

CHAPTER 1317
Property Maintenance Standards

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1317.01 PURPOSE.

The purpose of these Standards is to protect the public health, safety, and welfare by establishing minimum standards governing the maintenance, appearance, and condition of all residential and nonresidential premises; to fix certain responsibilities and duties upon owners and operators; to authorize and establish procedures for the inspection of said premises, and to fix penalties for violations of the standards set forth herein. These Standards are hereby declared to be remedial and essential for the public interest, and it is intended that these Standards can be liberally construed to effectuate the purposes as stated herein.

(Ord. 00-18. Passed 12-18-00.)

1317.02 DEFINITIONS.

The following definitions shall apply in the interpretation of these Standards:

(a) "Blighted area" means the same as defined in Ohio Revised Code 1728.01(e) as amended, incorporated herein.

(b) "Building" means a structure that is permanently affixed to the land, having one or more floors and a roof, being bounded by either open spaces or lot lines and which is used for residential and/or nonresidential purposes.

(c) "Deteriorate" means to fall below the condition of good repair.

(d) "Excessive vegetation" means all vegetation, dead or alive, other than the following: ground cover, shrubbery, flowers, and trees that are planted and maintained in accordance with good landscape practices and the community standard in the village.

(e) "Exterior" means those portions of a building or structure or grounds that are exposed to public view from the outside.

(f) "Garbage" means putrescible animal and vegetable waste resulting from the handling, preparation, cooking, and consumption of food.

(g) "Good repair" means a condition of sound maintenance of residential, retail, commercial, and industrial property and building in accordance with the standards of the community as a whole.

(h) "Graffiti" means unauthorized drawings or markings of an exterior surface without regard to the content of the drawing or marking.

(i) "Grounds" means that portion of residential, retail, commercial, and industrial property that does not support a building or structure.

(j) "Infestation" means the presence within or contiguous to a structure or premises of insects, rats, rodents, vermin, or other pests on the premises that constitute a health hazard.

(k) "Nuisance" means:

(1) Any public nuisance known in law or as provided by the statutes of the State or the ordinances of the Village;

(2) Conditions dangerous to human life or detrimental to the health of persons on or near the premises where the conditions exist and where the condition is perilous by active and negligent operation thereof;

(3) Unsanitary conditions or anything offensive to the senses or dangerous to health, in violation of these standards, or

(4) Fire hazards.

(1) "Obsolete" means no longer serving any current purpose, either aesthetic or functional.

(m) "Occupant" means any person who has actual or constructive possession of residential, retail, commercial, and industrial property and buildings, including but not limited to a lessee, sublessee, assignee, licensee, or permittee whether with or without the consent of the owner or occupant.

(n) "Operator" means any person who has the charge, care, or control of residential, retail, commercial, and industrial property and buildings, whether with or without the consent of the owner or occupant.

(o) "Owner" means any person who alone or jointly with others, has legal or equitable title to residential, retail, commercial, and industrial property and buildings, with or without actual constructive possession thereof.

(p) "Person" means any entity, either natural or created by law, including but not limited to a natural person, corporation, partnership, association, executor, administrator, trustee, receiver, guardian, or other fiduciary.

(q) "Premises" means a lot, plat or parcel of land, including the building or structures thereon.

(r) "Property maintenance officer" means the zoning inspector or the official appointed by the village administrator who is charged with the administration and enforcement of these Standards, or any duly authorized representative.

(s) "Refuse" means all putrescible and nonputrescible solid waste (except body waste), including but not limited to garbage, rubbish, ashes, street cleans, dead animals, and solid market and industrial waste.

(t) "Residential, retail, commercial, and industrial property and buildings" means a lot or tract of land or building or other structure or grounds which are used or intended to be used or which property's last active use was primarily for residential, retail, commercial, and industrial purposes.

(u) "Rubbish" means nonputrescible solid waste consisting of both combustible and noncombustible waste such as paper, wrappings, tin cans, yard clippings, leaves, wood, glass, crockery, and similar materials.

(v) "Structure" means anything built or constructed to serve any purpose, occupied or unoccupied, on a permanent foundation or portable.

(w) "Weathering" means deterioration, decay, or damage caused by exposure to the elements.

(Ord. 00-18. Passed 12-18-00.)

