

ORDINANCE 08-117

**AN ORDINANCE ENACTING NEW CHAPTER 1309 AND NEW SECTION 1101.02
AND AMENDING EXISTING SECTION 1101.01(b) OF THE CODIFIED ORDINANCES
TO CREATE AN EXTERIOR PROPERTY MAINTENANCE CODE**

Be it ordained by the Council of the Village of Middlefield, County of Geauga and State of Ohio, that:

SECTION 1. New Chapter 1309 of the Codified Ordinances is hereby enacted to read as follows:

TITLE I - GENERAL

1309.01 PURPOSE

The purpose of this Exterior Property Maintenance Code is to protect the public health, safety, morals and general welfare as it pertains to premises and buildings used for residential, commercial and industrial purposes. This protection is hereinafter provided by:

- (a) Establishing minimum standards for maintaining residential, commercial and industrial environmental quality to preserve and achieve the presentable appearance of existing structures and premises; avoiding blighting effects of the substandard maintenance of structures and premises and its negative impact on the value of surrounding properties; and eliminating hazardous conditions;
- (b) Fixing the responsibilities of owners, operators and occupants of structures and their premises; and
- (c) Providing for administration, enforcement and penalties.

1309.02 INTERPRETATION

This Chapter of the Codified Ordinances shall be known as the "Middlefield Exterior Property Maintenance Code" and is sometimes referred to hereinafter as the "Maintenance Code" or the "Code". The same rules of construction, definitions and applications that apply to interpretation of the Ohio Revised Code shall apply to this Chapter unless this Chapter or other applicable law provides or requires otherwise. Interpretation of terms not included as part of this Chapter shall be interpreted by use of an approved American Standard English dictionary. In addition, the following shall apply:

- (a) Words used in the singular shall include the plural, and the plural the singular;
- (b) Words used in the present tense shall include the future tense;
- (c) Words in the masculine gender shall include the feminine and neuter;
- (d) The word "shall" is mandatory and not discretionary;
- (e) The word "may" is permissive;
- (f) The phrase "used for" shall include the phrases "arranged for", "designed for", "intended for", "maintained for" and "occupied for";
- (g) The word "person" includes a firm, association, organization, partnership, trust, company or corporation as well as an individual; and
- (h) The word "dwelling" includes the word "residence".

1309.03 DEFINITIONS

For purposes of the Maintenance Code, the following terms and words shall have, throughout this Chapter, the meaning given herein:

- (a) **BUILDING CODE:** The most current edition of the Ohio Basic Building Code, or such other code as may be officially designated by the Geauga County Commissioners for the regulation of construction, alteration, addition, repair, removal, demolition, use, location, occupancy and maintenance of all buildings and structures in Geauga County, Ohio.
- (b) **DETERIORATION:** The condition or appearance of a building or part thereof, characterized by holes, breaks, rot, crumbling, cracking, peeling, rusting or other evidence of physical decay, neglect or lack of maintenance.
- (c) **DWELLING:** Any structure designed for use by human occupants for sleeping and living purposes, whether occupied or vacant.
- (d) **EXPOSED TO PUBLIC VIEW:** Any premises, or any part thereof, or any building or any part thereof, which may be lawfully viewed by the public from a sidewalk, street, alleyway, open air parking lot or from any adjoining or neighboring premises.

- (e) **EXTERIOR PROPERTY AREAS:** Those portions of a building which are exposed to public view and the open space of any premises outside of any building erected thereon.
- (f) **JUNK OR INOPERABLE VEHICLE:** A vehicle, including but not limited to cars, trucks, buses, trailers and boats, shall be deemed a junk or inoperable vehicle whenever any of the following occur:
 - (1) The vehicle is without a valid current registration and/or license plate;
 - (2) The vehicle is apparently inoperable;
 - (3) The vehicle is without fully inflated tires and/or has any type of support under it;
 - (4) The vehicle has a substantially damaged or missing window, windshield, door, motor, transmission or other similar major part.
- (g) **NUISANCE:**
 - (1) Any public nuisance known in equity jurisprudence, or as provided by the statutes of Ohio or the ordinances of the Municipality;
 - (2) Conditions dangerous to human life or detrimental to health of persons on or near the premises where the conditions exist and where the condition is made perilous by active or negligent operation thereof;
 - (3) Unsanitary conditions or anything offensive to the senses or dangerous to health; and
 - (4) Fire hazards.
- (h) **OWNER:** The owner of the premises including the holder of title thereto, the holder of title subject to a contract of purchase, a vendee in possession, a mortgagee or receiver in possession, a lessee or joint lessees of the whole thereof or any agent or any other person, firm, corporation or fiduciary directly in control of the premises.
- (i) **PREMISES:** A lot, plot or parcel of land including the buildings or structures thereon.
- (j) **STRUCTURE:** A combination of any materials, fixed or portable, forming a construction.
- (k) **WEATHERING:** Deterioration, decay or damage caused by exposure to the

elements.

TITLE II - ADMINISTRATION AND ENFORCEMENT

1309.04 APPLICATION OF EXTERIOR PROPERTY MAINTENANCE CODE

The provisions of this Chapter shall apply to all premises and structures within the Municipality used for human habitation, commercial purposes, or industrial purposes which are now or may become in the future substandard with respect to structure, maintenance, proper drainage and sanitary conditions, or other similar conditions which otherwise constitute a public nuisance.

1309.05 COMPLIANCE REQUIRED

Every portion of a building or premises used or intended to be used for residential, commercial or industrial purposes, shall comply with the provisions of this Chapter, irrespective of when such building has been constructed, altered or repaired, or premises occupied, except as hereinafter provided.

