

ORDINANCE NO. 2019-5

AN ORDINANCE ENACTING CHAPTER 1700 TO THE CODIFIED ORDINANCES OF THE CITY OF DELPHOS CALLED "PROPERTY MAINTENANCE CODE"

BE IT ORDAINED BY THE COUNCIL FOR THE CITY OF DELPHOS, Allen and Van Wert Counties, Ohio, that

This Part Seventeen of these Codified Ordinances shall be known as the Property Maintenance Code of Delphos, Ohio, hereinafter referred to as "this Code" or the "PMC."

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Suspension		
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1 st Reading		
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CHAPTER 1700 – PROPERTY MAINTENANCE CODE

1700.01 PURPOSES.

The purpose of the City of Delphos Property Maintenance Codes "PMC" are to protect the safety, welfare, and public health in all existing structures and premises, both residential and nonresidential, by establishing minimum requirements and standards. Part Seventeen includes standards and codes for equipment and facilities sanitation, protection from the elements, public health and welfare, safety from fire and other hazards, maintenance; responsibility of owners, operators and occupants; regulate the occupancy of existing structures and premises; and to provide for administration, enforcement and penalties.

1700.01 RULES OF CONSTRUCTION.

- A. Scope - Unless otherwise expressly stated, the following terms shall, for the purposes of this Property Maintenance Code (PMC), have the meanings shown in this chapter.
- B. Terms Defined in Other Parts - Where terms are not defined in this chapter and are defined in other chapters of this PMC, or are defined in any of the building, plumbing and mechanical codes, and such terms shall have the meanings ascribed to them in those chapters or codes. In the event there is a conflict between the definition of a term in any code listed in other Chapters and the definition listed in any section or chapter of this PMC, then the definition in this PMC shall prevail.
- C. Terms Not Defined - Where terms are not defined in this PMC, or in any of the building, plumbing and mechanical codes and such terms shall have ordinarily accepted meanings such as the context implies.
- D. Terms to Include - "Or Any Part Thereof." Whenever the words "dwelling unit," "dwelling," "premises," "building," "rooming house," "rooming unit," "story" and "structure" are used in this PMC, they shall be construed as though they were followed by the words "or any part thereof."

1700.02 DEFINITIONS.

As used in this PMC, the following words and terms shall have the meanings respectively ascribed to them herein:

- A. Approved: Approved by the "Code Enforcement Department or Safety Service Director".
- B. Building: Any structure occupied or intended for supporting or sheltering any occupancy, or any vacant structure.
- C. Building Code: The Building Code officially adopted by the legislative body of this jurisdiction, or other such codes officially designated by the legislative body of this jurisdiction for the regulation of construction, alteration, addition, repair, removal, demolition or location of buildings and structures.
- D. "Code Enforcement Department or Safety Service Director": The "Code Enforcement Department or Safety Service Director" or any person duly authorized by him to administer or enforce the provisions of this PMC.

- E. Condemn: To determine as unfit for occupancy.
- F. Construction documents: All the written, graphic, or pictorial documents prepared or assembled for describing the design, location and physical characteristics of the elements of a project necessary for obtaining a building permit. The construction drawings shall be drawn to an appropriate scale.
- G. Dwelling: Any type of structure occupied or intended for occupancy by any person for purposes of living or sleeping therein, such as a dormitory, dwelling unit, hotel, one-family dwelling, rooming house, rooming unit, apartment house or complex, condominium, duplex or two-family dwelling.
- H. Dwelling unit: A single unit providing complete, independent living facilities for one or more persons, including provisions for living, sleeping, eating, cooking and sanitation.
- I. Exterior property area: The open or unoccupied land of a premises, and any adjoining property under the control of owners or operators of such premises.
- J. Extermination: The control and elimination of insects, rats or other pests by eliminating their harborage places; by removing or making inaccessible materials that serve as their food; by poison spraying, fumigating or trapping; or by any other approved pest elimination methods.
- K. Garbage: The animal or vegetable waste resulting from the handling, preparation, cooking and consumption of food or food products.
- L. Infestation: The presence, within or contiguous to a structure or premises, of insects, rats, vermin or other pests.
- M. Junk: "Junk" means any worn out, cast-off or discarded article, or material which is ready for disposal or destruction, or which has been collected or stored for salvage or conversion to some other use. Any article or material which, unaltered or unchanged and without further reconditioning, can be used for its original purpose as readily as when new, shall not be considered junk. Portions of junk motor vehicles, such as hoods, fenders, radiators, rims, motors, etc., not being utilized for the repair of a motor vehicle, shall be considered junk.
- N. Let for occupancy or let: To permit possession or occupancy of a dwelling, building or structure by a person who is not the legal owner of record thereof, pursuant to a written or unwritten lease, agreement or license, or pursuant to a recorded or unrecorded agreement or contract for the sale of land.
- O. Occupancy: The purpose for which a structure or portion thereof is utilized or occupied.
- P. Occupant: Any person living or sleeping in a dwelling, building or structure, or having possession of a space therein.
- Q. One-family dwelling: A building containing one dwelling unit.
- R. Operator: Any person who has charge, care or control of a structure or premises which is let or offered for occupancy.
- S. Owner: Any person, agent, operator, firm, corporation or other legal entity having a legal or equitable interest in property, or recorded in the official records of the state, county or municipality as holding legal title to the property, or otherwise having control of the property, including the guardian of the estate of any such person, the executor or administrator of the estate of any such person, a trustee, or a receiver if ordered to take possession or control of real property by a court.
- T. Premises: A lot, plot, parcel or area of land, including the interior and exterior of any structures thereon.
- U. Public nuisance: Includes any of the following, as may be determined by the "Code Enforcement Department or Safety Service Director":
 - 1. The physical condition or occupancy of any premises regarded as a public nuisance at common law, or as determined by statute.

2. Any physical condition or occupancy of any premises or its appurtenances considered to be an attractive nuisance to children, including, but not limited to, abandoned wells, shafts, basements, excavations and unsafe fences or structures.
 3. Any premises that has unsanitary sewerage or plumbing facilities.
 4. Any premises determined to be unfit for human habitation.
 5. Any premises that is manifestly capable of being a fire hazard, or is manifestly unsafe or unsecured so as to endanger life, limb or property.
 6. Any premises from which the plumbing, heating or facilities required by this PMC have been removed, or from which utilities have been disconnected, destroyed, removed or rendered ineffective, or for which the required precautions against trespassers have not been provided.
 7. Any premises that is unsanitary, or that is littered with rubbish or garbage, or that has an uncontrolled growth of weeds.
 8. Any structure that is in a state of dilapidation, deterioration or decay; that has faulty construction; that is overcrowded; that is open, vacant or abandoned; that is damaged by fire to such an extent that it does not provide shelter; that is in danger of collapse or failure; or that is dangerous to anyone on or near the premises.
- V. Rubbish: Combustible or noncombustible waste materials, except garbage. The term shall include the residue from the burning of wood, coal, coke or other combustible materials and shall also include paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery, dust, domestic animal waste, and other similar materials.
- W. Structure: That which has been, or is being, built or constructed, or a portion thereof.
- X. Two-family dwelling: A building containing two dwelling units.
- Y. Weeds:
1. "Weeds" are all grasses, annual plants and vegetation, other than trees, shrubs and cultivated flowers and gardens.
 2. "Noxious or harmful weeds or vines" means ragweed's, daisies, goldenrod, burdock, yellow dock, dandelions, thistles, wild carrot and any other weed or vegetable which exhales offensive or noxious odors or from which there is carried by the wind any injurious, offensive or annoying pollen, dust, down, seed or particle, or which may conceal filthy deposits.
- Z. Workmanlike: Executed in a generally acceptable and skilled manner, e.g. generally plumb, level, square, in line, undamaged and without marring adjacent work.
- AA. Yard: An open area of land on the same premises with a structure, or a vacant premise.
- BB.** "Code Enforcement Appeals Board": The Board responsible for hearing appeals in the manner prescribed in Part 17 of these Codified Ordinances. This Board shall be the same members as the Zoning Board of Appeals.

CHAPTER 1701 – GENERAL PROVISIONS AND ADMINISTRATION

1701.01 PURPOSES.

The purpose of the City of Delphos Property Maintenance Codes “PMC” are to protect the safety, welfare, and public health in all existing structures and premises, both residential and nonresidential, by establishing minimum requirements and standards. Part Seventeen includes standards and codes for equipment and facilities sanitation, protection from the elements, public health and welfare, safety from fire and other hazards, maintenance; responsibility of owners, operators and occupants; regulate the occupancy of existing structures and premises; and to provide for administration, enforcement and penalties.

1701.02 INTENT.

This Code shall be construed so as to secure its expressed intent, which is to ensure public health, safety and welfare insofar as they are affected by the continued occupancy and maintenance of structures and premises. Existing structures and premises that do not comply with this Code shall be altered or repaired to provide a minimum level of health and safety as required herein.

1701.03 REFERENCED STANDARDS.

The standards referenced in this Code and listed in Chapter 17 (Reference) shall be considered part of the requirements of this Code to the prescribed extent of each such reference. Where differences occur between provisions of this Code and the provisions of referenced standards, the provisions of this Code shall apply.

1701.04 EXISTING REMEDIES.

The provisions of this Code shall not be construed to abolish or impair existing remedies of the jurisdiction or its officers or agencies relating to the removal or demolition of any structure which is dangerous, unsafe or unsanitary.

1701.05 WORKMANSHIP.

All repairs, maintenance work, alterations and installations which are caused directly or indirectly by the enforcement of this Code shall be executed and installed in a workmanlike manner.

1701.06 APPLICATION OF OTHER CODES.

Any repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions under Chapter 17.

1701.07 SEVERABILITY.

If any section, subsection, paragraph, sentence, clause or phrase of this Code shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this Code which shall continue in full force and effect, and to this end the provisions of this Code are hereby declared to be severable.

1701.08 SAVING CLAUSE.

This Code shall not affect violations of any other ordinance, code or regulation existing prior to the effective date hereof, and any such violation shall be removed and shall continue to be punishable to the full extent of the law under the provisions of those ordinances, codes or regulations in effect at the time the violation was committed.

1701.09 MAINTENANCE REQUIRED.

All equipment, systems, devices and safeguards required by this Code or a previous statute or code for a structure or premises when erected or altered shall be maintained in good working order. The requirements of this code are not intended to provide the basis for removal or abrogation of fire protection and safety systems and devices in existing structures.

