Building Department, Summit County Health Department, Village Police Department, and Village Fire Department as they believe may be required shall carry out and effectuate all of the provisions herein.

(a) Inspection. All buildings, premises, and uses within the Village are subject to exterior inspections from time to time by the Zoning Inspector.

(b) Notice.

(1) Where a violation of any provision of this Chapter is found to exist, the Zoning Inspector shall cause a written notice of such violation to be served upon the person responsible for the correction thereof. The notice shall specify the violation committed and shall provide for a reasonable period of time, not more than ninety (90) days, to correct or abate the violation. In the event that weather is a major consideration in correcting or abating the violation, the Zoning Inspector may extend the time set out herein to not more than sixty (60) days immediately following the occurrence of appropriate weather conditions.

(2) Notice shall be served by certified mail to the owner of the property appearing on the current record of the county auditor and to the last known

address of the tenant to be served. If the last known address of the tenant cannot be ascertained, the notice shall be posted on the outside front entrance of the structure in alleged violation.

- (3) In the absence of an appeal, as provided below, the completion of notice, and failure to comply, shall constitute a Final Order as to administrative proceedings.

(c) Appeal.

- (1) Within fourteen (14) days of the date of service of notice, any person affected by the notice may request a hearing thereon before the Board of Zoning Appeals by filing a written request with the Zoning Inspector. The Chairperson of the Board, upon receipt of the request, shall set the matter down for hearing at the next regularly scheduled meeting of the Board of Zoning Appeals, allowing at least five (5) days notice to the party and the Zoning Inspector. The Board of Zoning Appeals may sustain, modify or dismiss, in whole or in part, any action required to correct or abate the violation set forth in the notice and shall issue an order incorporating its determinations, and such order shall be a Final Order as to these administrative proceedings.

- (2) The Board of Zoning Appeals shall consider only the following in determining appropriate action to be taken, to wit:

- (A) That any modification of the original order of the Zoning Inspector shall not, in any material way, alter the standards of this Chapter and shall not affect detrimentally the health or safety of occupants, or the health, safety or welfare of the occupants or owners of adjacent premises or of the immediate neighborhood; and

- (B) That strict enforcement would constitute an undue and unnecessary hardship on the owner, manager or resident, by reason of compelling an expenditure for repair of the premises which would be substantially disproportionate to any benefit to the health, safety or welfare of the community that might be derived therefrom.

No license or permit or other certification of compliance with this Code shall constitute a defense against any violation of any other local ordinance applicable to any structure or premises, nor shall any provision herein relieve any owner, manager or resident from complying with any such other provision, nor any official of the Village from enforcing any such other provision.

1307.07 MAINTENANCE RESPONSIBILITY.

(a) The owner and/or manager of every structure or use within the Village shall be responsible for maintaining the exterior surfaces of the same in conformance with the provisions of this Chapter.

(b) The owner and/or manager of every structure or use within the Village shall be responsible for maintaining the yard area contiguous thereto in conformance with the provisions of this Chapter.

(c) Unless expressly provided to the contrary in this Chapter, the respective obligations and responsibilities imposed herein upon the owner and manager, as differentiated from those of the occupants, shall not be altered or affected by an agreement or contract by and between any of the aforesaid, or between them and other parties.

1307.08 GENERAL EXTERIOR MAINTENANCE REQUIREMENTS.

(a) The exterior surfaces of all structures or uses within the Village whether functional or aesthetic, shall be maintained in good repair. Any exterior part or feature thereof having functional use shall be capable of performing the use for which such part or feature was designed.

(b) The entire yard area and extending up to and including the lot line in all directions, shall be maintained in a safe, clean and sanitary condition.

1307.09 EXTERIOR SURFACES.

(a) All exterior surfaces of every structure or use within the Village shall be maintained so as to resist decay or deterioration from any naturally-occurring cause. All exterior surfaces shall be covered with paint, finish or other surface-coating so as to prevent such decay or deterioration. An exterior wall segment, facing or other distinguishable surface area determined by the Zoning Inspector to have more than twenty-five percent (25%) of its total area bare, peeling, flaking, pitted, corroded or otherwise deteriorated, will require the wall segment, facing or other distinguishable surface are to be surface-coated in its entirety. If the surface to be coated is a portion of a larger structure, such surface coating shall be compatible in color, texture and design with the entire structure.

(b) Any deteriorated or decayed exterior walls, doors, porches, floors, steps, railings, or parts or features thereof, shall be repaired or replaced.

(c) Any damaged or broken windows, screens or shutters, and deteriorated or decayed sill, sash, molding, lintel, frame or trim thereof shall be repaired or replaced.

1307.10 FOUNDATIONS.

(a) The foundation of every structure or use within the Village shall be maintained in such condition and repair as to prevent damage to the structural integrity of the same.

1307.11 ROOFS, GUTTERS, DOWNSPOUTS AND CHIMNEYS.

(a) The roof of every structure or use within the Village shall be maintained weather-tight. All missing shingles, or other roofing materials, shall be replaced with materials of similar kind, nature, design and color as the original thereof. Any roof segment, or distinguishable portion thereof, determined by the Zoning Inspector to have more than twenty-five percent (25%) of its total area comprised of missing or deteriorated shingles, or other roofing material, then the roof segment or distinguishable portion thereof shall be replaced or repaired with materials of similar kind, nature, design, and color as the original thereof

(b) Any structure or use within the Village having gutters and/or downspouts in place shall be maintained in such a manner as to keep such gutters and/or downspouts free of exterior rust and corrosion. Such rust or corrosion as may develop in the course of ordinary use of the same shall be removed, painted or otherwise surface-coated so as to keep such gutters and/or downspouts free of visible rust or corrosion.

