

## PROPERTY MAINTENANCE CODE

### GENERAL

§ 150.30 **Title.** - These regulations shall be known as the *Property Maintenance Code* of Amberley Village, Ohio, also referred to herein as "this Code."

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

A. Establishing minimum standards for maintaining residential, commercial and industrial environmental quality to preserve and achieve the presentable appearance of existing structures and premises; avoiding blighting effects of the substandard maintenance of structures and premises and the negative impact on the value of surrounding properties; and eliminating hazardous conditions;

B. Fixing the responsibilities of owners, operators and occupants of structures and their premises, and;

C. Providing for administration, enforcement, and penalties.

§150.32 **Intent.** This Code shall be construed to secure its expressed intent, which is to insure 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 these provisions shall be altered or repaired to provide a minimum level of health and safety as required herein. Repairs, alterations, additions to and change of occupancy in existing buildings shall comply with the *Amberley Village Building Code*.

§ 150.33 **Severability.** If a section, subsection, sentence or clause or phrase of this code is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Code.

### DEFINITIONS

§ 150.34 **Definitions.** For purposes of this Chapter, the following definitions shall apply unless the context clearly requires or indicates a different meaning.

Accessory Structure: A structure which is subordinate to and incidental to that of the main building on the same lot.

Approved: Approved by the Enforcement Officer.

Basement: That portion of a building which is partly or completely below

grade. Bathroom: A room containing plumbing fixtures including a bathtub or

shower. Bedroom: Any room or space used or intended to be used for sleeping purposes.

Building: Any permanent or stationary structure having a roof supported by columns or walls.

Building Code: The most current addition of the State of Ohio Building Code, or such other code as may be officially designated by the Hamilton County Commissioners for the regulation of construction, alteration, addition, repair, removal, demolition, use, location, occupancy, and maintenance of all buildings and structures.

Condemn: To adjudge unfit for occupancy.

Dwelling Unit: A single unit providing complete, independent, living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

Easement: That portion of land or property reserved for present or future use by a person or agency other than the legal fee owner(s) of the property. The easement shall be permitted to be for use under, on or above said lot or lots.

Enforcement Officer: The official who is charged with the administration and enforcement of this code, or any duly authorized representative.

Exterior Property: The open space on the premises and on adjoining property under the control of owners or operators of such premises.

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 food; by poison spraying, fumigating, and trapping or any other approved pest elimination methods.

Garbage: The animal or vegetable waste resulting from the handling, preparation, cooking and consumption of food.

Graded: The leveling of land to intended height by removing high ground and filling low ground. All dirt fill shall be brought to the same level.

Guard: A building component or a system of building components located at or near the open sides of elevated walking surfaces that minimizes the possibility of a fall from the walking surface to a lower level.

Habitable Space: Space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces, and similar areas are not considered habitable spaces.

Housekeeping Unit: A room or group of rooms forming a single habitable space equipped and intended to be used for living, sleeping, cooking and eating which does not contain, within such a unit, a toilet, lavatory and bathtub or shower.

Imminent Danger: A condition which could cause serious or life-threatening injury or death at any time.

Infestation: The presence, within or contiguous to, a structure or premise of insects, rats or other vermin or other pests.

Inoperable Motor Vehicle: A vehicle which cannot be driven upon the public streets for reasons including, but not limited to, being unlicensed, wrecked, abandoned, in a state of disrepair, or incapable of being moved under its own power.

Labeled: Devices, equipment, appliances, or materials to which has been affixed a label, seal, symbol or other identifying mark of a nationally recognized testing laboratory, inspection agency or other organization concerned with product evaluation that maintains periodic inspection of the production of the above-labeled items and by whose label the manufacturer attests to compliance with applicable nationally recognized standards.

Let For Occupancy Or Let: To permit, provide or offer possession or occupancy of a dwelling, dwelling unit, rooming unit, building, premises or structure by a person who is or 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 of contract for the sale of land.

Occupancy: The purpose for which a building or portion thereof is utilized or occupied.

Occupant: Any individual living or sleeping in a building, or having possession of a space within a building.

Openable Area: That part of a window, skylight or door which is available for unobstructed ventilation and which opens directly to the outdoors.

Operator: Any person who has charge, care or control of a structure or premises which is let or offered for occupancy.