1701.10 APPROVED MATERIALS AND EQUIPMENT.

All materials, equipment and devices approved by the "Code Enforcement Department or Safety Service Director" shall be constructed and installed in accordance with such approval.

1701.11 MODIFICATIONS.

Where there are practical difficulties involved in carrying out structural or mechanical provisions of this Code, the "Code Enforcement Department or Safety Service Director" shall have the right to vary or modify such provisions upon application of the owner or the owner's representative, provided that the spirit and intent of the law is observed and that the public health, safety and welfare are assured.

1701.12 RECORDS.

The application for modification and the final decision of the "Code Enforcement Department or Safety Service Director" shall be in writing and shall be officially recorded in the permanent records of the City.

1701.13 ALTERNATIVE MATERIALS AND EQUIPMENT.

The provisions of this Code are not intended to prevent the installation of any material or construction not specifically prescribed by this Code, provided that any such alternative has been approved. An alternative material or method of construction shall be approved when the "Code Enforcement Department or Safety Service Director" finds that the proposed design is satisfactory and complies with the intent of this Code, and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this Code in quality, strength, effectiveness, fire resistance, durability and safety.

1701.14 RESEARCH AND INVESTIGATIONS.

Sufficient technical data shall be submitted to substantiate the proposed installation of any material or assembly. If it is determined that the evidence submitted is satisfactory proof of performance for the proposed installation, the "Code Enforcement Department or Safety Service Director" shall approve such alternative, subject to the requirements of this Code. The cost of all tests, reports and investigations required under this Code shall be paid by the applicant.

1701.15 AUTHORITY OF CODE OFFICIAL GENERALLY.

The "Code Enforcement Department or Safety Service Director" shall enforce all of the provisions of this Code.

1701.16 AUTHORITY OF CODE OFFICIAL RE: NOTICES AND ORDERS.

The "Code Enforcement Department or Safety Service Director" shall issue all necessary notices and orders to ensure compliance with this Code.

1701.17 RIGHT OF ENTRY.

The "Code Enforcement Department or Safety Service Director" is authorized to enter a structure or premises at reasonable times to inspect the same. Prior to entering into a space not otherwise open to the general public, the "Code Enforcement Department or Safety Service Director" shall make a reasonable effort to locate the owner or other person having charge or control of the structure or premises, present proper identification and request entry. If requested entry is refused or otherwise not obtained, the "Code Enforcement Department or Safety Service Director" shall have recourse as provided by law.

1701.18 IDENTIFICATION.

The "Code Enforcement Department or Safety Service Director" shall carry proper identification when inspecting structures or premises and otherwise when in the performance of duties under this Code.

1701.19 COORDINATION OF ENFORCEMENT; INSPECTION OF PREMISES.

The issuance of notices and orders and the enforcement thereof shall be the responsibility of the "Code Enforcement Department or Safety Service Director" so charged by the jurisdiction. Whenever inspections by any other department are necessary, the "Code Enforcement Department or Safety Service Director" shall make a reasonable effort to arrange for the coordination of such inspections so as to minimize the number of visits by

inspectors, and to confer with the other departments for the purpose of eliminating conflicting orders before any are issued. A department shall not, however, delay the issuance of any emergency orders.

1701.20 RULE-MAKING AUTHORITY.

The "Code Enforcement Department or Safety Service Director" shall have power, as necessary in the interest of the public health, safety and general welfare, to adopt and promulgate rules and regulations to interpret, implement and enforce the provisions of this Code, to secure the intent thereof, and to designate requirements applicable because of local climatic or other conditions. Such rules shall not have the effect of waiving structural or fire performance requirements specifically provided for in this Code or of violating accepted engineering practice involving public safety.

1701.21 ORGANIZATION.

The "Code Enforcement Department or Safety Service Director" shall appoint such number of officers, technical assistants, inspectors and other employees as shall be necessary for the administration of this Code and as authorized by the appointing authority. The "Code Enforcement Department or Safety Service Director" is authorized to designate an employee as deputy who shall exercise all the powers of the "Code Enforcement Department or Safety Service Director" during the temporary absence or disability of the "Code Enforcement Department or Safety Service Director".

1701.22 RELIEF FROM PERSONAL RESPONSIBILITY.

The "Code Enforcement Department or Safety Service Director", charged with the enforcement of this Code, while acting for the jurisdiction, shall not thereby be rendered liable personally, and is hereby relieved from all personal liability for any damage accruing to persons or property as a result of any act required or permitted in the discharge of official duties. Any suit instituted against an officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this Code shall be defended by the legal representative of the jurisdiction until the final termination of the proceedings. The "Code Enforcement Department or Safety Service Director" or any subordinate shall not be liable for costs in any action, suit or proceeding that is instituted pursuant to the provisions of this Code, and any officer of the City, acting in good faith without malice, shall be free from liability for acts performed under any of its provisions or by reason of any act or omission in the performance of official duties in connection therewith.

1701.23 UNLAWFUL ACTS.

No person, firm or corporation shall erect, construct, alter, extend, repair, remove, demolish, maintain, fail to maintain, provide, fail to provide, occupy, let to another to occupy, or permit another person to occupy, any structure or equipment regulated by this Code, or cause the same to be done, contrary to, in conflict with or in violation of any of the provisions of this Code, or fail to obey a lawful order of the "Code Enforcement Department or Safety Service Director", or remove or deface a placard or notice posted under the provisions of this Code.

1701.24 PROSECUTION.

In case of any unlawful acts, the "Code Enforcement Department or Safety Service Director" shall institute an appropriate action or proceeding at law to exact the penalty provided in Section 1701.35. Also, the "Code Enforcement Department or Safety Service Director" shall ask the jurisdiction's legal representative to proceed at law or in equity, including injunctive relief, against the person responsible for the violation for the purpose of ordering that person:

- A. To restrain, correct or remove the violation or refrain from any further violations;
- B. To restrain or correct the erection, installation, maintenance, repair or alteration of such premises or structure;
- C. To require the removal of work in violation; or
- D. To prevent the occupancy of the structure that is not in compliance with the provisions of this Code.

1701.25 NOTICE TO OWNER OR TO PERSON OR PERSONS RESPONSIBLE.

Whenever the "Code Enforcement Department or Safety Service Director" determines that there has been a violation of this Code or has grounds to believe that a violation has occurred, notice shall be given to the owner or the person or persons responsible therefor in the manner prescribed in Section 1701.27.

Notices for condemnation procedures shall also comply with Section 1701.27. Where appropriate in the discretion of the "Code Enforcement Department or Safety Service Director", such notice may also be posted at a suitable location in or on the premises if the "Code Enforcement Department or Safety Service Director" determines that such posting will provide additional notice to the owner or the person or persons responsible for the violation.

1701.26 FORM.

The notice prescribed in Section 1701.25 shall:

- A. Be in writing;
- B. Include a description of the real estate sufficient for identification;
- C. Include a statement of the reason or reasons why the notice is being issued;
- D. Include a correction order allowing a reasonable time for the repairs and improvements required to bring the dwelling unit, structure or premises into compliance with the provisions of this Code;
- E. Include assessment of Civil Penalty and Notice of Re-inspection Fees if there is failure to bring premises into compliance; and,
- F. Include a statement notifying the person of any administrative appeal rights and procedures.

1701.27 METHOD OF SERVICE.

The notice prescribed in Section 1701.25 shall be served by one of the following methods:

- A. Delivery by personal service upon the person to whom the notice is directed or such person's agent; or
- B. Sent by regular U.S. Mail evidenced by a U.S. Postal Certificate of Mailing addressed to such person at the last known address which is reasonably calculated to reach the party named in the notice.

If the notice is returned showing that the letter was not delivered because the addressee no longer lives there or is unknown, or because a wrong address was used, and no other address is known, then a copy of said notice shall be posted in a conspicuous place in or about the structure affected by such notice, and the notice shall be published once in a publication having general circulation in Allen and/or Van Wert County. When such a notice is so published, any time periods referenced in the notice shall commence from the date of publication. Service of such notice in the foregoing manner upon the owner's agent or upon the person responsible for the premises shall constitute service of notice upon the owner.

1701.28 TRANSFER OF OWNERSHIP.

No owner of any dwelling unit or structure who has received a compliance order or upon whom a notice of violation has been served shall sell, transfer, mortgage, lease or otherwise dispose of the unit or structure to another until the provisions of the compliance order or 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 compliance order or notice of violation issued by "Code Enforcement Department or Safety Service Director", and furnish to the "Code Enforcement Department or Safety Service Director" a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such compliance order or notice of violation and fully accepting the responsibility, without condition, for making the corrections or repairs required by such compliance order or notice of violation.

1701.29 APPEALS.

Any person adversely affected by a ruling or order of the "Code Enforcement Department or Safety Service Director" may file an appeal with the "Code Enforcement Appeals Board". The appeal shall be in writing, shall state the reasons for the appeal and shall be received by the office of the Safety Service Director no later than ten days from the date of the ruling or order of the "Code Enforcement Department or Safety Service Director". The Code Enforcement Appeals Board shall hear the appeal in the manner prescribed in these Codified Ordinances.

1701.30 ADMINISTRATIVE ACTION.

The "Code Enforcement Department or Safety Service Director" shall take immediate action in accordance with the decision of the Code Enforcement Appeals Board.

1701.31 REVIEW.

Any person adversely affected by a ruling or order of the Code Enforcement Appeals Board, including "Code Enforcement Department or Safety Service Director", shall have the right to appeal to the appropriate court in the manner and time required by law following the filing of the decision of the Code Enforcement Appeals Board.

1701.32 RESPONSIBILITY OF OWNER.

Unless otherwise specifically stated in this Code, the owner of a premises is ultimately responsible for any violation of this Code.

1701.33 SPECIFIED PARCELS.

- A. Definition. A specified parcel is a premises, with or without a structure, in which all of the following are applicable:
 - 1. The parcel has been the subject of violations and the Code Enforcement Department or Safety Service Director" has caused the weeds in excess of the maximum allowable height to be cut and destroyed on at least two occasions in a twelve-month period;
 - 2. The owner and/or person responsible for the premises has failed to remedy the violations consistent with the requirements of this Code; and,
 - 3. The parcel is found by the Code Enforcement Department or Safety Service Director" to be unoccupied and vacant for a period of at least 90 days.