1317.03 CONFLICTS.

(a) Application to Buildings. Owners or operators of every residential and nonresidential building and the premises on which they are situated in the Village, used or intended to be used for any use permitted by the Zoning Regulations, shall comply with the provisions of these

Standards, whether or not such building has been constructed, altered, or repaired before or after the enactment of these Standards and irrespective of any permit or license which has been issued for the use or occupancy of the building or for the installation or repair of equipment or facilities prior to the effective date of these Standards. These Standards establish minimum requirements for the initial and continued occupancy and use of all such buildings and does not replace or modify standards otherwise established for the construction, repair, alteration, or use of such buildings. Where there is mixed occupancy, the residential or nonresidential uses therein shall nevertheless be regulated by and subject to the provisions of these Standards.

(b) Conflict of Laws. Where the provisions of these Standards impose a higher standard than that set forth in any other ordinance of the Village or law of the State, then the standards set forth herein shall prevail, but if the provisions of these Standards impose a lower standard than the standard set for in any other ordinance of the Village or law of the State, then the ordinances or law shall prevail.

(c) Enforcement of and Compliance With Other Ordinances. No license or permit or other certification of compliance with these Standards shall constitute a defense against any violation of any other ordinance of the Village applicable to any structure or premises, nor shall any provision herein relieve any owner, operator, or occupant from complying with any such other provision, nor any official of the Village from enforcing any such other provision.

(Ord. 00-18. Passed 12-18-00.)

1317.04 RESPONSIBILITIES OF OWNERS, OPERATORS AND OCCUPANTS.

(a) Owners and operators shall have all the duties and responsibilities prescribed in these Standards, and the regulations published pursuant thereto, and no owner or operator shall be relieved from any such duty and responsibility, not be entitled to defend against any charge of violation thereof by reason of the fact that the occupant is also responsible therefor and in violation thereof.

(b) Unless expressly provided to the contrary in these Standards, the respective obligations and responsibilities of the owner and operator on one hand, as the occupant on the other, shall not be altered or affected by an agreement or contract by and between any of the aforesaid or between them and other parties.

(Ord. 00-18. Passed 12-18-00.)

1317.05 DUTIES AND RESPONSIBILITIES OF OWNERS OR OPERATORS.

(a) Maintenance of Exterior of Premises; Hazards and Unsanitary Conditions. The exterior of the premises and the exterior of all structures thereon shall be kept free of all nuisances, unsanitary conditions, and any hazard to the safety of occupants, pedestrians, and other persons utilizing the premises, and any of the foregoing shall be promptly removed and abated by the owner or operator. It shall be the duty of the owner or operator to keep the premises free of hazards which include, but are not limited to, the following:

(1) Refuse. An accumulation of brush, broken glass, stumps, and roots that presents a safety hazard; also garbage, trash, and debris that present an unsanitary and/or a safety hazard. Compost piles enclosed in a fenced-in area not exceeding 30 feet from adjacent property lines are exempt from this paragraph.

(2) Natural growth. Dead trees and limbs or other natural growth which, by reason of rotting or deteriorating conditions or storm damage, constitute a hazard to persons in the vicinity thereof.

(3) Overhangs and awnings. Loose and overhanging objects which, by reason of location above ground level, constitute a danger of falling on persons in the vicinity thereof.

(4) Sources of infestation. Permitting premises to become infested with vermin or rodents is hereby declared to be a nuisance and is prohibited. No owner, operator, or person in charge or control of any premises shall cause or knowingly permit such premises to become or to remain infested with vermin or rodents.

(5) Foundation walls. Exterior foundation walls shall be kept structurally sound, free from defects and damage, and capable of bearing imposed loads safely.

(6) Chimneys and all flue and vent attachments thereto. Chimneys and all flue vent attachments thereto shall be maintained structurally sound, free from defects, and so maintained as to capably perform at all times the functions for which they were designed, and the same shall be capable of withstanding the action of flue gases.

(7) Gutters and downspouts. All gutters and downspouts shall be kept in good repair and maintained to collect surface water from roofs. Rusted, broken, or damaged gutters and downspouts shall be promptly repaired or replaced.

(8) Sidewalks and tree lawns. All sidewalks and tree lawns shall be maintained in good repair. Sidewalks and tree lawns shall be free of excessive vegetation, trash, and debris, and sidewalks shall be kept broom-clean. Freestanding objects, including but not limited to trash receptacles, vending machines, and benches, shall be maintained in good repair and free of trash, debris, and excessive vegetation. Any grade separation greater than one inch on the surface of a sidewalk caused by cracks or settling shall be promptly replaced or repaired. Sidewalks, where surfaces are eroded or pitted to such an extent as to cause a safety hazard to pedestrians, shall be replaced or repaired in a timely matter, not to exceed 90 days from date of notification.