Owner: Any person, agent, operator, firm or corporation having a legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

Person: An individual, corporation, partnership or any group acting as a unit.

Premises: A lot, plot or parcel of land, easement or public way, including any structures thereon.

Public Way: Any street, alley or similar parcel of land essentially unobstructed from the grounds to the sky, which is deeded, dedicated or otherwise permanently appropriated to the public for public use.

Rooming House: A building arranged or occupied for lodging, with or without meals, for compensation and not occupied as a one or two family dwelling.

Rooming Unit: Any room or group of rooms forming a single habitable unit occupied or intended to be occupied for sleeping or living, but not for cooking purposes.

Rubbish: Combustible and noncombustible waste materials, except garbage; the term shall include the residue from the burning of wood, coal, coke and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery and dust and other similar materials.

Strict Liability Offense: An offense in which the prosecution in a legal proceeding is not required to prove criminal intent as a part of its case. It is enough to prove that the defendant either did an act which prohibited, or failed to do an act which the defendant was legally required to do.

Structure: That which is built or constructed or a portion thereof.

Tenant: A person, corporation, partnership or group, whether or not the legal owner of record, occupying a building or portion thereof as a unit.

Toilet Room: A room containing a water closet or urinal, but not a bathtub or shower.

Ventilation: The natural or mechanical process of supplying conditioned or unconditioned air to, or removing such air from, any space.

Woodland Area: An area in its natural state populated by trees and other forest growth.

Workmanlike: Executed in a skilled manner, i.e., generally plumb, level, square, in line, undamaged and without marring adjacent work.

Yard: An open space on the same lot with a

structure. **APPLICAB**

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**§ 150.35 Applicability.** The provisions of this Code shall apply to all matters affecting or related to structures and premises, as set forth in subsections 150.30 through 150.33. Where, in a specific case, different sections of this Code specify different requirements, the most restrictive shall govern.

**§ 150.36 Maintenance.** Equipment, systems, devices and safeguards required by this Code or a previous regulation or code under which the structure or premises was constructed, altered or repaired shall be maintained in good working order. No owner, operator or occupant shall cause any service, facility, equipment or utility which is required under this section to be removed from or shut off from or discontinued for any occupied dwelling except for such temporary

interruption as necessary while repairs or alterations are in progress. Except as otherwise specified herein, the owner or the owner's designated agent shall be responsible for the maintenance of buildings, structures and premises.

**§ 150.37 Application Of Other Codes.** Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the *Ohio* and the *Amberley Village Codes*. Nothing in this code shall be construed to cancel, modify or set aside any provision of the *Amberley Village Zoning Code*.

**§ 150.38 Existing Remedies.** The provisions in 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 and/or unsanitary.

**§ 150.39 Workmanship.** Repairs, maintenance work, alterations or installations which are caused directly or indirectly by the enforcement of this Code shall be executed and installed in a workmanlike manner and installed in accordance with the manufacture's installation instructions.

**§ 150.40 Requirements Not Covered By This Code.** Requirements necessary for the strength, stability or proper operation of an existing fixture, structure or equipment, or for the public safety, health and general welfare, not specifically covered by this code, shall be determined by the Enforcement Officer.

#### **DUTIES AND POWERS OF THE ENFORCEMENT OFFICER**

**§ 150.41 Enforcement Officers.** The Amberley Village Council shall assign the duties of administering and enforcing this Code to an Enforcement Officer. An Enforcement Officer may call upon any department, division or contractor of the Village for whatever assistance may be necessary in the enforcement of this Code.

**§ 150.42 Rule Making Authority.** The Enforcement Officer shall have authority as necessary in the interest of public health, safety and general welfare, to adopt and promulgate rules and procedures; to interpret and implement 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 methods involving public safety.

**§ 150.43 Inspections.** The Enforcement Officer shall make all of the required inspections, or shall accept reports of inspection by approved agencies or individuals. All reports of such inspections shall be in writing and be certified by a responsible officer of such approved agency or by the responsible individual. The Enforcement Officer is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise, subject to the approval of the appointing authority.

**§ 150.44 Right Of Entry.** The Enforcement Officer is authorized to enter the structure or premises at reasonable times to inspect, subject to constitutional restrictions on unreasonable searches and seizures. If entry is refused or not obtained, the Enforcement Officer is authorized to pursue recourse as provided by law.