1701.34 SPECIFIED PARCELS.

- A. Specified Parcel List. Upon finding a premise to be a specified parcel, said parcel will be placed upon the City's Specified Parcel List and subject to seasonal cutting until such time as the property is transferred to a new owner and/or responsible person who then maintain said parcel in a manner consistent with the requirements in this chapter. Annually a Code Enforcement Department or Safety Service Director" shall be assigned to make a review of the specified parcel list in order to make any necessary additions or deletions. The Specified Parcel List is subject to final approval by the Code Enforcement Department or Safety Service Director".
- B. Notwithstanding other notice provisions contained within this code, owners and/or persons responsible for parcels classified as specified parcels will be given notice by posting and publication as herein described. Additionally, each parcel shall be posted, by stake or placarding on structure, as a specified parcel, at least five days prior to any cutting services being performed.
- C. Postings and publications shall include a description of the real estate sufficient for identification, description of the code violation, an order of correction setting forth the requirements for cutting weeds, grass, and/or other vegetation, notice that the parcel has been placed on the specified parcel list, notice of assessment of cutting costs and administrative fees, the time period for cutting services being provided by the City and rights to appeal.
- D. Appeals. Any owner and/or person responsible for the specified parcel may file an appeal with the Board of Building Appeals concerning the property's placement on the specified parcel list, no later than ten (10) days following the first billing for cutting costs and administrative fees in any given year. The appeal shall be in writing, shall state the reasons for the appeal and shall be filed with the "Code Enforcement Department or Safety Service Director". The "Code Enforcement Department or Safety Service Director" shall hear the appeal in the manner prescribed in these Codified Ordinances.

- E. Administrative Fees. Notwithstanding other administrative fees described in this Code, the Special Assessment Administrative Fee of Two Hundred and Five Dollars (\$205.00) is authorized to be charged to the owner and/or persons responsible annually for initial placement or continued placement of the premises on the Specified Parcel List.

1701.35 ADMINISTRATIVE FEE SCHEDULE.

- A. For the purposes of this Part 17 Property Maintenance Code, whenever an Administrative Fee is authorized to be charged for work or services performed by the City, the Administrative Fee shall be two hundred and five dollars (\$205.00).
- B. For the purposes of this Part 17 Property Maintenance Code, whenever a Re-Inspection Fee is authorized to be charged for re-inspection of the premises performed by the City, the Re-Inspection Fee shall be seventy-five dollars (\$75.00).

1701.36 PENALTIES.

- A. Any person who violates a provision of this Code shall, upon conviction thereof, be subject to the following penalties:
1. For a first conviction, a misdemeanor of the fourth degree, and shall be fined not more than two hundred fifty dollars (\$250.00) or imprisoned not more than thirty days, or both.
 2. For a second conviction, a misdemeanor of the third degree, and shall be fined not more than five hundred dollars (\$500.00) or imprisoned not more than sixty days, or both.
 3. For a third conviction, a misdemeanor of the second degree, and shall be fined not more than seven hundred fifty dollars (\$750.00) or imprisoned not more than ninety days, or both.
 4. For a fourth or subsequent conviction, a misdemeanor of the first degree, and shall be fined not more than one thousand dollars (\$1,000.00) or imprisoned not more than six months, or both.
- B. A separate offense shall be deemed committed each day during or on which a violation occurs or continues after due notice has been served.
1. Any person who violates a provision of this Code shall be required to pay a Civil Penalty in the amount of Three Hundred Fifty dollars (\$350.00), except as provided as follows;
 - a. If that person complies with the correction order within the time specified in the order, the Civil Penalty shall be reduced to Fifty dollars (\$50.00); and,
 - b. In cases involving violations of this Code, the Code Enforcement Department or Safety Service Director shall have the discretion to waive the reduced penalty if the person cited meets the following criteria:
 - c. The person cited for the violation is the owner occupant of the premises and has not previously received a citation for a violation of this Code at the location subject to the citation; and,
 - d. The nature, extent, and duration of the violation did not create a significant risk to the public health, safety, or welfare.
- C. When a person is found in violation of a provision of this Code and fails to comply with the correction order within the time specified, a re-inspection fee shall be charged for every inspection thereafter. Re-inspection of the premises shall be conducted until such time that the property is brought in compliance with Part 17 of the Codified Ordinances of the City Delphos, Ohio. Whenever re-inspection of the premises is conducted by the City and such costs of re-inspection has not been included within the administrative costs, the additional cost of re-inspection shall be assessed in the amount provided in this chapter.

- D. In the event the person fails to pay a Civil Penalty, Re-inspection or Administrative Fee or costs incurred by City for cleanup, repair and/or abatement of the premises within thirty (30) days after being notified in writing, by regular U.S. mail, or posting on premises, of the amount thereof by the code official, may be collected using one or more of the following methods, provided however that the expenses may only be collected once:
1. Such expenses may be certified by Council to the County Auditor and placed upon the tax duplicate for collection as a special assessment and thereupon shall be collected as other taxes and assessments; or
 2. The Director of Law is authorized to bring suit and take other necessary legal action to collect such expenses.
- E. The remedies provided in this Section shall be in addition to any other remedy allowed by law.

CHAPTER 1702 – GENERAL REQUIREMENTS FOR EXTERIOR PROPERTY AREAS

1702.01 SANITATION.

All exterior property and premises shall be maintained in a clean, safe, and sanitary condition. The occupant shall keep that part of the exterior property which such occupant occupies or controls in a clean, safe and sanitary condition. Nothing herein shall abrogate the ultimate responsibility of the owner.

1702.02 INFESTATION.

All structures and exterior property areas shall be kept free from rat, vermin, insect or other pest infestation. Where rats, vermin, insects or other pests are found, they shall be promptly removed or exterminated by approved processes which will not be injurious to human health. After removal or extermination, proper precautions shall be taken to prevent re-infestation.

1702.03 GRADING AND DRAINAGE.

All premises shall be graded and maintained to prevent the accumulation of stagnant water thereon, or within any structure located thereon. This section shall not apply to water retention areas and reservoirs approved by the City of Delphos.

1702.04 SIDEWALKS AND DRIVEWAYS.

All sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair and maintained free from hazardous conditions. Every owner of any lot or parcel of land situated within the City shall keep, repair and maintain the sidewalks along all public streets, avenues drive, boulevards or lanes adjoining such lot or parcel of land as recommended by the City's Standard Construction Drawings and shall be approved by the Zoning Inspector.

- A. All existing sidewalks shall be kept clear of any obstructions which would make their use difficult for pedestrians.
- B. Property owners are responsible and required to meet applicable sidewalk and driveway codes prior to selling or transferring the property. Before any lot or parcel, subject to this chapter is sold or transferred to another person or entity, all existing sidewalks must be repaired and/or replaced to the current required specifications.
- C. The cost of such keeping, repairing and maintaining shall be the responsibility of the property owner.

All sidewalks shall be constructed, reconstructed in accordance with the City of Delphos Standard Construction Drawings on file with the Zoning Inspector.

Any and all new residential, business or industrial construction project will be required to have sidewalks constructed on the front of any such property or on any sides of such property which abut an existing street. A parking area will not qualify as a sidewalk for pedestrian use.

- A. All construction shall be of concrete in accordance with Ohio Department of Transportation specifications for Class "C" Portland concrete.
- B. Sidewalk width shall be a minimum of forty-eight inches.
- C. Whenever a new sidewalk is built under this chapter, adjacent to a sidewalk which has been built under previous ordinances which may have been in force in the City, there shall not be a break between the old and new sidewalk. The method of joining to the old sidewalk shall be determined and the new sidewalk built in accordance with the decision of the "Code Enforcement Department or Safety Service Director".
- D. Defining Defective Sidewalks - Sidewalk blocks shall be considered defective if;
 - 1. There are 3 or more cracks, broken into 4 or more pieces, or multiple cracks
 - 2. Any single crack is wider than 1 inch
 - 3. There are stub toes – adjoining slabs misaligned by 1.2 inch or more
 - 4. There are depressions that impound water 1 inch or more
 - 5. There are disintegrated or deteriorated areas
 - 6. Other reasons will be specified by the inspector.

1702.05 REMOVAL OF SNOW AND ICE FROM SIDEWALKS.

- A. The owner, occupant or any person having the care of any building, lot or land abutting on any street, square or other public way within the City, where there is a sidewalk in front of or alongside of the same, shall, within the first 10 hours after daylight after snow has ceased to fall, cause such snow to be removed from such sidewalk. The provisions of this section shall also apply to the falling of snow or ice from buildings upon such sidewalks.
- B. Whenever the sidewalk or any part thereof adjoining any building, lot or land on any street is encumbered with sleet and ice, it shall be the duty of the owner, occupant or any person having care of any such building or lot to cause such sidewalk to be made safe and convenient by removing the ice therefrom or by covering the same with sand, salt or other suitable substances.
- C. The Mayor shall have the authority to temporarily suspend the obligations of this section only on a city-wide basis when the Mayor determines it is appropriate to do so because of impossibility, impracticality, irrelevance to existing circumstances, likelihood of short-term future resolution, other demonstrable inability to comply, hardship, or for other good cause as determined by the Mayor.
- D. No owner, occupant or person responsible for any premises in the City shall shovel, use a snow blower, or plow in such a manner as to place snow or ice on City right of ways and streets. Nor shall any owner, occupant or person responsible for any premises shovel, blow snow or plow snow or ice, so as to block or impede traffic on City streets and walkers on City sidewalks.

1702.06 BARRICADES AND WARNING LIGHTS; ABANDONED EXCAVATIONS.

- A. No person shall abandon or permit to remain on public or private property any excavation, well or cesspool, or structure which is in the process of construction, reconstruction, repair or alteration, unless the same is adequately protected by suitable barricades and guarded so that the condition will not reasonably prove dangerous to life or limb.
- B. Prior to the placement of any such barricade on public streets or grounds, approval must be obtained from the Service-Safety Director.
- C. No person shall destroy, remove, damage or extinguish any barricade or warning light that is placed for the protection of the public so as to prevent injury to life or limb.