(9) Paved and unpaved grounds. Paved right-of-ways of all premises, including driveway approaches and curbing, shall be maintained in good repair, free of debris, chuck holes, loose asphalt, loose gravel, loose concrete, and vegetation. Non-paved right-of-ways shall also be maintained with the existing medium or material or may be upgraded at the owner's discretion and expense.

(b) Appearance of Exterior of Residential and Nonresidential Premises and Structures. The exterior of premises and the condition of accessory structures shall be maintained so that the appearance of the premises and all buildings thereon reflects a level of maintenance in keeping with the standards of the immediate neighborhood so that such appearance does not constitute a blighting factor for adjoining property owners nor an element leading to the progressive deterioration and downgrading of the immediate neighborhood with the accompanying reduction of property values, including the following:

(1) Landscaping. Premises shall be maintained. Lawns, hedges, and bushes shall be trimmed and kept from becoming overgrown and unsightly where exposed to public view and where the same constitute a blighting factor depreciating adjoining property. Grass in lawns permitted to grow in excess of eight (8) inches in height shall be presumed to be a nuisance. No landscaping shall impede vehicular or pedestrian traffic.

(2) Signs and billboards. All permanent signs and billboards exposed to public view permitted by reason of other regulations or as a lawful nonconforming use shall be maintained in good repair. Any signs that have weathered or faded or those upon which the paint has peeled shall, with their supporting members, be removed forthwith or put into a good state of repair. All broken electrical signs shall be repaired or shall, with their supporting members, be removed forthwith.

(3) Store fronts. All store fronts shall be kept in good repair, painted where required, and shall not constitute a safety hazard or nuisance. In the event that repairs to a store front become

necessary, such repairs shall be made with the same or similar materials used in the construction of the store front in such a manner as to permanently repair the damaged area or areas. Any cornice visible above a store front shall be kept painted, where required, and in good repair.

(4) Awnings and marquees. Any awning or marquee and its accompanying structural member which extend over any street, sidewalk, or other portion of premises shall be maintained in good repair and shall not constitute a nuisance or a safety hazard. In the event that such awnings or marquees are not properly maintained in accordance with the foregoing, they shall, together with their supporting members, be removed forthwith. In the event that such awnings or marquees are made of cloth, plastic, or similar material, such cloth, plastic, or similar material, where exposed to public view, shall be maintained in good condition and shall not show evidence of weathering, discoloration, ripping, tearing or other holes. Nothing herein shall be construed to authorize any encroachment on streets, sidewalks, or other parts of the public domain.

(5) Storage of industrial and commercial materials or waste and motor vehicle equipment. There shall not be stored or used at a location visible from the sidewalks, street, or other public areas, equipment, materials, waste, or motor vehicle equipment relating to commercial, industrial, or residential uses unless exclusively permitted by the Zoning Regulations for such premises. The parking or storage of boats, motor homes, recreational vehicles, travel trailers, or truck trailers used for sales or storage between the property line at the street right-of-way and the front of every commercial, industrial, or residential building is prohibited. All such boats, motor homes, recreational vehicles, travel trailers, and truck trailers used for sales or storage shall be stored in the rear yard and screened from view. In the event that the commercial, industrial, or residential building is located on a corner lot, boats, motor homes, recreational vehicles, travel trailers, and truck trailers used for sales or storage shall not be stored or parked between the property line at the street right-of-way and the side of the building facing the street.

(6) Outside storage and dumpsters. Equipment, materials, baled or bound, containers, and merchandise stored on grounds shall be in good repair, stored in a neat manner, free of all nuisances, at the rear of the premises or in an area approved by the property maintenance officer. Dumpsters shall be maintained in good repair and free from rust and damaged components. Grounds surrounding dumpsters shall be free from trash, debris, and excessive vegetation. Dumpsters shall be adequate to hold all garbage and trash with a closed cover. Covers shall remain closed at all times except when filling and emptying. Dumpsters shall be located in an appropriate place so as to not impede pedestrian or vehicular traffic, preferably at the rear of the premises or in an area approved by the property maintenance officer.

(c) Structural Soundness and General Maintenance. The exterior of every structure or accessory structure, including fences, signs, and store fronts, shall be maintained in good repair and all surfaces thereof shall be kept painted where necessary for purposes of preservation and appearance, or surface coated with a protective coating or treated to prevent rot and decay. All surfaces shall be maintained free of broken windows, crumbling stone or brick, peeling paint or other condition reflective of deterioration or inadequate maintenance to the end that the property itself may be preserved, safety and fire hazards eliminated, and adjoining properties and the immediate neighborhood protected from blighting influence.