1309.06 CONFLICT OF LAWS

In any case where a provision of this Chapter is found to be in conflict with a provision of any zoning, building, fire, safety or health regulation or other regulation, the provision which establishes the higher standard for the promotion and protection of the safety and health of the people shall prevail.

1309.07 EXISTING REMEDIES

Nothing in this Chapter shall be deemed to abolish, impair or prevent the execution of any existing remedies of the Village or its officers or agents related to the abatement of a public nuisance.

1309.08 HOUSING OFFICER

- (a) Appointment and Duties. The Housing Officer shall be appointed pursuant to such terms and conditions as the Council, by ordinance, shall provide. The Housing Officer shall be responsible for administering and enforcing the Maintenance Code, and may call upon any department or division of the Municipality for whatever assistance may be necessary to abate a violation of this Chapter. The Housing Officer may, but shall not be required to be the same person as the Zoning Inspector.
- (b) Liability. No officer, agent or employee of the Village shall be personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his duties under this Maintenance Code.

1309.09 INSPECTIONS

The Housing Officer is authorized to make inspections of all building exteriors and premises located within the Village for purposes of enforcing the provisions of this Maintenance Code. For the purpose of making such inspections, and upon showing appropriate identification, the Housing Officer is hereby authorized to examine and survey at any reasonable hour all residential, commercial, industrial and other premises.

1309.10 NOTICE OF VIOLATION

- (a) Content. Whenever the Housing Officer determines that there is violation of the provisions of this Maintenance Code, he may give notice of such violation to the person or persons responsible therefor and order compliance, as hereinafter provided. Such Notice and Order shall:
- (1) Be in writing;
 - (2) Include a description of the real estate sufficient for identification;
 - (3) Include a statement of the reason or reasons why it is being issued;
 - (4) Include a correction order allowing a reasonable time for the repairs and improvements required to bring the property into compliance with the provisions of this Maintenance Code; and
 - (5) State the right of the violator to file an appeal of the Notice of Violation with the Planning Commission within twenty (20) days of the date the Notice is given.
- (b) Service. A Notice of Violation shall be deemed to be properly served if one or more of the following methods are used:
- (1) By personal delivery to the owner or occupant of the premises or by leaving the Notice at the premises with a person of suitable age and discretion; or
 - (2) By certified mail deposited in the United States Post Office addressed to the person or persons responsible at his/their last known address, with return receipt requested. If a certified mail envelope is returned with endorsement showing that the envelope is unclaimed, then service shall be sent by ordinary mail and the mailing shall be evidenced by a certificate of mailing which shall be filed the Housing Officer. Service shall be deemed completed when the fact of mailing is entered of record, provided that the ordinary mail envelope is not returned by the postal authorities with an endorsement showing

failure of delivery; or

- (3) By posting a copy of the Notice of Violation in a conspicuous place on the premises found in violation and publishing a legal notice in a newspaper of general circulation in the Municipality. The legal notice shall identify the owners of the property, the last address, if known, of the owners, the parcel identification, the location and nature of the violation.

1309.11 EXTERIOR PROPERTY MAINTENANCE CODE APPEALS

To implement the purposes and requirements of this Maintenance Code, the Municipality's Planning Commission is hereby empowered to hear appeals regarding the interpretation, implementation and enforcement of this Chapter pursuant to Section 1101.02.

1309.12 PROSECUTION

In case any Notice of Violation or other Order issued by the Housing Officer is not promptly complied with, upon request from the Housing Officer, the Mayor may request the Municipality's Prosecutor to institute an appropriate action or proceeding at law to exact the penalty provided in Section 1309.16 of this Maintenance Code, and in addition thereto, may ask the Municipality's Solicitor to proceed at law or in equity against the person responsible for the violation for the purpose of ordering him/her to comply therewith.

1309.13 ABATEMENT OF NUISANCE BY MUNICIPALITY AND COST RECOVERY

Should the nuisance not be abated at the expiration of the time stated in the Notice of Violation or other Order of the Housing Officer or any extensions granted or such additional time as the Planning Commission may grant, the Mayor shall be authorized at any time thereafter to request a court to authorize entry to take such action as deemed appropriate to abate the nuisance, in addition to any remedies provided elsewhere in this Maintenance Code and the Codified Ordinances. In abating such nuisance, the Mayor may call on any department, division or contractor of the Municipality for whatever assistance may be necessary to abate the aforesaid nuisance or may, by private contract, abate such nuisance and the cost of the contract will be paid for from Municipality's funds. All costs for abating such nuisance shall be recovered in the following manner:

- (a) The owner(s) shall be billed directly by certified mail deposited with the United States Post Office. In the event the certified mail envelope is returned with endorsement showing that the envelope is unclaimed, then service shall be sent by ordinary mail and the mailing shall be evidenced by a certificate of mailing which shall be filed by the Housing Officer.
- (b) If the costs are not so recovered within thirty (30) days of receipt of the

mailing described in Section 1309.13(a), the Municipality may collect the cost by proceeding with legal action in a court of competent jurisdiction, or by certifying said cost as provided in subparagraph (c) of this section.

- (c) If the costs are not recovered within one hundred eighty (180) days of the Municipality incurring said costs, the Village Administrator shall certify those costs to the Geauga County Auditor, who shall place such charges upon the tax duplicate, together with all interest and penalties allowed by law. Such charges shall be collected as other municipal taxes are collected.