**§ 150.45 Identification.** The Enforcement Officer shall carry proper identification when inspecting structures or premises in the performance of duties under this Code.

**§ 150.46 Notices And Orders.** The Enforcement Officer shall issue all necessary notices or orders to ensure compliance with this Code.

**§ 150.47 Department Records.** The Enforcement Officer shall keep official records of all business and activities of the department specified in the provisions of this Code. Such records shall be retained as long as required by the public records retention regulations of Ohio.

**§ 150.48 Coordination Of Inspections.** Whenever in the enforcement of this Code or another code or ordinance, the responsibility of more than one Enforcement Officer of the jurisdiction is involved, it shall be the duty of the Enforcement Officers involved to coordinate their inspections and administrative orders as fully as practicable so that the owners and occupants of the structure shall not be subjected to visits by numerous inspectors or multiple or conflicting orders. Whenever an inspector from any agency or department observes an apparent or actual violation of some provision of some law, ordinance or code not within the inspector's authority to enforce, the inspector shall report the findings to the Enforcement Officer having jurisdiction.

### **APPROVAL**

**§ 150.49 Modifications.** Whenever there are practicable difficulties involved in carrying out the provisions of this Code, the Enforcement Officer shall have authority to grant modifications for individual cases, provided the Enforcement Officer shall first find that special individual reason makes the strict letter of this Code impracticable and the modification is in compliance with the intent and purpose of this Code and that such modification does not lessen health, life and fire safety requirements. The details of action granting modifications shall be recorded and entered in the department's files.

**§ 150.50 Alternative Materials; Methods And Equipment.** The provisions of this Code are not intended to prevent the installation of any material or to prohibit any method of construction not specifically prescribed by this Code, provided that any such alternative has been approved. An alternative material or method of construction may be approved where the Enforcement Officer finds that the proposed design is satisfactory and complies with the intent of the provisions of this Code.

**§ 150.51 Required Testing.** Whenever there is insufficient evidence of compliance with the provisions of this Code, or evidence that a material or method does not conform to the requirements of this Code, or in order to substantiate claims for alternative materials or methods, the Enforcement Officer shall have the authority to require tests to be made as evidence of compliance at no expense to the jurisdiction.

**§150.51.1 Test methods.** Test methods shall be as specified in this Code or by other recognized test standards. In the absence of recognized and accepted test methods, the

Enforcement Officer shall be permitted to approve appropriate testing procedures by an approved agency.

**§150.51.2 Test reports.** Reports of tests shall be retained by the Enforcement Officer for the period required for retention of public records.

## VIOLATIONS

**§ 150.52 Unlawful Acts.** It shall be unlawful for a person, firm or corporation to be in conflict with or in violation of any of the provisions of this Code.

**§ 150.53 Notice Of Violation.** The Enforcement Officer shall serve a notice of violation or order in accordance with Sections 150.57 through 150.59.

**§ 150.54 Prosecution Of Violation.** Any person failing to comply with a notice of violation or order served in accordance with Sections 150.57 through 150.61 herein shall be deemed guilty of a minor misdemeanor, and the violation shall be deemed a strict liability offense. If the notice of violation is not complied with, the Enforcement Officer shall institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the structure in violation of the provisions of this Code or of the order or direction made pursuant thereto. Any action taken by the authority having jurisdiction on such premises shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

**§ 150.55 Violation Penalties.** Any person who shall violate a provision of this Code, or fail to comply therewith, or with any of the requirements thereof, shall be prosecuted with the limits provided by state or local laws. Each day that a violation continues after due notice has been served shall be deemed a separate.

**§ 150.56 Abatement of Violation.** The imposition of the penalties herein prescribed shall not preclude the legal officer of the jurisdiction from instituting appropriate action to restrain, correct or abate a violation, or to prevent illegal occupancy of a building, structure or premises, or to stop an illegal act, conduct, business or utilization of the building, structure or premises.

## NOTICES AND ORDERS

**§ 150.57 Notice to Person Responsible.** Whenever the Enforcement Officer determines that there has been a violation of this Code or has grounds to believe that a violation has occurred, notice shall be given in the manner prescribed in Sections 150.57 through 150.59 herein to the person responsible for the violation as specified in this Code. Notices for condemnation procedures shall also comply with Section 150.68 herein.