(d) Reconstruction of Walls and Sidings. All reconstruction of walls and sidings shall be of standard quality, and their appearance commensurate with the character of the properties in the same block and on both sides of the street on which the premises front, such that the materials

used will not be of a kind that by their appearance under prevailing appraisal practices and standards will depreciate the value of neighboring and adjoining premises as aforesaid.

(e) Freedom from Infestation. All exterior parts of premises shall be maintained so as to prevent infestation of insects and rodents.

(Ord. 00-18. Passed 12-18-00.)

1317.06 EMERGENCIES.

(a) Whenever, in the judgment of the Property Maintenance Officer, an emergency exists which requires immediate action to protect the public health, safety, or general welfare, an order may be issued, without a hearing or appeal, directing the owner, occupant, operator, or agent to take such action as is appropriate to correct or abate the emergency. If circumstances warrant, the Property Maintenance Officer may act to correct or abate the emergency. If the Property Maintenance Officer acts to correct an emergency situation, the work completed shall be chargeable to the property owner or the party violating the notice.

(b) The owner, occupant, operator, or agent shall be granted a hearing before the Board of Zoning Appeals on the matter upon his/her request as soon as practical, but such appeal shall in no case stay the abatement or correction of such emergency.

(Ord. 00-18. Passed 12-18-00.)

1317.07 NOTICE OF VIOLATION.

(a) Whenever the Property Maintenance Officer finds any dwelling, structure, or premises, or any part thereof, to be in non-emergency violation of the provisions of these Standards, the Property Maintenance Officer, with the permission of the Village Administrator, shall give, or cause to be given or mailed, written notice stating the violations therein to the owners of record of such property and the holders of legal or equitable liens of the record upon the realty property on which such building is located. Such notice shall not give less than thirty (30) days to complete the repair, improvement, or demolition of the structure or premises, except cases in violation of [1317.05\(a\)\(1\)](#). Notice of violations of [1317.05\(a\)\(1\)](#) shall not give less than seven (7) days to remove the refuse from the property.

(b) If the person to whom a notice of violation is addressed cannot be found after reasonable and diligent search, notice may then be sent to the last known address of such person, and a copy of such notice may be posted in a conspicuous place on the structure or premises to which it relates. The notice shall also be published in a newspaper of general circulation. Such mailing, posting, and advertising shall be deemed legal service of such notice.

(Ord. 2009-04. Passed 3-30-09.)

1317.071 NON-EMERGENCIES.

(a) An owner, occupant, operator or agent of property located within the Village who has received an order as provided for in Section [1317.07](#) may appeal to the Board of Zoning Appeals by filing a notice of appeal with the Zoning Inspector within twenty days of his receipt of the order, specifying the grounds therefore. The Property Maintenance Inspector and Zoning Inspector shall forthwith transmit to the Board all papers constituting the record upon which the action appealed from was taken. The Board shall fix a reasonable time for public hearing of the appeal, giving at least thirty days notice in a newspaper of general circulation in the municipality and at least twenty days notice to all parties having a legal interest in the property. An appeal shall stay all proceedings in furtherance of the action appealed from. The Board may reverse, affirm in whole or in part, or may modify the order appealed from. Any party adversely affected by a decision of the Board may further appeal to the Court of Common Pleas of Wyandot County, Ohio.

(b) If no appeal is taken by the affected owner, occupant, operator or agent, or if an appeal is taken and the Board affirms the decision of the Property Maintenance Inspector, and if upon further inspection it is found that the order has not been complied with, Council shall, by resolution, direct the owner, occupant, operator or agent in charge of such property to comply within ten days. Such resolution shall provide that upon failure or refusal to comply with the order, the work required will be performed by the Village with the amount expended therefore to be a valid claim against such owner, occupant, operator or agent and recovered by the Village as an assessment against the individual and/or the property or by suit in a court of competent jurisdiction.

(Ord. 2007-15. Passed 11-5-07.)

1317.99 PENALTY.

(a) Whoever violates any provision of this Property Maintenance Standards is guilty of a minor misdemeanor. Each violation of a section or part of a section of these Standards shall constitute a separate and distinct violation independent of any other section or part of a section or any order issued pursuant to these Standards. Each day of failure by any person after notice and final order to comply with any section or part of a section shall constitute a separate offense.

(b) Whoever violates this section, after a prior guilty plea or conviction thereon, shall be guilty of a misdemeanor of the fourth degree. The second and each additional offense shall be a misdemeanor of the fourth degree. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.

(Ord. 01-16. Passed 10-1-01.)