1309.14 TRANSFER OF OWNERSHIP

It shall be unlawful for the owner of any building or structure who has received a Notice of Violation to sell, transfer, mortgage, lease or otherwise dispose of to another until the provisions of the Notice of Violation have been complied with, or until such owner shall first furnish the grantee, transferee, mortgagee or lessee a true copy of any Notice of Violation issued by the Housing Officer and shall furnish to the Housing Officer a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such Notice of Violation and fully accepting the responsibility without condition for making the corrections or repairs required by such Notice of Violation.

1309.15 ABANDONMENT OF CONSTRUCTION PROJECT

Where a building permit has been issued for construction of any building or structure, all construction work shall be diligently pursued to completion except for circumstances beyond the property owner's control (e.g., labor strikes, inclement weather, etc.). Any construction project upon which no substantial work has been undertaken for a period of six (6) months, shall be deemed abandoned. Upon any construction project being deemed abandoned (1) the zoning permit for said work shall be revoked and (2) all buildings or structures not completed as specified by the building permit, and all building materials and construction equipment shall be removed from the site.

1309.16 VIOLATION AND PENALTIES

- (a) No person shall violate any provision or fail to conform to any of the requirements of this Maintenance Code or fail to comply with any order made hereunder.
- (b) Whoever violates any section of this Maintenance Code shall be guilty of a minor misdemeanor and be fined not more than one hundred dollars (\$100.00). A separate offense shall be deemed committed each day during or on which a violation occurs or continues.
- (c) The application of the penalty provided in subparagraph (b) hereof shall not be held to prevent the Municipality from removing or forcing removal of prohibited conditions.

TITLE III -RESIDENTIAL EXTERIOR PROPERTY MAINTENANCE STANDARDS

1309.17 APPLICATION OF MAINTENANCE STANDARDS

The residential exterior property maintenance standards, set forth in Sections 1309.18 through 1309.23, are applicable to all residential structures, dwelling units, residential portions of mixed use structures and all dwelling units located in commercial buildings.

1309.18 STRUCTURAL SOUNDNESS AND MAINTENANCE OF DWELLINGS

Every foundation, exterior wall, and roof of every dwelling shall be so constructed and maintained and be kept in good repair and in safe condition so as to make all occupied rooms and other interior areas weather-tight, water-tight, rodent proof and so as to be fit for human habitation and so as to not adversely affect the neighborhood in which they are located. Good repair, maintenance and safe condition shall include but is not limited to the following:

- (a) Foundations. Foundations shall support the building at all points and shall be free of all holes and cracks which admit rodents, water or dampness to the interior of the building or lessen the capability of the foundation to support the building.
- (b) Exterior Walls and Surfaces. Exterior walls and other exterior surface materials shall be free of holes, cracks, loose or rotting boards and timbers or any other condition which might admit rodents, rain or dampness to the interior of the dwelling.
- (c) Windows. Windows shall be fully supplied with window glass or an approved substitute which is glazed and is without open cracks or holes, shall have sashes in good condition which fit within frames, be capable of being easily opened and held in position by hardware, and maintained so as to exclude adverse weather elements from entering the structure.
- (d) Exterior Doors. Doors shall be maintained so as to be structurally sound, fit within frames so as to be weatherproof, windproof, and waterproof and be provided with door hinges and door latches which are in good working condition.

- (e) Roof. Roof members, covering and flashing shall be structurally sound and tight so as to prevent the entrance of moisture and be maintained by renewal, repair, waterproofing or other suitable means. Roof drainage shall be adequate to prevent rain water from causing dampness in the interior portion of the building.
- (f) Gutters. Rain gutters, downspouts, leaders or other means of water diversion shall be provided to collect/conduct and discharge all water from the roof and maintained so as not to leak or cause dampness in the walls, ceiling, or basements or adversely affect adjacent properties.
- (g) Chimneys. Chimneys shall be free of cracks, holes or missing portions and maintained in sound and safe condition.
- (h) Porch. Every porch shall be so constructed and maintained so as to be free of missing, defective, rotting or deteriorated foundations, supports, floors, other members, and steps thereto, so as to be safe to use and kept in sound condition and in good repair.
- (i) Structural Member. Any structural member of a structure which has become deteriorated or damaged to the extent that it does not serve the purpose as originally intended shall be renewed, restored, repaired, or replaced as is necessary to serve the purpose as originally intended.
- (j) Exterior Surfaces. Except for materials that have been designed or manufactured to remain untreated, all exterior wood, composition or metal surfaces shall be protected from the elements by paint or other protective covering. Surfaces shall be maintained so as to be kept clean and free of flaking, loose or peeling paint or covering.
- (k) Basement. Basement or cellar hatchways shall be so constructed and maintained as to prevent the entrance of rodents, rain and surface drainage into the dwelling.
- (l) Decorative Features. All cornices, entablatures, bell courses, corbels, terra cotta trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.

1309.19 PAINT AND COATING MATERIALS

All paint and other coating materials shall be free of any lead. These materials shall also be free of dangerous substances banned from general use by authorized federal, state, county, or local regulatory agencies for health and safety reasons.

1309.20 EXTERIOR PROPERTY AND STRUCTURE EXTERIORS

All buildings and the exterior of all premises shall be properly maintained to achieve a presentable appearance and to avoid blighting effects and hazardous conditions.