**§ 150.58 Form.** Such notice prescribed in Section 150.57 herein shall be in accordance with all of the following:

1. Be in writing.

2. Include a description of the real estate sufficient for identification.
3. Include a statement of the violation or violations and why the notice is being issued.
4. Include a correction order allowing a reasonable time to make the repairs and improvements required to bring the dwelling unit or structure into compliance with the provisions of this Code.
5. Inform the property owner of the right to appeal.
6. Include a statement of the right to file lien in accordance with Section 150.54 herein.

**§ 150.59 Method of Service.** Such notice shall be deemed to be properly served if a copy thereof is:

1. Delivered personally;
2. Sent by certified, or first-class mail addressed to the last known address; or
3. If the notice is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place on or about the structure affected by such notice.

**§ 150.60 Penalties.** Penalties for noncompliance with orders and notices shall be as set forth in Section 150.55.

**§ 150.61 Transfer of Ownership.** It shall be unlawful for the owner of any dwelling unit or structure who has received a compliance order or upon whom a notice of violation has been served, to sell, transfer, mortgage, lease or otherwise dispose of such dwelling 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 the Enforcement Officer and shall furnish to the Enforcement Officer 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.

## **UNSAFE STRUCTURES AND EQUIPMENT**

**§ 150.62 GENERAL.** When a structure or equipment is found by the Enforcement Officer to be unsafe, or when a structure is found unfit for human occupancy, or is found unlawful, such structure shall be condemned pursuant to the provisions of this Code.

**§ 150.62.1. Unsafe Structures.** An unsafe structure is one that is found to be dangerous to the life, health, property or safety of the public or the occupants of the structure by not providing minimum safeguards to protect or warn occupants in the event of fire, or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation, that partial or complete collapse is possible.

**§150.62.2 Unsafe Equipment.** Unsafe equipment includes any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers or other equipment on the premises within the structure which is in such disrepair or condition that such equipment is a hazard to life, health, property or safety of the public or occupants of the premises or structure.

**§150.62.3 Structure Unfit for Human Occupancy.** A structure is unfit for human occupancy whenever the Enforcement Officer finds that such structure is unsafe, 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.

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

**§150.63 Closing of Vacant Structures.** If the structure is vacant and unfit for human habitation and occupancy, and is not in danger of structural collapse, the Enforcement Officer 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 to be specified in the order, the Enforcement Officer shall cause the premises to be closed and secured *through* any available public entity or by contact or arrangement by private persons and the cost thereof shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate and may be collected by any other legal resource.

**§150.64 Notice.** Whenever the Enforcement Officer has condemned a structure or equipment under the provisions of this section, 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 and equipment in accordance with Section 150.59 herein.

**§150.65 Placarding.** Upon failure of the owner or person responsible to comply with the notice provisions within the time given, the Enforcement Officer 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.

**§150.66 Placard Removal.** The Enforcement Officer 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 Enforcement Officer shall be subject to the penalties provided by this Code.

**§ 150.67 Prohibited Occupancy.** Any occupied structure condemned and placarded by the Enforcement Officer shall be vacated as ordered by the Enforcement Officer. Any person who shall occupy a placarded premises or shall operate placarded equipment, and any owner or any person responsible for the premises who shall let anyone occupy a placarded premises or operate placarded equipment shall be liable for the penalties provided by this Code.

## EMERGENCY MEASURES

**§ 150.68 Imminent Danger.** When, in the opinion of the Enforcement Officer, there is imminent danger of failure or collapse of a building or structure which endangers life, or when any structure or part of a structure has fallen and life is endangered by the occupation of the structure, or when there is actual or potential danger to the building occupants or those in close proximity of any structure because of explosives, explosive fumes or vapors or the presence of toxic fumes, gasses or materials, or operation of defective equipment or dangerous equipment, the Enforcement Officer is hereby authorized and empowered to order and require the occupants to vacate the premises forthwith. The Enforcement Officer shall cause to be posted at each entrance to such structure a notice as follows: "This structure is Unsafe and Its Occupancy Has Been Prohibited by the Enforcement Officer." It shall be unlawful for any person to enter such structure except for the purpose of securing the structure, making the required repairs, removing the hazardous condition or of demolishing the same.