- D. No owner or person in control of a premises upon which a basement, cellar, well or cistern has been abandoned due to demolition, failure to build, or any other reason, shall fail to cause the same to be filled to the ground surface with rock, gravel, earth or other suitable material.
- E. If the owner or person to whom a notice is directed requiring him to fill the basement, cellar, well or cistern, or other type of excavation, fails to comply with the requirements of the notice, the "Code Enforcement Department or Safety Service Director" may cause said basement, cellar, well or cistern, or other type of excavation, to be filled, and may employ the necessary labor to perform such task. All expenses shall be paid out of funds appropriated by Council upon vouchers approved by the Mayor or "Code Enforcement Department or Safety Service Director". The expenses shall consist of the following:
 - 1. All direct costs for the filling of such items; plus
 - 2. The costs for preparing and serving all notices; plus
 - 3. An administrative fee in the amount set forth in section 1701.35.
- F. In the event that the owner of other appropriate person fails to pay such expenses within thirty days after being notified in writing, by regular U.S. mail of the amount thereof by the "Code Enforcement Department or Safety Service Director", the expenses set forth in subsection 1701.35 hereof may be collected by using one or more of the following methods, provided, however, that the expenses may only be collected once:
- G. Such expenses may be certified by Council to the County Auditor and placed upon the tax duplicate for collection as a special assessment and thereupon shall be collected as other taxes and assessments; or
- H. The Director of Law is authorized to bring suit and take other necessary legal action to collect all such expenses.
- I. The remedies provided in this section shall be in addition to the penalty provided in Section 1701.36 and any other remedy allowed by law.

1702.07 STORAGE AND ACCUMULATION OF JUNK MATERIALS ON PRIVATE PROPERTY; NOTICE TO REMOVE.

- A. No person shall cause or permit garbage, rubbish, tree or bush branches or trimmings, brush, cast-off or discarded articles, litter, junk, materials which are ready for destruction, or which have been collected for salvage or conversion to some other use, to be stored, kept or placed outside any structure, or on any premises, except where permitted by zoning ordinances.
- B. Upon receipt of information that subsection (a) hereof is being violated, the "Code Enforcement Department or Safety Service Director" shall cause a written notice to be served upon the owner, lessee, agent or tenant having charge of such land, notifying him that the offending articles and/or materials must be removed within ten days after service of such notice.
- C. The form of such notice shall comply with the provisions of Section 1701.25 and shall be served in accordance with Section 1701.27.
- D. If the person to whom a notice is directed fails to comply with the requirements of the notice, the "Code Enforcement Department or Safety Service Director" shall cause such offending articles and/or materials to be removed from the premises and may employ the necessary labor to perform such task. All expenses shall be paid out of funds appropriated by Council upon vouchers approved by the Mayor. The expenses shall consist of the following:
 - 1. All direct costs for the removal of such items; plus
 - 2. The costs for preparing and serving all notices; plus
 - 3. An administrative fee in the amount set forth in 1701.35.

1702.08 WEEDS, LAWN & LANDSCAPING.

- A. Every owner, occupant of any residence tenement, building, lot or front land fronting upon any avenue, street, alley or public highway of the City, shall remove any and all trees or parts of trees, plants or shrubs, that are dead, harbor insects or disease which become a nuisance or hazard to any person or property and

exist on such premises or in the tree lawns or grass strip existing between such premises on the edge of the adjoining street curbing or street surface where such trees, or part of the tree plants or shrubs exists. Branches and/or overhangs may present nuisance or hazard.

- B. The owner or occupant of any premises shall maintain such premises and exterior property free from grass and/or weeds in excess of eight inches.
- C. The owner or occupant of any premises shall maintain such premises and exterior property free from all noxious or harmful weeds or vines.
- D. Landscaping and lawns on private property as well as within the public right-of-way that have become overgrown and unsightly such as to contribute to a blighting or deteriorating effect on the surrounding neighborhood.
- E. No owner, occupant or person responsible for any premises in the City shall rake, use a leaf blower, or any lawn implement in such a manner as to place leaves, limbs, grass clippings or other such debris in the City's right of ways and streets or place such materials so as to cause such materials to enter the City's storm sewer system.

1702.09 NOTICE TO CUT; SERVICE.

- A. Upon information that noxious or harmful weeds or vines, or grass or weeds in excess of the maximum allowable height, are growing on land within the City, the "Code Enforcement Department or Safety Service Director" shall cause a written notice to be served upon the owner, lessee, agent or tenant having charge of such land, notifying him that noxious or harmful weeds or vines, or grass or weeds in excess of the maximum allowable height, are growing on such land and that they must be cut and destroyed within five days after service of such notice.
- B. The form of such notice shall comply with the provisions of Section 1701.25 and shall be served in accordance with Section 1701.27.

1702.10 FAILURE TO COMPLY AFTER NOTICE.

- A. If the person to whom the notice referred to in Section 1702.09 is directed and fails to comply with the terms of such notice, the "Code Enforcement Department or Safety Service Director" shall cause such noxious or harmful weeds or vines, or grass or weeds in excess of the maximum allowable height, to be cut and destroyed and may employ the necessary labor to perform such task. All expenses shall be paid out of funds appropriated by Council upon vouchers approved by the Mayor. The expenses shall consist of the following:
 - 1. All direct costs for the cutting and/or destruction of the noxious or harmful weeds or vines, or grass or weeds; plus
 - 2. The costs for preparing and serving all notices; plus
 - 3. An administrative fee in the amount set forth in section 1701.35.
- B. In the event that the owner or other appropriate person fails to pay such expenses within 30 days after being notified in writing, by regular U.S. mail, of the amount thereof by the "Code Enforcement Department or Safety Service Director", the costs set forth in division (a) of this section may be collected using one or more of the following methods, provided, however, that the expenses may only be collected once:
 - 1. Such expenses may be certified by Council to the County Auditor and placed upon the tax duplicate for collection as a special assessment and thereupon shall be collected as other taxes and assessments; or
 - 2. The Director of Law is authorized to bring suit and take other necessary legal action to collect all such expenses.
- C. The remedies provided in this section shall be in addition to the remedies available in Section 1701.24 and the penalty provided in Section 1701.36

1702.11 PROSECUTION DESPITE CUTTING.

The cutting and destroying of noxious or harmful weeds or vines, or grass or weeds in excess of the maximum allowable height, by the owner, occupant or other person having charge of the land in question, pursuant to the requirements of the notice provided for in Section 1702.09, shall not constitute a bar to prosecution.

1702.12 TREE BRANCHES OVERHANGING STREETS.

- A. The branches of all shade or ornamental trees located on private property within the corporate limits shall not be allowed to grow nearer than 16 feet to the line of the established grade of the street or within sixteen feet from the surface of the earth upon any street upon which a grade has not been established.
- B. The branches of trees extending downward to a point nearer than 16 feet to the line of the established grade upon any street, or nearer than 16 feet to the surface of the earth upon any street where there is no established grade, are hereby declared to be a nuisance and the owners of the abutting lot or land shall cause the same to be removed or such nuisance shall be abated according to law.
- C. It shall be the owner's or occupant's responsibility to maintain trees on tree lawn in a manner that the tree will not obstruct or shade the street lights, obstruct the movement of vehicular traffic, obstruct the passage of pedestrians, or obstruct the view of any street intersection.
- D. No tree located within the tree lawn or on any public property shall be planted closer than fifteen feet to any fire hydrant.
- E. Within ten days of any removal or pruning the owner or occupant will remove and/or dispose of all material created by the removal or pruning of any tree, parts of tree, plant or shrub.
- F. All stumps shall be removed six inches below the surface of the ground to facilitate landscaping. Removal shall be done by the owner or at the owner's expense, within three months. Stump chips shall be removed and replaced with topsoil, to level of the grade.

1702.13 PARKING OF MOTOR VEHICLES AND WATERCRAFT.

- A. No motor vehicle owner or person in charge or control of any residential premises within the City, whether as owner, tenant, lessee, occupant, or otherwise, shall allow to be parked, kept or stored on the exterior area of such premises any of the following:
 - 1. A motor vehicle which is not properly licensed for immediate use on public streets;
 - 2. A motor vehicle which is not in sound operating condition; or
 - 3. A commercial motor vehicle.
- B. No watercraft owner or person in charge or control of any residential premises within the City, whether as owner, tenant, lessee, occupant, or otherwise, shall allow to be parked, kept or stored on the exterior area of such premises any of the following:
 - 1. A watercraft which is not properly licensed for immediate use on the water; or
 - 2. A watercraft which is not in sound operating condition.
- C. The exterior parking, keeping or storage of motor vehicles or watercraft on residential premises that is not otherwise prohibited by this section shall also be limited to the following locations:
 - 1. If a driveway exists on the premises on which motor vehicles or watercraft are parked, kept or stored, then such motor vehicles or watercraft shall only be parked, kept or stored on the driveway. The street entrance to the driveway must be accessed by a curb cut approved by the "Code Enforcement Department or Safety Service Director".
 - 2. If on the premises where motor vehicles or watercraft are parked, kept or stored there exists insufficient driveway space to accommodate such motor vehicles or watercraft, then not more than two (2) motor vehicles and/or watercraft may be parked, kept or stored in the rear yard.