- (a) Exterior Space. The exterior open space around each dwelling shall be maintained or so improved so as to provide for:
 - (1) The immediate diversion of water away from buildings and proper drainage of the lot;
 - (2) Grass, plantings or other suitable ground cover to prevent soil erosion which is or may become detrimental to the structures, lot use or adjacent lots and structures;
 - (3) Yard-walks, parking areas, and driveways of a concrete, asphalt, pavers or similar surface which are of sound construction and properly maintained; and
 - (4) Exterior steps which are of sound construction and properly maintained free of hazardous conditions.
- (b) Maintenance. The exterior of all premises and every structure thereon including but not limited to walls, roofs, cornices, chimneys, drains, towers, porches, landings, fire escapes, stairs, signs, windows, doors, awnings, and all surfaces thereof, shall be maintained so as to avoid any blighting effects on neighboring properties and shall be painted or protected where necessary for the purpose of preservation. All canopies, signs, awnings, exterior stairways, fire escapes, standpipes, exhaust ducts, porches, balconies, and similar overhanging extensions, where exposed to public view, shall be maintained in good condition and shall not show evidence of ripping, tearing, or deterioration.
- (c) Fences and Walls. All fences, retaining walls, or similar structures shall be anchored firmly in the ground, shall be constructed in a workmanlike manner and maintained in that same manner so that such approved fences, retaining walls, or similar structures shall always be in the state of good structural repair. If any fence, retaining wall, or similar structure is found not to be in the state of good structural repair, it shall be removed, replaced, or repaired as required. Except when constructed of materials that have been designed or manufactured to remain untreated, all fences shall be treated periodically with paint or chemicals so as to retard deterioration.
- (d) Yards. Consistent with the requirements of Chapter 557 of the Codified Ordinances, all yards, courts, and lots shall be kept free of overgrown grasses, debris and other materials which may cause a fire, health, safety hazard, or general unsightliness.

- (e) Hazards. Hazards and unsanitary conditions shall be eliminated.
- (f) Occupancy. No temporary buildings, trailers, recreational vehicles, tents, or garages shall be used temporarily or permanently as a residence in the course of construction.
- (g) Drainage. All portions of all premises shall be so graded that there is no pooling of water or recurrent entrance of water into any part of any building except when such pooling or retention of water is part of a plan approved by the Village consistent with the requirements of Section 1140.05 and Chapter 1171 of the Codified Ordinances. All condensate and waste cooling water shall be appropriately discharged into an approved drainage system.
- (h) Drainage Swales. Swales are to be maintained by the owners of the parcels on which they are located, and at no time will anyone plant shrubs and/or trees, or discharge, empty, or place any material, fill or waste into any swale so as to divert or impede drainage flow. Small swales can be mowed as part of the yard. Larger swales in meadow situations should be mowed less frequently in order to allow grasses to grow taller to retard runoff and prevent erosion. Swales in woodland areas should be left in their natural condition leaving understory growth to retard runoff and prevent erosion.
- (i) Junk, Inoperable or Unlicensed Vehicle. No junk, inoperable, or unlicensed vehicle shall be located on any residential property, except when stored within a completely enclosed building.

1309.21 VEGETATION

- (a) Vegetation Cutting Required. All grass, weeds or rank vegetation shall be periodically cut and in no case shall exceed a height of six (6) inches, consistent with the provisions of Chapter 557 of the Codified Ordinances.
- (b) Maintenance of Plantings. All plant materials, especially trees and shrubs, afflicted with decay, disease, insect infestation, or otherwise considered dangerous to other plant material shall be removed or appropriately treated. All sound plant materials, especially trees and shrubs, shall be properly maintained and not evidence signs of neglect.

1309.22 STAIRWAYS

- (a) Exterior Stairways. All exterior stairways on all residential premises shall be in accordance with the following provisions:
 - (1) Stairways shall be maintained free of holes, grooves, and cracks which constitute a safety hazard;

- (2) Stairways shall be maintained free of rotted or deteriorated supports;
- (3) Stairways shall have treads of uniform width and risers of uniform height; and
- (4) Stairway handrails and/or railings shall be firmly fastened and maintained in good condition. Where the absence of handrails and/or railings create a hazardous condition, the Housing Officer may require their installation in accordance with the provisions of the Ohio Basic Building Code.

1309.23 ACCESSORY STRUCTURES

- (a) Accessory Structures. All structures accessory to the dwellings, including detached garages, shall be maintained structurally sound, neatly maintained, and in good repair or shall be razed to grade level and debris removed from the premises.

TITLE IV - COMMERCIAL EXTERIOR PROPERTY MAINTENANCE STANDARDS

1309.24 GENERAL PROVISIONS

The commercial exterior property maintenance standards, set forth in Sections 1309.25 through 1309.30, are applicable to all commercial structures, commercial units, and portions of mixed use structures which are devoted to commercial use, including all exterior and structural requirements, soundness and maintenance. Every commercial structure and commercial unit shall meet all of the provisions and requirements of the official zoning code, building code, fire code and health ordinance applicable to the structure and its intended and present use. Where these codes require the provision of a particular facility or equipment, or where they set a structural or installation standard, such related parts of every commercial structure and commercial unit shall be maintained to the minimum standard provided for in the applicable section of this Code or to the minimum standard provided for in the above codes, whichever standard is higher.

1309.25 STRUCTURAL SOUNDNESS AND MAINTENANCE OF COMMERCIAL STRUCTURES

Every foundation, floor, wall, ceiling and roof of every commercial structure shall be so constructed and maintained and be kept in good repair and in safe condition so as to make all occupied rooms and other interior areas weather-tight, water-tight, rodent proof and so as to be fit for human use and so as to not adversely affect the neighborhood in which they are located. Good repair, maintenance and safe condition shall include but is not limited to the following:

- (a) Foundations. Foundations shall support the building at all points and shall

be free of all holes and cracks which admit rodents, water or dampness to the interior of the building or lessen the capability of the foundation to support the building.