1307.12 YARD AREA MAINTENANCE.

(a) Refuse.

(1) No furniture, mattresses, household furnishings, rugs, appliances, dilapidated vehicles or vehicle parts, discarded or abandoned machinery and construction equipment shall be placed or stored in any yard area or use within the Village over a period in excess of fifteen (15) days.

(2) Exterior property areas of all premises or uses shall be kept free of debris, objects, materials or conditions that, in the opinion of the Zoning Inspector, create a health, accident or fire hazard, or are a public nuisance, or constitute a blighting or deteriorating influence on the neighborhood. All debris shall be removed within fifteen (15) days.

(b) Grass and Weed Control. Grass and weeds shall be maintained, controlled and cut in conformance with Section 521.11 of the General Offenses Code of the Village of Richfield.

(c) Accessory Structures.

(1) All structures or uses located in the yard area within the Village, such as sheds, barns, garages, bins and the like, shall be maintained in good repair in conformance with other provisions of this Chapter having regard to foundations, roofs and exterior surfaces.

- (2) Any broken, rusted, deteriorated or decayed fence, yard enclosure or other device or structure located in the yard area contiguous to any structure or use within the Village shall be repaired or removed.

(d) Ground Surface Hazards. Holes, cracks, excavations, breaks, projections and obstructions at any place on the premises which, in the opinion of the Zoning Inspector, are a hazard to persons using the premises shall not be permitted.

1307.13 ~~UNOCCUPIED OR INOPERATIVE STRUCTURES AND UNOCCUPIED~~
LOTS.

Unoccupied or inoperative structures, and the lot upon which any structure is located, as well as unoccupied lots, shall be maintained in accordance with the provisions of this Chapter. Any such lot shall be provided with grass or other appropriate ground cover or landscaping material so as to assure absorption of rainfall and prevent erosion and rapid runoff of surface water. The owner shall cut and maintain all grass or other ground cover and remove all rubbish and weeds from the premises. The parking of motor vehicles upon said premises shall be prohibited.

If any structure or use shall become unoccupied or inoperative and not maintained according to provisions of this Chapter for a period more than one hundred eighty days, it shall be presumed to be a nuisance affecting or endangering surrounding property values and to be detrimental to the public health, safety, convenience, comfort, property or general welfare of the community and shall be abated.

Whenever the Zoning Inspector shall find any structure to be unoccupied or an inoperative nuisance, notice shall be given in the same manner as service of summons in civil cases or by certified mail addressed to the owner of record of the premises at his last know address or to the address to which tax bills are sent, or by a combination of the foregoing methods, to abate such unoccupied or inoperative nuisance condition within thirty (30) days either by placing the structure in operation in accordance with this Section, adapting and using the structure for another use permitted in the Zoning District or by razing the structure, removing all debris, any signs, goods, supplies and equipment, and filling depressions to the grade level of the lot, provided, however, that if the structure is in use at the time notice is given and remaining in operation for ninety (90) consecutive days, the provisions of this Section shall not apply.

Upon the failure, neglect or refusal of any owner to comply with the notice to abate such unoccupied or inoperative nuisance, the Zoning Inspector shall advise the Law Director of all the facts and the Law Director shall proceed to exercise on behalf of the Village any remedy which shall then be available to it to secure an abatement of such unoccupied or inoperative nuisance, including any that pertains to the abatement of a public nuisance, and to recover any damages or enforce any penalties which may be recovered or imposed at the instance of the Village, including all damages reasonable under Ohio Revised Code Sections 715.26 and 715.261.

The remedies contained in this Section shall be cumulative and shall apply in addition to any other remedial sections in this Code, including but not specifically limited to, Section 1301.07 of the building code.

1307.14 PENALTY.

(a) Whenever the person responsible under this Chapter with the maintenance of a structure or premises fails to comply with any Final Order as provided in this Chapter, the Law Director may institute appropriate action at law.

(b) Whoever violates any provision of this Chapter, or fails to comply with any Final Order as provided herein shall be upon conviction of the same, guilty of a misdemeanor of the third degree. A separate offense shall be deemed committed each day on which a violation occurs or continues.

(c) Whoever violates any provision of this Chapter, or fails to comply with any Final Order as provided herein, on more than one (1) subject matter in any two-year period separate and distinct from a conviction upon a prior subject matter, shall be, upon conviction of the same, guilty of a misdemeanor of the first degree. A separate offense on such subsequent subject matter within 2 years shall be deemed committed each day on which a violation or noncompliance occurs or continues."

SECTION 2. That all ordinances and resolutions inconsistent with this Ordinance be, and the same hereby are, repealed.

SECTION 3. This Ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed: December 17, 1996

[Signature]
President of Council

[Signature]
Mayor

Dated: 12/20/96

ATTEST:
[Signature]
Clerk of Council