- D. If the locations provided in subsection (D) herein will not reasonably accommodate the exterior parking, keeping or storage on any residential premises of those motor vehicles or watercraft that are not otherwise prohibited by this section, then the "Code Enforcement Department or Safety Service Director" is authorized to grant an "Off- Street Parking Permit" upon application therefore and under such terms and conditions that the determines to be reasonable and equitable.
1. In considering an application for an "Off-Street Parking Permit," the "Code Enforcement Department or Safety Service Director" shall be guided by the following objectives:
 2. Non-rear yard motor vehicle or watercraft parking, keeping or storage should be upon hard surfaces which are compliant with standards adopted by City Council, and such hard surfaces should be no greater than 400 square feet in size and that accommodate no more than two motor vehicles and/or watercraft.
 3. Only one hard surface should be permitted within the area comprising the front and side yards and such hard surface should be located no less than ten (10) feet from any property line.
 4. The interests of an applicant's immediate neighbors and the general public should be given due consideration.
- E. The exterior parking, keeping or storage of motor vehicles and watercraft in non-residentially zoned districts shall be limited to motor vehicles and watercraft in sound operating condition, and which are properly licensed for immediate use on public streets or waterways. All parking, keeping or storage shall be on hard surfaces in compliance with standards adopted by the City Council. The following are exceptions to this provision:
1. Motor vehicles or watercraft parked or stored on new or used motor vehicle or watercraft sales lots which are operable but unlicensed.
 2. Licensed motor vehicles or watercraft parked or stored while in the temporary care of a motor vehicle or watercraft service business in compliance with the City of Delphos Zoning Code.
 3. Motor vehicles or watercraft parked or stored on premises operating as a junk or dismantling business in compliance with the City of Delphos Zoning Code and Ohio Law.
- F. This section shall not apply to a motor vehicle or watercraft under major mechanical repair or overhaul, including body work, provided that such work is performed inside a structure which is appropriate to be used for such purposes in accordance with state or local zoning, building, fire, or other applicable codes.
- G. Upon a determination that any subsection hereof is being violated, the "Code Enforcement Department or Safety Service Director" shall cause a written notice to be served upon the owner, lessee, agent, tenant, occupant or person having control of such land, and the registered owner of the motor vehicle or watercraft, as the violator(s), notifying such person(s) that the offending motor vehicle or watercraft must be removed or relocated to an area in compliance with these provisions within five (5) days after service of such notice. Such written notice shall contain:
1. The name of the violator and the property address at which the motor vehicle or watercraft is located.
 2. The make and model of the motor vehicle or watercraft and the license plate number, if any.
 3. The motor vehicle or watercraft identification number (VIN), if available and a description of the condition of said motor vehicle or watercraft.
 4. A statement that the person in charge or in control of the private property upon which such motor vehicle or watercraft is located and the titled owner of such motor vehicle or watercraft are jointly and severally liable for all costs incurred by the City for the removal, storage and disposal of such motor vehicle or watercraft, plus an administrative fee in the amount set forth in section 1701.35.
 5. A notice of any right to appeal.
- H. Such written notice shall be served in the manner prescribed by Section 1701.27.
- I. If the owner, lessee, agent or person having charge of the land, or the registered owner of the motor vehicle or watercraft, served with the notice, fails to remove such motor vehicle or watercraft as required herein,

the "Code Enforcement Department or Safety Service Director" is authorized to remove and impound any such motor vehicle or watercraft remaining at any place within the City in violation of this section. Such motor vehicle or watercraft shall be impounded until lawfully claimed or disposed of. Upon impounding of a motor vehicle or watercraft a photograph shall be taken of the same, and an inventory search shall be conducted.

- J. All expenses related to the removal and impoundment of such motor vehicle or watercraft by the City shall be paid out of funds appropriated by Council upon vouchers approved by the Mayor. The expenses shall consist of the following:
 - 1. All direct costs for the removal and impoundment of the motor vehicle or watercraft; plus
 - 2. The costs for preparing and serving all notices; plus
 - 3. An administrative fee in the amount set forth in section 1701.35.
- K. In the event that the owner or other person in charge or control of such property, and/or the title owner of said motor vehicle or watercraft, fails to pay such expenses within thirty days after being notified in writing, by regular U.S. mail, of the amount thereof by the "Code Enforcement Department or Safety Service Director", the expenses set forth in subsection (K) hereof may be collected using one or more of the following methods, provided, however, that the expenses may only be collected once:
 - 1. Such expenses may be certified by Council to the County Auditor and placed upon the tax duplicate for collection as a special assessment and thereupon shall be collected as other taxes and assessments; or
 - 2. The Director of Law is authorized to bring suit and take other necessary legal action to collect all such expenses.
- L. The owner, lessee, agent, tenant or person otherwise having charge or control of such premises, and the titled owner of such motor vehicle or watercraft, are jointly and severally liable for all expenses incurred by the City as set forth in subsection (K) hereof.
- M. The movement of a motor vehicle or watercraft in violation of this section to any other location within the City limits that does not abate the violation under this section shall not constitute compliance with this section.
- N. Any person who has received notice to remove a motor vehicle or watercraft under this section may appeal to the "Code Enforcement Department or Safety Service Director". An appeal must be filed within five (5) days after service of the notice, excluding Saturdays, Sundays and holidays, together with a fee of twenty-five dollars (\$25.00) for the cost of the appeal. The twenty-five dollars (\$25.00) will be refunded if the appeal is successful. The scope of the appeal shall be limited to:
 - 1. determining whether the person requesting such appeal is in charge or in control of the real property involved or is the registered owner of the motor vehicle or watercraft involved and
 - 2. whether the parking, keeping or storage of the motor vehicle or watercraft involved is in violation of this section. At such appeal, the appellant must appear in person, and the City and the appellant may introduce such witnesses and evidence as each party deems necessary. The appeal provision provided herein shall be the exclusive method of appeal of notices of violations of this section, notwithstanding the method of appeal set forth in Section 1701.29.
- O. The remedies provided in this section shall be in addition to the remedies available in Section 1701.24 and the penalty provided in Section 1701.36.

1702.15 PROHIBITION AGAINST JUNK MOTOR VEHICLES; EXCEPTIONS.

- A. For purposes of this section, the following definitions shall apply:
 - 1. "Junk motor vehicle" means any motor vehicle meeting any three of the following criteria:
 - i. Three years old or older
 - ii. Partially dismantled or inoperable

- iii. Fair market value of less than one five hundred dollars (\$500.00).
 - iv. Unlicensed or improperly licensed.
- 2. Partially dismantled” means, but not limited to, the following:
 - i. Missing engine, battery, transmission
 - ii. Missing door, fenders or hood
 - iii. Missing wheels or on blocks
 - iv. Missing tires or deflated tires
 - v. Missing or broken windshield or windows
- B. “Inoperable” means any motor vehicle incapable to being propelled under its own power. Any motor vehicle that has not been moved for thirty consecutive days shall be presumed to be inoperable.
- C. “Collector’s vehicle” means any motor vehicle or agricultural tractor or traction engine of special interest having a fair market value of one hundred dollars (\$100.00) or more, whether operable or not, that is owned, operated, collected, preserved, stored, maintained or used essentially as a collector’s item, leisure pursuit or investment, but not as the owner’s principal means of transportation.
- D. If the owner, the person having the right of possession of the property, or any other person authorized to give such permission is a person engaged in a bona fide commercial operation or if the vehicle is a historical vehicle, then the vehicle may be stored upon the following condition: The vehicle shall be concealed from the general public by means of buildings, screening fence, shrub or other appropriate obstruction. Tarpaulins, tents, vehicle socks or other items intended to cover a vehicle made from cloth or plastic will not constitute an appropriate obstruction.
- E. No vehicle owner or person in charge or control of any premises within the City, whether as owner, tenant, lessee, occupant or otherwise, shall allow any junk motor vehicle to remain upon any premises longer than ten days after receipt of written notice to remove the junk motor vehicle from such premises. The written notice shall be issued to the property owner and/or the owner of such vehicle by an office of the Police Department or by the “Code Enforcement Department or Safety Service Director”. Such written notice shall contain:
 - 1. The name of the property owner and the property address at which the junk motor vehicle is located.
 - 2. The make and model of the vehicle and the license plate number, if any.
 - 3. The vehicle identification number (VIN), if available and a description of the condition of said vehicle.
 - 4. A statement to the effect that the person in charge or in control of the private property upon which such vehicle is located and the titled owner of such vehicle are jointly and severally liable for all costs incurred by the City for the removal, storage and disposal of such vehicle, plus an administrative fee in the amount set forth in section 1701.36.
 - 5. A notice of any right to appeal.
- F. Such written notice shall be served in the manner prescribed by Section 1701.27.
- G. If the owner, lessee, agent or person having charge of the land, or the title owner of the motor vehicle, served with the notice, fails to remove such junk motor vehicle, an officer of the Police Department approved by the Chief of Police, or the “Code Enforcement Department or Safety Service Director” is authorized to remove and impound any junk motor vehicle remaining at any place within the City in violation of this section. Such junk motor vehicle shall be impounded until lawfully claimed or disposed of in accordance with Ohio R.C. 4513.63. Upon impounding of a junk motor vehicle a photograph shall be taken.

- H. All expenses related to the removal and impoundment of such junk motor vehicle by the City shall be paid out of funds appropriated by Council upon vouchers approved by the Mayor or Service-Safety Director. The expenses shall consist of the following
1. All direct costs for the removal and impoundment of the vehicle; plus
 2. The costs for preparing and serving all notices; plus
 3. An administrative fee in the amount set forth in section 1701.35, per vehicle.
- I. In the event that the owner or other person in charge or control of such property, and/or the title owner of said vehicle, fails to pay such expenses within thirty days after being notified in writing, by regular mail, of the amount thereof by the "Code Enforcement Department or Safety Service Director", the expenses set forth in subsection (e) hereof may be collected using one or more of the following methods, provided, however, that the expenses may only be collected once:
1. Such expenses may be certified by Council to the County Auditor and placed upon the tax duplicate for collection as a special assessment and thereupon shall be collected as other taxes and assessments; or
 2. The Director of Law is authorized to bring suit and take other necessary legal action to collect all such expenses.
- J. The owner, lessee, agent, tenant or person otherwise having charge or control of such premises, and the titled owner of such vehicle, are jointly and severally liable for all expenses incurred by the City as set forth in subsection (e) hereof.
- K. The movement of a vehicle in violation of this section to any other location within the City limits that does not abate the violation under this section shall not constitute compliance with this section.
- L. The provisions of this section shall not apply to the deposit, parking, storage, maintenance or collection of junk motor vehicles in an enclosed building in a regularly established junk yard in any area of the City in which the same is permitted under the Zoning Code, or a collector's vehicle as described in subsection (a)(4) hereof.
- M. Any person in charge or in control of any premises within the City, whether as owner, tenant, lessee, occupant or otherwise, shall completely conceal any collector's vehicle stored on the property by means of storage inside buildings or fences which comply with all building and zoning ordinances and all building codes.
- N. Except as allowed in subsections (i) and (j) hereof, the deposit, parking, storage, maintenance or collection of junk motor vehicles on private property is hereby declared to be a public nuisance and offensive to the public health, welfare and safety of the residents of the City.
- O. Any person who has received notice to remove a junk vehicle may appeal to the "Code Enforcement Department or Safety Service Director". An appeal must be filed within five days after service of the notice, excluding Saturdays, Sundays and holidays, together with a fee of twenty-five dollars (\$25.00) for the cost of the appeal. The twenty-five dollars (\$25.00) will be refunded if the appeal is successful. The scope of the appeal shall be limited to determining whether the person requesting such appeal is in charge or control of the private property involved, or is the titled owner of said vehicle, and whether such vehicle is a junk motor vehicle as charged. At such appeal, the appellant must appear in person, and the City and the appellant may introduce such witnesses and evidence as each party deems necessary. The appeal provision provided herein shall be the exclusive method of appeal of notices of violations of this section, notwithstanding the method of appeal set forth in Section 1701.29. (m) The remedies provided in this section shall be in addition to the remedies available in Section 1701.24 and the penalty provided in Section 1701.36.