- (b) Exterior Walls and Surfaces. Exterior walls and other exterior surface materials shall be free of holes, cracks, loose or rotting boards and timbers or any other condition which might admit rodents, rain or dampness to the interior of the dwelling.
- (c) Windows. Windows shall be fully supplied with window glass or an approved substitute which is glazed and is without open cracks or holes, shall have sashes in good condition which fit within frames, and maintained so as to exclude adverse weather elements from entering the structure.
- (d) Exterior Doors. Doors shall be maintained so as to be structurally sound, fit within frames so as to be weatherproof, windproof, and waterproof and be provided with door hinges and door latches which are in good working condition.
- (e) Roof. Roof members, covering and flashing shall be structurally sound and tight so as to prevent the entrance of moisture and be maintained by renewal, repair, waterproofing or other suitable means. Roof drainage shall be adequate to prevent rain water from causing dampness in the interior portion of the building.
- (f) Gutters. Rain gutters, downspouts, leaders or other means of water diversion shall be provided to collect/conduct and discharge all water from the roof and maintained so as not to leak or cause dampness in the walls, ceiling, or basements or adversely affect adjacent properties.
- (g) Chimneys. Chimneys shall be free of cracks, holes or missing portions and maintained in sound condition.
- (h) Porch. Every porch shall be so constructed and maintained so as to be free of missing, defective, rotting or deteriorated foundations, supports, floors, other members, and steps thereto, so as to be safe to use and kept in sound condition and in good repair.
- (i) Structural Member. Any structural member of a structure which has become deteriorated or damaged to the extent that it does not serve the purpose as originally intended shall be renewed, restored, repaired, or replaced as is necessary to serve the purpose as originally intended.
- (j) Exterior Surface. Except for materials that have been designed or manufactured to remain untreated, all exterior wood, composition or metal surfaces shall be protected from the elements by paint or other protective

covering. Surfaces shall be maintained so as to be kept clean and free of flaking, loose or peeling paint or covering.

- (k) Basement. Basement or cellar hatchways shall be so constructed and maintained as to prevent the entrance of rodents, rain and surface drainage into the structure.
- (l) Decorative Features. All cornices, entablatures, bell courses, corbels, terra cotta trim, wall facings, and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.

1309.26 PAINT AND COATING MATERIALS

All paint and other coating materials shall be free of any lead. These materials shall also be free of dangerous substances banned from general use by authorized federal, state, county, or local regulatory agencies for health and safety reasons.

1309.27 EXTERIOR PROPERTY AND STRUCTURE EXTERIORS

All buildings and the exterior of all premises shall be properly maintained to achieve a presentable appearance and to avoid blighting effects and hazardous conditions.

- (a) Exterior Space. The exterior open space around each structure shall be maintained or so improved so as to provide for:
 - (1) The immediate diversion of water away from buildings and proper drainage of the lot;
 - (2) Grass, plantings or other suitable ground cover to prevent soil erosion which is or may become detrimental to the structures, lot use or adjacent lots and structures; and
 - (3) Yard-walks, parking areas, driveways and exterior steps which are of a permanently hard, dust free surface of sound construction and properly maintained.

- (b) Maintenance. The exterior of all premises and every structure thereon including but not limited to walls, roofs, cornices, chimneys, drains, towers, porches, landings, fire escapes, stairs, store fronts, signs, windows, doors, awnings, marquees, and all surfaces thereof, shall be maintained so as to avoid any blighting effects on neighboring properties and shall be painted or protected where necessary for the purpose of preservation.

All canopies, marquees, signs, awnings, exterior stairways, fire escapes, standpipes, exhaust ducts, porches, balconies, and similar overhanging extensions, and their support structures where exposed to public view, shall be maintained in good condition and shall not show evidence of ripping, tearing or deterioration. Prohibited and obsolete signs shall be removed or replaced pursuant to Chapter 1165 of the Codified Ordinances.

- (c) Fences and Walls. All fences, retaining walls, or similar structures shall be anchored firmly in the ground, shall be constructed in a workmanlike manner and maintained in that same manner so that such approved fences, retaining walls, or similar structures shall always be in the state of good structural repair. If any fence, retaining wall, or similar structure is found not to be in the state of good structural repair, it shall be removed, replaced or repaired as required. Except when constructed of materials that have been designed or manufactured to remain untreated, all fences shall be treated periodically with paint or chemicals so as to retard deterioration.
- (d) Yards. Subject to the provisions of Chapter 557 of the Codified Ordinances, all yards, courts, and lots shall be kept free of noxious weeds, overgrown grasses, debris and other materials which may cause a fire, health, safety hazard or general unsightliness.
- (e) Hazards. Hazards and unsanitary conditions shall be eliminated.
- (f) Occupancy. No temporary buildings, trailers, recreational vehicles, tents or garages shall be used temporarily or permanently as a residence.
- (g) Drainage. All portions of all premises shall be so graded that there is no pooling of water or recurrent entrance of water into any part of any building except where such pooling or retention of water is part of a plan approved by the Village. Consistent with Section 1140.05 and Chapter 1171 of the Codified Ordinances, all condensate and waste cooling water shall be appropriately discharged into an approved draining system.
- (h) Drainage Swales. Swales are to be maintained by the owners of the parcels on which they are located, and at no time will anyone plant trees and/or shrubs or discharge, empty or place any material fill or waste into any swale so as to impede or divert drainage flow. Small swales can be mowed as part of the yard. Larger swales in meadow situations should be mowed less

frequently in order to allow grasses to grow taller to retard runoff and prevent erosion. Swales in woodland areas should be left in their natural condition leaving the understory growth to retard runoff and prevent erosion.