**§ 150.69 Temporary Safeguards.** Notwithstanding other provisions of this Code, whenever, in the opinion of the Enforcement Officer, there is imminent danger due to an unsafe condition, the Enforcement Officer shall order the necessary work to be done, including the boarding up of openings, to render such structure temporarily safe whether or not the legal procedure herein described has been instituted; and shall cause such other action to be taken as the Enforcement Officer deems necessary to meet such emergency.

**§ 150.70 Emergency Repairs.** For the purpose of this section, the Enforcement Officer shall employ the necessary labor and materials to perform the required work as expeditiously as possible.

**§ 150.71 Costs of Emergency Repairs.** Costs incurred in the performance of emergency work shall be paid by the Village. The legal counsel of the Village shall institute appropriate action against the owner of the premises where the unsafe structure is or was located for the recovery of such costs.

**§ 150.72 Hearing.** Any person ordered to take emergency measures shall comply with such order forthwith. Any affected person shall thereafter, upon petition directed to the appeals board, be afforded a hearing as described in this Code.

## DEMOLITION

**§ 150.73 General.** The Enforcement Officer shall order the owner of any premises upon which is located any structure which in the Enforcement Officer's judgment is dilapidated or has become so out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human habitation or occupancy, and such that it is unreasonable to repair the structure, to demolish and remove such structure; or if such structure is capable of being made safe by repairs, to repair and make safe and sanitary or to demolish and remove at the owner's option; or where there has been a cessation of normal construction of any structure for a period of more than one year, to demolish and remove such structure.

**§ 150.74 Notices and Orders.** All notices and orders shall comply with Section 150.59 herein.

**§ 150.75 Failure to Comply.** If the owner of a premises fails to comply with a demolition order within the time prescribed, the Enforcement Officer shall cause the structure to be demolished and removed, either through an available public agency or by contractor arrangement with private persons, and the cost of such demolition and removal shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

**§ 150.76 Salvage Materials.** When any structure has been ordered demolished and removed, the governing body or other designated officer under such contract or arrangement aforesaid shall have the right to sell the salvage and valuable materials at the highest price obtainable. The net proceeds of such sale, after deducting the expenses of such demolition and removal, shall be promptly remitted with a report of such sale or transaction including the items of expense and the amounts deducted, for the person who is entitled thereto, subject to any order of a court. If such a surplus does not remain to turn over, the report so shall state.

### **MEANS OF APPEAL**

**§ 150.77 Application for Appeal.** Any person directly affected by a decision of the Enforcement Officer or a notice or order issued under this Code shall have the right to appeal to the board of appeals, provided that a written application for appeal is filed within the time prescribed for compliance with the order or 20 days after the day the decision, notice or order was served, whichever is less. An application for appeal shall be based on a claim that the true intent of this Code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this Code do not fully apply, or the requirements of this Code are adequately satisfied by other means.

**§ 150.77.1 Membership of Board.** The board of appeals shall consist of three members who are qualified by experience and training to pass on matters pertaining to property maintenance and who are not employees of the Village. The Enforcement Officer shall be an ex-officio member but shall have no vote on any matter before the Board. The board shall be appointed by the Mayor, and shall serve staggered and overlapping terms.

**§ 150.77.2 Alternate Members.** The Mayor shall appoint two or more alternate members who shall be called by the board chairman to hear appeals during the absence or disqualification of a member. Alternate members shall possess the qualifications required for board membership.

**§ 150.77.3 Chair.** The board shall annually select one of its members to serve as chairman.

**§ 150.77.4 Disqualification of Member.** A member shall not hear an appeal in which that member has a personal, professional or financial interest.

**§ 150.77.5 Secretary.** The chief administrator officer shall designate a qualified person to serve as secretary to the board. The secretary shall file a detailed record of all proceedings in the office of the chief administrative officer.

**§ 150.77.6 Compensation of Members.** Members shall serve without compensation.

**§ 150.77.7 Notice of Meeting.** The board shall meet upon notice from the chairman, within 20 days of the filing of an appeal, or at stated periodic meetings.