CHAPTER 1703 – GENERAL REQUIREMENTS FOR EXTERIOR STRUCTURE

1703.01 IN GENERAL.

The exterior of a structure shall be maintained in good repair, structurally sound and sanitary, so as not to pose a threat to the public health, safety or welfare.

1703.02 STREET NUMBERS.

Each structure to which a street number has been assigned shall have such number displayed in a position easily observed and readable from the public right-of-way. All numbers shall be in numerals at least three inches (76 mm) high and one-half inch (13 mm) stroke.

1703.03 STRUCTURAL MEMBERS.

All structural members shall be maintained free from deterioration, and shall be capable of safely supporting the imposed dead and live loads.

1703.04 FOUNDATION WALLS.

All foundation walls shall be maintained plumb and free from open cracks and breaks and shall be kept in such condition so as to prevent the entry of rats, pests or other animals.

1703.05 EXTERIOR WALLS.

All exterior walls shall be free from holes, breaks and loose or rotting materials and shall be maintained weatherproof and properly surface-coated where required to prevent deterioration.

1703.06 ROOFS; GUTTERS AND DOWNSPOUTS; DRAINAGE.

The roof and flashing shall be sound, tight and not have defects that admit rain. Gutters and downspouts shall be used to collect roof water drainage and shall be maintained in a tight, leak-proof condition adequate to prevent dampness or deterioration in the foundation, walls or interior portion of the structure. Roof water drainage shall not be discharged in a manner that creates a public or private nuisance.

1703.07 OVERHANG EXTENSIONS.

All canopies, marquees, signs, metal awnings, stairways, fire escapes, standpipes, exhaust ducts and similar overhang extensions shall be maintained in good repair and be properly anchored so as to be kept in a safe and sound condition. When required, all exposed surfaces of metal or wood 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.

1703.08 CHIMNEYS AND TOWERS.

All chimneys, cooling towers, smokestacks and similar appurtenances shall be maintained structurally safe and sound and in good repair. All exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic applications of weather-coating materials, such as paint or similar surface treatment.

1703.09 HANDRAILS AND GUARDS.

Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

CHAPTER 1704 – GENERAL REQUIREMENTS FOR INTERIOR STRUCTURE

1704.01 IN GENERAL.

The interior of a structure and the equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. Every occupant shall keep that part of the structure which such occupant occupies or controls in a clean and sanitary condition. Every owner of a structure containing a rooming house, a hotel, a dormitory, two

or more dwelling units or two or more nonresidential occupancies, shall maintain, in a clean and sanitary condition, the shared or public areas of the structure and exterior property.

1704.02 STRUCTURAL MEMBERS.

The supporting structural members of every structure shall be maintained structurally sound, and be capable of supporting the imposed loads.

1704.03 INTERIOR SURFACES.

All interior surfaces, including windows and doors, shall be maintained in good, clean and sanitary condition. Peeling paint, cracked or loose plaster, decayed wood and other defective surface conditions shall be corrected.

1704.04 LEAD-BASED PAINT.

Interior and exterior painted surfaces of dwellings and child and day care facilities, including fences and outbuildings, which contain in excess of 0.06 percent lead by weight shall be removed or covered in an approved manner. Any surface to be covered shall first be marked with warnings as to the lead content of such surface.

1704.05 STAIRS AND RAILINGS.

All interior stairs and railings shall be maintained in sound condition and good repair.

1704.06 HANDRAILS AND GUARDS.

Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

1704.07 LOCKED DOORS.

All means of egress doors shall be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort.

1704.08 LOCKS PERMITTED.

Locks or fasteners shall not be installed on egress doors except in the following circumstances:

- A. In mental, penal or other institutions where the security of inmates is necessary, locks are permitted, provided that properly trained supervisory personnel shall be continuously on duty and approved provisions are made to remove occupant's safety in case of fire or other emergency situations.
- B. In problem security areas, special-purpose door alarms or locking devices are permitted if they are approved prior to installation. Manually operated edge or surface-molded flush bolts are prohibited.
- C. Where the door hardware conforms to that permitted by the Building Code

1704.09 SMOKE DETECTORS REQUIRED.

Smoke detectors are required in each dwelling unit for all residential uses. The smoke detectors shall be either the ionization or photoelectric type capable of sensing visible or invisible particles of combustion and providing an approved alarm signal. Owners are responsible for installation of required smoke detectors. Occupants are responsible to maintain the installed smoke detectors. Failure to install or maintain smoke detectors as and where required will subject the owner or tenant to the penalties of chapter 1701.36.

1704.10 SMOKE DETECTORS; LOCATION.

- A. Smoke detectors shall be installed outside of each separate sleeping area in the immediate proximity of the bedrooms. At least one smoke detector shall be installed in or near each stairway leading up to an occupied area in such a manner as to assure that rising smoke is not obstructed in reaching the detector and the detector intercepts rising smoke before it reaches the occupied area, excluding crawl spaces and unfinished attics.

- B. For family units with split levels which are defined as adjacent levels with less than one full story separation between levels, a smoke detector is required outside of each separate sleeping area, in the immediate vicinity of the bedrooms, and on every other floor level without an intervening door.

1704.11 SMOKE DETECTORS; ALTERNATIVES.

Where smoke detectors are installed as part of an approved fire protection system, the requirements for single station smoke detectors may be set aside. An approved system is defined as a combination of devices that meet the requirements of this chapter and are installed in accordance with the National Fire Protection Association Standard.

1704.12 SMOKE DETECTORS; EQUIPMENT.

- A. All devices, combination of devices and equipment required by this chapter are to be installed in conformance with the Building Code and this chapter, and approved and listed by Underwriters' Laboratory (U.L.) for the purpose in which they are intended. The Fire Marshal may in any such case determine whether replacement of existing installation is required.
- B. In existing dwellings which are required to have smoke detectors installed, smoke detectors may be battery operated.

1704.13 SMOKE DETECTORS; MAINTENANCE.

- A. In one, two and three family dwellings, the occupants are responsible for operation and maintenance of the detector(s). Owners shall be responsible for operation and maintenance of detectors in all other residential uses.
- B. It is unlawful for an occupant or owner to remove or render a smoke detector(s) inoperative.

CHAPTER 1705 – RUBBISH AND GARBAGE

1705.01 ACCUMULATION OF RUBBISH OR GARBAGE.

All exterior property and premises, and the interior of every structure, shall be free from any accumulation of rubbish or garbage.

1705.02 DISPOSAL OF RUBBISH.

- A. Every occupant of a structure shall dispose of all rubbish in a clean and sanitary manner by placing such rubbish in approved containers.
- B. "Rubbish" means and includes wire, chips, shavings, bottles, broken glass, crockery, tin, cast off wooden wares, boxes, rags, dead weeds, stumps, tree trunks, brush, paper circulars, handbills, boots, shoes, ashes, garbage, offal, construction material not actively being utilized on the property or any waste material. Any of the proceeding materials that are accumulated as the result of manufacturing of a product shall not be considered as an accumulation of rubbish so long as it is stacked, stored or contained in a neat and orderly manner on the manufacturers or owner's premises. Any charitable organization having a drive for waste paper or any group collecting discarded personal property for recycling shall be exempted for a period of sixty days.
- C. The owner of every occupied premises shall supply approved covered containers for rubbish, and the owner of the premises shall be responsible for the removal of rubbish.

1705.03 DISPOSAL OF GARBAGE.

- A. Every occupant of a structure shall dispose of garbage in a clean and sanitary manner by placing such garbage in an approved garbage disposal facility or approved garbage containers.
- B. The operator of every establishment producing garbage shall provide, and at all times cause to be utilized, leak-proof approved containers provided with close-fitting covers for the storage of such materials until removed from the premises for disposal.

- C. All refuse and garbage shall be placed in suitable containers and placed at the curb 24 hours before the day of regular pickup. All empty containers shall be removed from the curb within 24 hours after pickup. No garbage or refuse containers shall be stored or placed in front of the front building line of any property at any other time.
- D. No such container shall be stored or placed in any area other than the rear yard area except for guidelines set forth in Section The provisions hereof do not apply to any container in the main building or the garage whether attached or detached from such main building.
- E. Any landlord who leases and/or rents living quarters in the downtown area in the City of Delphos shall be required to provide refuse collection containers to the tenants and be required to either have a contract with a refuse collection contractor or a weekly disposal schedule.
- F. These refuse collection containers must be located in the rear of the property and be emptied weekly.
- G. No refuse containers may be placed in the road right of way where it could inhibit traffic flow.
- H. The "Downtown" area shall be defined as the area from the Railroad Tracks north to Fifth Street and Canal Street east to Franklin Street.

CHAPTER 1706 – EXTERMINATION

1706.01 INFESTATION.

All structures shall be kept free from insect and rat infestation. All structures in which insects or rats are found shall be promptly exterminated by approved processes that will not be injurious to human health. After extermination, proper precautions shall be taken to prevent re-infestation.

1706.02 RESPONSIBILITY OF OWNER.

The owner of any structure shall be responsible for extermination within the structure prior to renting or leasing the structure.

1706.03 SINGLE OCCUPANCY.

The occupant of a structure containing a single dwelling unit or of a single nonresidential structure shall be responsible for extermination on the premises.

1706.04 MULTIPLE OCCUPANCY.

The owner of a structure containing two or more dwelling units, a multiple occupancy, a rooming house or a nonresidential structure shall be responsible for extermination in the public or shared areas of the structure and exterior property. If infestation is caused by failure of an occupant to prevent such infestation in the area occupied, the occupant shall be responsible for the extermination.

1706.05 RESPONSIBILITY OF OCCUPANT.

The occupant of any structure shall be responsible for the continued rat-proof condition of the structure, and if the occupant fails to maintain the rat-proof condition, the cost of extermination shall be the responsibility of the occupant.

CHAPTER 1707 – VACANT BUILDINGS & UNSAFE STRUCTURES AND EQUIPMENT

1707.01 SCOPE

Structures which are left vacant for extended periods of time have been shown to breed crime, pose public safety risks, and reduce property values and the economic viability of the community in which they are found. The purpose of this section is to establish a program for identifying and registering vacant buildings; to determine the responsibilities of owners of vacant buildings and structures; and to provide incentives for the rehabilitation and productive use of vacant buildings. Shifting the cost or burden of the existence of vacant structures from the general citizenry to the owners of the buildings is an intended result of this section.