- (i) Junk, Inoperable or Unlicensed Vehicle. No junk, inoperable or unlicensed vehicle shall be located on any commercial property, except when stored within a completely enclosed building or in a manner in conformance with the Codified Ordinances.
- (j) Traffic Markings. All traffic markings such as directional arrows, lane division lines, parking space lines, stop signs, etc., shall be maintained so as to be clearly visible and easily recognized, and shall otherwise comply with the requirements of Chapter 1165 of the Codified Ordinances.
- (k) Conduct of Business.
 - (1) All business activity, except for off-street loading, shall be conducted within completely enclosed buildings.
 - (2) All storage of trash and garbage containers and/or dumpsters shall be effectively screened from view in a manner approved by the Housing Officer.
 - (3) All storage of materials, goods or products, including inoperable vehicles, shall be within a completely enclosed building unless a permit therefor has been issued as required by Section 1159.06 of the Codified Ordinances.
- (l) Exterior Light Fixtures. Exterior lighting fixtures over steps, paths, walkways, courts, drives and parking lots shall be neatly maintained in operable condition and lighted for sufficient periods of time before and after business hours to provide for pedestrian and employee safety and properly aimed so as not to shine on adjacent properties and shall otherwise comply with other provisions of the Codified Ordinances.

1309.28 VEGETATION

- (a) Vegetation Cutting Required. All grass, weed or rank vegetation shall be periodically cut and in no case shall exceed a height of six (6) inches, consistent with the provisions of Chapter 557 of the Codified Ordinances.
- (b) Maintenance of Plantings. All plant materials, especially trees and shrubs, afflicted with decay, disease, insect infestation, or otherwise considered dangerous to other plant material shall be removed or appropriately treated. All sound plant materials, especially trees and shrubs, shall be properly maintained and not evidence signs of neglect.

1309.29 STAIRWAYS

- (a) Exterior Stairways. All exterior stairways on all commercial premises shall be in accordance with the following procedures:
- (1) stairways shall be maintained free of holes, grooves and cracks which constitute a safety hazard;
 - (2) stairways shall be maintained free of rotted or deteriorated supports;
 - (3) stairways shall have treads of uniform width and risers of uniform height; and
 - (4) stairway handrails and/or railings shall be firmly fastened and maintained in good condition. Where the absence of handrails and/or railings create a hazardous condition, the Housing Officer may require their installation in accordance with the provisions of the Ohio Basic Building Code.

1309.30 ACCESSORY STRUCTURES

Accessory Structures. All structures accessory to commercial use, including signs and detached storage buildings, shall be prohibited unless they otherwise comply with the provisions of the Zoning Code. If permitted, such accessory structures shall be maintained structurally sound, neatly maintained, and in good repair or shall be razed to grade level and debris removed from the premises.

TITLE V - INDUSTRIAL EXTERIOR PROPERTY MAINTENANCE STANDARDS

1309.31 GENERAL PROVISIONS

Every industrial structure and industrial use shall meet all provisions and requirements of the official zoning code, building code, fire code and health ordinance applicable to the structure and its intended and present use. Where these codes require the provision of a particular facility or equipment, or where they set a structural or installation standard, such related parts of every industrial structure and industrial use shall be maintained to the minimum standard provided for in the applicable section of this Code or to the minimum standard provided for in the above codes, whichever standard is higher.

The industrial exterior property maintenance standards, set forth in Sections 1309.32 through 1309.37, are applicable to all industrial structures, industrial uses and portions of mixed use structures which are devoted to industrial use, including all exterior and structural requirements, soundness and maintenance.

1309.32 STRUCTURAL SOUNDNESS AND MAINTENANCE OF INDUSTRIAL STRUCTURES

Every foundation, floor, wall, ceiling and roof of every industrial structure shall be so constructed and maintained and be kept in good repair and in safe condition so as to make all interior areas weather-tight, water-tight, rodent proof and so as to be fit for human use and so as to not adversely affect the neighborhood in which they are located. Good repair, maintenance and safe condition shall include but is not limited to the following:

- (a) Foundations. Foundations shall support the building at all points and shall be free of all holes and cracks which admit rodents, water or dampness to the interior of the building or lessen the capability of the foundation to support the building.
- (b) Exterior Walls and Surfaces. Exterior walls and other exterior surface materials shall be free of holes, cracks, loose or rotting boards and timbers or any other condition which might admit rodents, rain or dampness to the interior of the building.
- (c) Windows. Windows shall be fully supplied with window glass or an approved substitute which is glazed and is without open cracks or holes, shall have sashes in good condition which fit within frames, and maintained so as to exclude adverse weather elements from entering the structure.
- (d) Exterior Doors. Doors shall be maintained so as to be structurally sound, fit within frames so as to be weatherproof, windproof and water-proof and be provided with door hinges and door latches which are in good working condition.
- (e) Roof. Roof members, covering and flashing shall be structurally sound and tight so as to prevent the entrance of moisture and be maintained by renewal, repair, waterproofing or other suitable means. Roof drainage shall be adequate to prevent rain water from causing dampness in the interior portion of the building.
- (f) Gutters. Rain gutters, downspouts, leaders or other means of water diversion shall be provided to collect/conduct and discharge all water from the roof and maintained so as not to leak or cause dampness in the walls, ceilings or basements or adversely affect adjacent properties.
- (g) Chimneys. Chimneys shall be free of cracks, holes or missing portions and maintained in sound condition.
- (h) Structural Member. Any structural member of a structure which has become deteriorated or damaged to the extent that it does not serve the purpose as originally intended shall be renewed, restored, repaired or replaced as is

necessary to serve the purpose as originally intended.

- (i) Exterior Surface. Except for materials that have been designed or manufactured to remain untreated, all exterior wood, composition or metal surfaces shall be protected from the elements by paint or other protective covering. Surfaces shall be maintained so as to be kept clean and free of flaking, loose or peeling paint or covering.
- (j) Decorative Features. All cornices, entablatures, bell courses, corbels, terra cotta trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.

1309.33 PAINT AND COATING MATERIALS

All paint and other coating materials shall be free of any lead. These materials shall also be free of dangerous substances banned from general use by authorized federal, state, county or local regulatory agencies for health and safety reasons.

1309.34 EXTERIOR PROPERTY AND STRUCTURE EXTERIORS

All buildings and the exterior of all premises shall be properly maintained to achieve a presentable appearance and to avoid blighting effects and hazardous conditions.

- (a) Exterior Space. The exterior open space around each structure shall be maintained or so improved so as to provide for:
 - (1) The immediate diversion of water away from buildings and proper drainage of the lot;
 - (2) Grass, plantings or other suitable ground cover to prevent soil erosion which is or may become detrimental to the structures, lot use or adjacent lots and structures; and
 - (3) Yard-walks, parking areas, driveways and exterior steps which are of a permanently hard, dust free surface of sound construction and properly maintained.
- (b) Maintenance. The exterior of all premises and every structure thereon including but not limited to walls, roofs, cornices, chimneys, drains, towers, fire escapes, stairs, fronts, signs, windows, doors, awnings, marquees, and all surfaces thereof, shall be maintained so as to avoid any blighting effects on neighboring properties and shall be painted or protected where necessary for the purpose of preservation.

All canopies, marquees, signs, awnings, exterior stairways, fire escapes, standpipes, exhaust ducts, and similar overhanging extensions, including their supporting structures where exposed to public view, shall be maintained in good condition and shall not show evidence of ripping, tearing or deterioration. Prohibited and obsolete signs shall be removed or replaced pursuant to the applicable section of Chapter 1165 of the Codified Ordinances.

- (c) Fences and Walls. All fences, retaining walls, or similar structures shall be anchored firmly in the ground, shall be constructed in a workmanlike manner and maintained in that same manner so that such approved fences, retaining walls or similar structures shall always be in the state of good structural repair. If any fence, retaining wall or similar structure is found not to be in the state of good structural repair, it shall be removed, replaced or repaired as required. Except when constructed of materials that have been designed or manufactured to remain untreated, all fences shall be treated periodically with paint or chemicals to as to retard deterioration.
- (d) Yards. Consistent with the requirements of Chapter 557 of the Codified Ordinances, all yards, courts and lots shall be kept free of noxious weeds, overgrown grasses, debris and other materials which may cause a fire, health, safety hazard or general unsightliness.
- (e) Hazards. Hazards and unsanitary conditions shall be eliminated.
- (f) Occupancy. No temporary buildings, trailers, recreational vehicles, tents or garages shall be used temporarily or permanently as a residence.
- (g) Drainage. All portions of all premises shall be so graded that there is no pooling of water or recurrent entrance of water into any part of any building except where such pooling or retention of water is part of a plan approved by the Village, consistent with the requirements of Section 1140.05 and Chapter 1171 of the Codified Ordinances. All condensate and waste cooling water shall be appropriately discharged into an approved draining system.
- (h) Drainage Swales. Swales are to be maintained by the owners of the parcels on which they are located, and at no time will anyone plant trees and/or shrubs or discharge, empty or place any material fill or waste into any swale so as to impede or divert drainage flow. Small swales can be mowed as part of the yard. Larger swales in meadow situations should be mowed less frequently in order to allow grasses to grow taller to retard runoff and prevent erosion. Swales in woodland areas should be left in their natural condition leaving the understory growth to retard runoff and prevent erosion.
- (i) Junk, Inoperable or Unlicensed Vehicle. No junk, inoperable or unlicensed vehicle shall be located on any commercial property, except when stored

within a completely enclosed building or in a manner in conformance with the Codified Ordinances.

- (j) Traffic Markings. All traffic markings such as directional arrows, lane division lines, parking space lines, stop signs, etc., shall be maintained so as to be clearly visible and easily recognized and shall otherwise comply with the requirements of Chapter 1165 of the Codified Ordinances.
- (k) Conduct of Business.
 - (1) All business activity, except for off-street loading, shall be conducted within completely enclosed buildings.
 - (2) All storage of trash and garbage containers and/or dumpsters shall be effectively screened from view in a manner approved by the Housing Officer.
 - (3) All storage of materials, goods or products, including inoperable vehicles, shall be within a completely enclosed building unless a permit therefor has been issued as required by Section 1159.06 of the Codified Ordinances.
- (l) Exterior Light Fixtures. Exterior lighting fixtures over steps, paths, walkways, courts, drives and parking lots shall be neatly maintained in operable condition and lighted for sufficient periods of time before and after business hours to provide for pedestrian and employee safety and properly aimed so as not to shine on adjacent properties and shall otherwise comply with the requirements of the Codified Ordinances.

1309.35 VEGETATION

- (a) Vegetation Cutting Required. All grass, weed or rank vegetation shall be periodically cut and in no case shall exceed a height of six (6) inches and shall be maintained as required by Chapter 557 of the Codified Ordinances.
- (b) Maintenance of Plantings. All plant materials, especially trees and shrubs, afflicted with decay, disease, insect infestation, or otherwise considered dangerous to other plant material shall be removed or appropriately treated. All sound plant materials, especially trees and shrubs, shall be properly maintained and not evidence signs of neglect.