1707.02 DEFINITIONS

- A. Unless otherwise expressly stated, the following terms shall, for the purposes of this chapter, have the meanings indicated in this section.
- B. "Secured by other than normal means." A building secured by means other than those used in the design of the building.
- C. "Unoccupied." A building which is not being used for occupancy authorized by the owner. The term "unoccupied" shall only be applicable to multi-unit structures when more than half (1/2) of the units and more than half (1/2) of the available space are not currently occupied by a tenant or tenants.
- D. "Unsecured." A building or portion of a building which is open to entry by unauthorized persons without the use of tools or ladders.
- E. "Vacant building." A structure (excluding government-owned buildings) which is:
- F. Unoccupied and unsecured; or
- G. Unoccupied and secured by other than normal means; or
- H. Unoccupied and an unsafe building as determined by the Service-Safety Director or his duly designated representative; or
- I. Unoccupied and having utilities disconnected; or
- J. Unoccupied and has housing or building code violations; or
- K. Illegally occupied, other than during a pending dispute between landlord and tenant, but including loitering and vagrancy; or
- L. Unoccupied for a period of time over 90 days and having an existing code violation issued by a City or State housing, building, health or fire official; or
- M. Unoccupied with a mortgage status of abandonment (i.e. deceased or foreclosed); or
- N. Unoccupied and abandoned by the property owner.
- O. "Evidence of vacancy." Any condition that on its own or combined with other conditions present would lead a reasonable person to believe the property is vacant. Such conditions include, but are not limited to: significantly below standard utility usage, overgrown and/or dead vegetation, accumulation of newspapers, circulars, flyers and/or mail, accumulation of trash, junk, and/or debris, broken or boarded up windows, abandoned vehicles, auto parts or materials, the absence of window coverings, such as curtains, blinds, and/or shutters, the absence of furnishings and/or personal items consistent with habitation or occupation, statement(s) by governmental employee(s) that the property is vacant.

1707.03 VACANT BUILDING REGISTRATION

- A. In all areas within the corporate limits of the City of Delphos, an owner of a structure which meets the definition of a "vacant building" as set forth in this Chapter shall register such structure with the "Code Enforcement Department or Safety Service Director" no later than 90 days after it becomes a vacant building as defined herein, or not later than 30 days of being notified by the "Code Enforcement Department or Safety Service Director" of the requirement to register based on evidence of vacancy, whichever event first occurs.
- B. The registration shall be submitted on forms provided by the "Code Enforcement Department or Safety Service Director" and shall include the following information supplied by the owner:
 - 1. The name(s) and address(es) of the owner or owners;
 - 2. If the owner does not reside in a location in the State of Ohio within 60 miles of the Delphos City corporate limits, a property agent, manager or caretaker residing or doing business within the State

and within said 60-mile-radius shall be designated and identified by name, address and telephone number. By designating an authorized agent under the provisions of this section, the owner is consenting to the service of any and all notices required or allowed under this Chapter upon said agent;

- C. The names and addresses of all known lien holders and all other parties known or believed upon information to have a claim of an ownership interest in the building;
 - 1. A telephone number where a responsible party can be reached at all times during business and non-business hours; and
 - 2. A vacant building plan as described in division (D) of this section.
 - 3. Proof of insurance.
- D. The owner shall submit a vacant building plan which must meet the approval of the "Code Enforcement Department or Safety Service Director". The plan, at a minimum, must contain one of the following:
 - 1. If the building is to be demolished, a demolition plan indicating the proposed time frame for demolition which includes starting within 30 days of acceptance of the proposed demolition timeline and does not exceed one year in accordance with the Ohio Building Code; or
 - 2. If the building is to remain vacant, a plan for ensuring the building is secured in accordance with all applicable building and fire codes along with the procedure that will be used to maintain the property, and a statement of the reasons why the building will be left vacant (e.g., building is for sale, etc.); or
 - 3. If the building is to be returned to appropriate occupancy or use, rehabilitation plans for the building and grounds. The rehabilitation plan shall not exceed 12 months from the time they obtain permits, unless the "Code Enforcement Department or Safety Service Director" grants an extension upon receipt of a written statement from the owner detailing the reasons for the extension. Any repairs, improvements or alterations to the property must comply with any applicable zoning, housing, historic preservation, or building codes, and the property must be secured during the rehabilitation.

4. All applicable laws and codes shall be complied with by the owner. The owner shall notify the “Code Enforcement Department or Safety Service Director” of any changes in information of their vacant building registration within 30 days of the change. If the plan or timetable for the vacant building is revised in any way, the revision(s) must be in writing and must meet the approval of the “Code Enforcement Department or Safety Service Director”. The owner and subsequent owners shall keep the building secured and safe and the building and grounds properly maintained in accordance with all applicable health codes, property maintenance codes and fire codes. A new owner(s) shall register or re-register a vacant building with the “Code Enforcement Department or Safety Service Director” within 30 days of any transfer of an ownership interest in the vacant building, unless the building is to become occupied upon transfer. The new owner(s) shall comply with the approved plan and timetable submitted by the previous owner until any proposed changes are submitted and meet the approval of the Director.
- E. Failure of the owner or any subsequent owners to maintain the building and premises that result in remedial action taken by the City shall be grounds for revocation of the approved plan and shall be subject to any applicable penalties provided by the law.
- F. The provisions of this Chapter apply to all owners of record and both the vendor and vendee under any actual or alleged land contract or lease-purchase agreement, whether recorded or unrecorded.
- G. The registration and all associated processes must be completed in its entirety annually for as long the property remains vacant.
- H. The “Code Enforcement Department or Safety Service Director” shall maintain a record of any property-specific written statements from community organizations, other interested parties, or citizens regarding the history, problems, status, or blighting influence of a vacant building. Such written statements shall become part of the permanent record pertaining to such property.

1707.04 INSPECTIONS

The “Code Enforcement Department or Safety Service Director” reserves the right to inspect any premises in the City for the purpose of enforcing and assuring compliance with the provisions of this chapter. Upon the request of the “Code Enforcement Department or Safety Service Director”, an owner shall provide access to all interior and exterior portions of a vacant building in order to permit a complete inspection of the premises. A refusal to permit access shall subject the owner to a civil penalty of \$150 for each day the refusal continues. Civil penalties under this Section which remain unpaid for more than 10 days may be collected in an action at law by any method permitted for collection of an unpaid account. Nothing in this Section shall limit the right of the “Code Enforcement Department or Safety Service Director” seek a search warrant for the vacant building from a court of competent jurisdiction.

- a) Vacant buildings will be subject to an exterior inspection at least twice per year at the “Code Enforcement Department or Safety Service Director” discretion to ensure the compliance with property maintenance codes;
- b) Vacant buildings will be subject to both an interior and an exterior inspection at the start of each registration period (new and renewal) and when a registration under this Chapter is terminated by the property owner;
- c) Vacant buildings will be subject to both an interior and an exterior inspection upon acquisition of the property by a new owner.
- d) Any inspection that is to take place within 30 days of a previous inspection may or may not be conducted at the discretion of “Code Enforcement Department or Safety Service Director”.

1707.05 STRUCTURE UNFIT FOR HUMAN OCCUPANCY.

A structure is unfit for human occupancy whenever the “Code Enforcement Department or Safety Service Director” finds that such structure is unsafe, unsecured, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is unsanitary, vermin or rat infested, contains filth and contamination, or lacks

ventilation, illumination, sanitary or heating facilities or other essential equipment required by this Code, or because the location of the structure constitutes a hazard to the occupants of the structure or to the public.

1707.06 UNSAFE STRUCTURE.

An unsafe structure means one in which all or part thereof is found to be dangerous to life, health, property or the safety of the public or its occupants because it is so damaged, decayed, dilapidated, structurally unsafe, or of such faulty construction or unstable foundation that it is likely to partially or completely collapse.

1707.07 UNLAWFUL STRUCTURE.

An unlawful structure is one found in whole or in part to be occupied by more persons than are permitted under this Code or that was erected, altered or occupied contrary to law.

1707.08 NOTICE.

Whenever the "Code Enforcement Department or Safety Service Director" has condemned a structure or equipment under the provisions of this chapter, notice shall be posted in a conspicuous place in or about the structure affected by such notice and served on the owner or the person or persons responsible for the structure or equipment in accordance with Section 1701.25. The notice shall be in the form prescribed in Section 1701.26.

1707.09 VACATION OF CONDEMNED STRUCTURE.

When a structure or part thereof is found to be unsafe, or when a structure or part thereof is found unfit for human occupancy or use, it may be condemned pursuant to the provisions of this chapter and shall be designated and identified as a condemned structure and shall be vacated, and it shall not thereafter be re-occupied without the approval of the "Code Enforcement Department or Safety Service Director".

- A. When a condemnation order is served on an occupant other than the owner of such premises, a reasonable time of not less than thirty days shall be stated to vacate the property after non-compliance thereafter, owners or occupants must vacate the premises at the time set for correction of defects, if there is failure of compliance.
 1. When, in the opinion of the "Code Enforcement Department or Safety Service Director", there is imminent danger of failure or collapse of a building or structure that endangers life, or when any structure or part of a structure has fallen and life is endangered by occupation of the structure, or when there is actual or potential danger to the occupants or those in proximity of any structure because of explosives, explosive fumes or vapors or the presence of toxic fumes, gases or materials, or operation of defective or dangerous equipment, the "Code Enforcement Department or Safety Service Director" is hereby authorized and empowered to order and require the occupants to vacate the premises immediately.