1309.36 STAIRWAYS

- (a) Exterior Stairways. All exterior stairways on all industrial premises shall be in accordance with the following procedures:

- (1) stairways shall be maintained free of holes, grooves and cracks which constitute a safety hazard;
- (2) stairways shall be maintained free of rotted or deteriorated supports;
- (3) stairways shall have treads of uniform width and risers of uniform height; and
- (4) stairway handrails and/or railings shall be firmly fastened and maintained in good condition. Where the absence of handrails and/or railings create a hazardous condition, the Housing Officer may require their installation in accordance with the provisions of the Ohio Basic Building Code.

1309.37 ACCESSORY STRUCTURES

Accessory Structures. All structures accessory to industrial use, including signs and detached storage buildings, shall be maintained structurally sound, neatly maintained, and in good repair or shall be razed to grade level and debris removed from the premises.

SECTION 2. Existing Section 1101.01(b) is hereby amended to read as follows:¹

1101.01 PLANNING COMMISSION

- (b) Duties of Planning Commission. There is hereby created a Planning Commission of five members for the Municipality consisting of the Mayor, one member of Council and three residents of the Municipality, all to be appointed in accordance with the provisions of Ohio R.C. 713.01. The members of the Planning Commission shall elect one member as Chairman of the Planning Commission, except that the Mayor shall not serve as Chairman of the Planning Commission. The Chairman of the Planning Commission shall be paid the same compensation as a member of Council. The remaining members of the Planning Commission may receive such compensation as Council shall provide.
 - (1) Review all proposed amendments to the Subdivision Regulations and Zoning Code in accordance with Chapter 1137 and make recommendation to Council.
 - (2) Review all planned unit developments and make recommendations to Council.

¹ This presumes that the Conditional Use Ordinance has been adopted. If the Conditional Use Ordinance is not adopted prior to adoption of the Exterior Property Maintenance Code Ordinance, renumbering of this section will be required.

- (3) Review all changes in the fee schedule established in Section 1139.10 and make recommendations to Council.
- (4) Determine the similarity of uses as per Section 1153.07 and interpret and determine off-street parking requirements pursuant to Chapter 1157.
- (5) Consider applications for conditional use permits under the conditions specified in Chapter 1135 of the Zoning Code, and imposing such additional conditions as necessary to uphold the intent of the Zoning Code.
- (6) Hear appeals regarding the interpretation, implementation and enforcement of the Exterior Property Maintenance Code, as provided by Section 1309.11 and 1101.02.(7) At least once per year, conduct a review of the Comprehensive Plan, evaluate the Village's efforts to comply with the recommendations of the Comprehensive Plan, and make a report concerning that evaluation to Council.
- (8) Any and all other powers set forth in the Ohio Revised Code or this Part Eleven – Planning and Zoning Code.

SECTION 3. New Section 1101.02 of the Codified Ordinances is hereby enacted to read as follows:

1101.02

APPEALS UNDER CHAPTER 1309

- (a) Appeals to the Planning Commission concerning interpretation or administration of the Exterior Property Maintenance Code may be taken by any person aggrieved, including a tenant, governmental officer, department, board or bureau. Such appeal shall be taken within 20 days after the decision by filing, with the Housing Inspector and with the Planning Commission, a notice of appeal specifying the grounds upon which the appeal is being taken.
- b) The application for a variance or an appeal shall contain the following information:
 - (1) Name, address and phone number of the applicant.

- (2) Legal description of property as recorded in Geauga County Recorder's Office.
 - (3) Each notice of appeal shall refer to the specific provisions of the Exterior Property Maintenance Code which applies to the decision being appealed.
 - (4) The names and addresses of all property owners within 200 feet, contiguous to, and directly across the street from the property, as appearing on the Geauga County Auditor's current tax list.
- (c) An appeal shall stay all proceedings in furtherance of the action appealed from, unless the Housing Officer certifies to the Planning Commission after the notice of appeal shall have been filed, that a stay would, in the Housing Officer's opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed other than by a restraining order which may, on due cause shown, be granted by the Board of Zoning Appeals after notice to the Housing Officer, or by judicial proceedings.
 - (d) The Planning Commission may, in conformity with the provisions of the Codified Ordinances, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination as in its opinion ought to be made in the premises; and to that end, shall have all powers of the Housing Officer, from whom the appeal is taken.
 - (e) The Planning Commission shall decide all appeals within ten days after completion of the hearings thereon.
 - (f) All decisions of the Planning Commission on such appeals shall become effective when approved by a majority of the members of the Planning Commission. A certified copy of the Planning Commission's decision shall be binding upon the Housing Officer. After the Planning Commission determines the appeal, there shall be no further hearings upon such case.
 - (g) The Municipality and/or any party adversely effected by such decision may appeal to the Court of Common Pleas of Geauga County within the time and upon the grounds as prescribed by law.

SECTION 4. This Ordinance shall take effect at the earliest date permitted by law.

PASSED this 4 day of SEPTEMBER, 2008.

William Poole
MAYOR

PRESIDENT PRO TEMPORE

ATTEST:

Carol Osborne
FISCAL OFFICER

I HEREBY CERTIFY THAT THE FOREGOING
ORDINANCE NO. 08-117 WAS DULY POSTED
ON THE 16 DAY OF Sept, 2008
PURSUANT TO ORDINANCE NO. 293.
Carol Osborne
VILLAGE FISCAL OFFICER