1707.10 CLOSING OF VACANT STRUCTURES.

- A. If a structure is vacant and unsecured, or unfit for human habitation and occupancy, and is not in danger of structural collapse, the "Code Enforcement Department or Safety Service Director", is authorized to post a placard of condemnation on the premises and order the structure closed up so as not to be an attractive nuisance. Upon failure of the owner to close up the premises within the time specified in the order, the "Code Enforcement Department or Safety Service Director", shall cause the premises to be closed through any available public agency or by contact or arrangement with private persons, and the cost thereof shall be collected in accordance with subsection (c) hereof.
- B. In the event the "Code Enforcement Department or Safety Service Director", determines that a vacant and unsecured structure, poses an immediate danger to the safety or wellbeing of the public or any person, then the "Code Enforcement Department or Safety Service Director" is authorized to immediately cause said structure to be closed and secured, without prior notice to the owner or other appropriate person. The expenses therefore shall be the responsibility of the owner of the premises.
- C. In the event that the owner or other appropriate person fails to pay the expenses for the work performed pursuant to subsection (b) hereof, within thirty days after being notified in writing, by regular mail, of the

amount thereof by the "Code Enforcement Department or Safety Service Director", such expenses may be collected using on or more of the following methods provided, however, that the expenses may only be collected once:

1. Such expenses may be certified by Council to the County Auditor and placed upon the tax duplicate for collection as a special assessment and thereupon shall be collected as other taxes and assessments; or
 2. The Director of Law is authorized to bring suit and take other necessary legal action to collect all such expenses.
- D. No structure which has been closed under this section, or which otherwise has been closed or boarded-up by any other person, shall remain closed or boarded-up for a period longer than six months. The repair shall result in openings secured by conventional methods used in the design of the building or by methods permitted for new construction of similar type. No owner of a structure, or other person legally responsible for a structure, shall fail to repair any doors, windows or other openings which are boarded up or otherwise secured by any means other than conventional methods used in the design of the building or permitted for new construction of a similar type, or fail to cause the structure to be compliant with this Property Maintenance Code after the expiration of said six-month period.
- E. All doors, windows and other openings shall be covered with a minimum of one-half inch thick painted structural sheathing material or solid nominal one-inch lumber, closely butted at the edges and maintained. Such coverings may be installed to fit over the exterior casing or to fit tightly inside the exterior casing coverings the sash area only. However, there shall not be any edges or cracks that will serve as handholds for tearing off of the same. All coverings shall be anchored by nails or screws and shall not be capable of being removed without tools. Any porch floor, railing, post or roof, or any other attachment to the structure, in danger of falling or causing injury by being decayed or having holes that could cause tripping or falling, shall be repaired and maintained. All loose debris and discarded boards and lumber shall be kept clear of the premises.

1707.11 PLACARDING.

Upon failure of the owner or person responsible to comply with the notice provisions within the time given, the "Code Enforcement Department or Safety Service Director" shall post on the premises or on defective equipment, a placard bearing the word "Condemned" and a statement of the penalties provided for occupying the premises, operating the equipment or removing the placard.

1707.12 PROHIBITED OCCUPANCY.

Any person who shall occupy a placarded premise or shall operate placarded equipment, and any owner or any person responsible for the premises, who shall let anyone occupy a placarded premise or operate placarded equipment, shall be subject to the penalties provided in this Code.

1707.13 AUTHORITY TO DISCONNECT UTILITY SERVICE

The "Code Enforcement Department or Safety Service Director" shall have authority to authorize disconnection of utility service to the building, structure or system regulated by this code in case of emergency where necessary to eliminate an immediate hazard to life or property or where such utility connection has been made without approval. The "Code Enforcement Department or Safety Service Director" shall notify the serving utility and, whenever, possible, the owner or owner's authorized agent and occupant of the building, structure, structure or service system of the decision to disconnect prior to taking such action. If not notified prior to disconnection, the owner, owner's authorized agent or occupant of the building, structure or service system shall be notified in writing as soon as practical thereafter.

1707.14 REMOVAL OF PLACARD.

The "Code Enforcement Department or Safety Service Director" shall remove the condemnation placard whenever the defect or defects upon which the condemnation and placarding action were based have been eliminated. Any person who defaces or removes a condemnation placard without the approval of the "Code Enforcement Department or Safety Service Director", shall be subject to the penalties provided in this Code.

1707.15 ORDER TO RAZE OR REPAIR STRUCTURE.

The "Code Enforcement Department or Safety Service Director" may order the owner of any premises upon which is located any structure or part thereof, which in the judgment of the "Code Enforcement Department or Safety Service Director" or Fire Chief or their designee is so old, dilapidated or has become so out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human habitation, occupancy or use, and so that it would be unreasonable to repair the same, to raze and remove such structure or part thereof; or, if it can be made safe by repairs, to repair and make safe and sanitary or to raze and remove at the owner's option within sixty days of such order. In the event, the owner, within such sixty-day period, elects to repair the subject premises, such repairs shall commence within such sixty-day period and shall, in all cases, be completed within four months of the original order given by the "Code Enforcement Department or Safety Service Director".

- A. Whenever the "Code Enforcement Department or Safety Service Director" determines that the cost of such repairs would exceed one hundred percent (100%) of the current value of such structure, such repairs shall be presumed unreasonable and it shall be presumed for the purposes of this chapter that such structure is a public nuisance which may be ordered razed without option on the part of the owner to repair.
- B. Whenever the owner of a property fails to comply with a demolition order within the time prescribed, the "Code Enforcement Department, Safety Service Director or Fire Chief or their designee shall cause the structure or part thereof to be razed and removed, either through an available public agency or by contract or arrangement with private persons. The expenses therefore shall be the responsibility of the owner of the premises.
- C. In the event that the owner or other appropriate person fails to pay the expenses for the work performed pursuant to subsection (b) hereof, within thirty days after being notified in writing, by regular U.S. mail, of the amount thereof by the "Code Enforcement Department or Safety Service Director", such expenses may be collected using one or more of the following methods provided, however, that the expenses may only be collected once:
 1. Such expenses may be certified by Council to the County Auditor and placed upon the tax duplicate for collection as a special assessment and thereupon shall be collected as other taxes and assessments; or
 2. The Director of Law is authorized to bring suit and take other necessary legal action to collect all such expenses.

1707.05 FEES

The fees described in this Section are established in order to defray the cost to the City government and community as a whole related to the health, safety and economic impacts of structures which remain vacant for long periods of time, including but not limited to administrative costs for registering and processing the vacant building owner registration form and for the costs incurred by the City in monitoring the vacant building site. The fees are also structured in order to provide appropriate incentives for owners of vacant buildings to care for them properly, seek to fill them, and in appropriate cases demolish them. The annually increased fee amounts are intended to absorb the costs incurred by the City for demolition and hazard abatement of or repairs to vacant buildings, as well as the continued normal administrative costs stated above.

- A. The owner of a vacant building shall pay a fee of two hundred dollars (\$200.00) for the first year the building remains vacant. For every consecutive year that the building remains vacant, an annual fee will be assessed at double the previous year's fee amount for a maximum annual fee equaling the five-year fee of three thousand two hundred dollars (\$3,200) to be used for the fifth and for all consecutive, subsequent years of vacancy.
- B. The first annual fee shall be paid at the time the building is registered. If the owner successfully restores the building to occupancy or demolishes it in accordance with applicable law during the first year following registration, the fee shall be refunded, less an administrative charge equal to 5% of the amount refunded. In each subsequent year, if the registration is renewed in timely fashion, there have been no violations associated with the property in the previous year, and re-inspection reveals no significant housing, building or fire code violations, one-half of the previous year's registration fee shall be refunded to the owner, less

an administrative charge equal to 5% of the amount refunded.

- C. The fee shall be paid in full prior to the issuance of any building permits unless the property is granted an exemption.
- D. All delinquent fees shall be paid by the owner prior to any transfer of an ownership interest in the vacant building. A lien may be placed on the property to collect delinquent fees.
- E. Absent a showing of good cause, if a building is not registered within the time frame or the registration is not renewed within 30 days after the expiration of one year from the date of the previous registration, a penalty shall be paid in addition to the annual registration fee. The penalty shall be equal to one-half of the current annual fee or one thousand dollars (\$1,000), whichever is less.

1707.06 EXEMPTIONS

- A. A building under active construction, reconstruction or renovation and having a valid building permit(s) at the time of initial inspection shall be exempt from registration until the expiration of the longest running, currently active building permit.
- B. A building which has suffered fire damage or damage caused by extreme weather conditions shall be exempt from the registration requirement for a period of 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 Service-Safety Director or his duly designated representative. 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. One extension of not more than 90 days' duration may be granted for good cause shown.
- C. A building that is for sale and listed with a licensed State of Ohio Realtor shall be exempted for a period of 12 months from the start of vacancy, provided that the owner submits proof to the "Code Enforcement Department or Safety Service Director". of such listing and for sale status, and the building and premises in maintained free of any Property Maintenance Violations
- D. A building that has been granted an exemption pursuant to the following: Any owner of a vacant building may voluntarily register the same and request an exemption from the remaining provisions of this chapter by filing a written application with the "Code Enforcement Department or Safety Service Director", who shall timely consider same. In determining whether a request for exemption should be granted, the "Code Enforcement Department or Safety Service Director" shall consider the following:
 - 1. The applicant's prior record as it pertains to City Zoning Code, Building Code, or Property Maintenance Code violations; the amount of vacant property the applicant currently has within the City;
 - 2. The length of time that the building for which the exception is sought has been vacant; the reason or reasons for the vacancy;
 - 3. And the difficulty or expense involved in any necessary remediation or demolition.
- E. No exemption from registration shall be granted unless the owner or representative first completes a vacant building plan and addresses any and all existing code violations. An owner who believes he or she is being denied an exemption for arbitrary or capricious reasons may file an appeal of such denial within ten days with the City Council, which may sustain, overturn or modify the action of the "Code Enforcement Department or Safety Service Director",

1707.07 APPEALS

Any owner who is served a notice of vacant property registration, may, within ten (10) calendar days of receipt of such notice, apply for an exemption or appeal the decision as set forth in Section 1701.29 of the PMC.

1707.08 PENALTY

Any person violating any provision of the Vacant Building Registry shall be subject to the penalties provided by Section 1701.36.

SECTION TWO: This ordinance shall repeal sections:

Section 303.01 junk vehicles or parts thereof on private property with permission of the owner

Section 521.09 Sanitation, Repair and Maintenance of Structures

Section 521.11 Storage of Unlicensed and junk vehicles; accumulation of rubbish

Section 521.12 Manner of Collection; placement at curb and storage of receptacles

Chapter 906 Yard Maintenance

Chapter 909 Noxious Weeds

Chapter 911 Trees and Tree Lawns

Chapter 913 Sidewalks

Chapter 1339 Numbering Structures

SECTION THREE: This ordinance shall be in full force and effect from and after the earliest period allowed by law.

PASSED this _____ day of _____, 2019.

Nichole Coil, Council President

ATTEST:

Sherryl George, Clerk of Council

APPROVED BY ME this _____ day of _____, 2019.

Joshua P. Gillespie, Mayor