**§ 150.77.8 Open Hearing.** All hearings before the board shall be open to the public. The appellant, the appellant's representative, the Enforcement Officer and any person whose interests are affected shall be given an opportunity to be heard. A quorum shall consist of not less than two-thirds of the board membership.

**§ 150.77.9 Procedure.** The board shall adopt and make available to the public through the secretary procedures under which a hearing will be conducted. The procedures shall not require compliance with strict rules of evidence, but shall mandate that only relevant information be received.

**§ 150.77.10 Board Decision.** The board shall modify or reverse the decision of the Enforcement Officer only by a concurring vote of a majority of the total number of appointed board members.

**§ 150.77.11 Records and Copies.** The decision of the board shall be recorded. Copies shall be furnished to the appellant and to the Enforcement Officer.

**§ 150.77.12 Administration.** The Enforcement Officer shall take action in accordance with the decision of the board.

**§ 150.77.12 Court Review.** Any person, whether or not a previous party of the appeal, shall have the right to apply to the appropriate court for a writ of certiorari to correct errors of law. Application for review shall be made in the manner and time required by law following the filing of the decision in the office of the chief administrative officer.

**§ 150.77.13 Stays of Enforcement.** Appeals of notice and orders (other than Imminent Danger notices) shall stay the enforcement of all notices and orders with the exception of notices and orders to cut grass until the appeal is heard by the appeals board. Any notice and order to cut grass shall not be stayed by the filing of an appeal.

### **GENERAL MAINTENANCE REOUIREMENTS**

**§ 150.78 Scope.** The provisions of this section shall govern the minimum conditions and the responsibilities of persons for maintenance of structures, equipment and exterior property.

**§ 150.78.1 Responsibility.** The owner of premises shall maintain the structures and exterior property in compliance with these requirements, except as otherwise provided

in this Code. A person shall not occupy as owner-occupant or permit another person to occupy premises which are not in a sanitary and safe condition and which do not comply with the requirements of this section. Occupants of a dwelling unit, rooming unit or housekeeping unit are responsible for keeping in a clean, sanitary and safe condition that part of the dwelling unit, rooming unit, housekeeping unit or premises which they occupy and control.

**§ 150.78.2 Vacant Structures and Land.** All vacant structures and premises thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety.

### **EXTERIOR PROPERTY AREAS**

**§ 150.79 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 and sanitary condition.

**§ 150.79.1 Grading and Drainage.** All premises shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water thereon, or within any structure located thereon.

**§ 150.79.2 Drainage Swales.** Swales are to be maintained by the owners of the premises on which they are located, and at no time will anyone plant shrubs and/or trees, or discharge, empty, or place any material, fill or waste into any swale so as to divert or impede drainage flow. Swales should be mowed as part of yard. In meadow situations the swales should be mowed less frequently in order to allow grasses to grow taller to retard runoff and prevent erosion. Swales in woodland areas should be left in their natural condition leaving under story growth to retard runoff and prevent erosion.

**§ 150.79.3 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.

**§ 150.79.4 Weeds.** All premises and exterior property shall be maintained free from weeds or plant growth in excess of 10 inches. All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs, provided however, this term shall not include cultivated flowers, decorative grasses and gardens.

Upon the failure of the owner or agent having control of a property to cut and destroy weeds after service of a notice of violation, they shall be subject to prosecution in accordance with section 150.54 herein and as prescribed by the authority having jurisdiction. Upon failure to comply with the notice of violation, and duly authorized employee of the jurisdiction or contractor hired by the jurisdiction shall be authorized to

enter the property in violation and cut and destroy the weeds growing thereon, and the costs of such removal shall be paid by the owner or agent responsible for the property.

**§ 150.79.5 Rodent Harborage.** All structures and exterior property shall be kept free from rodent harborage and infestation. Where rodents are found, they shall be promptly exterminated by approved processes which will not be injurious to human health. After extermination, proper precautions shall be taken to eliminate rodent harborage and prevent re-infestation.

**§ 150.79.6 Exhaust Vents.** Pipes, ducts, conductors, fans or blowers shall not discharge gasses, steam, vapor, hot air, grease, smoke odors or other gaseous or particulate wastes directly upon abutting or adjacent public or private property.

**§ 150.79.7 Accessory Structures.** All accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in good repair.

**§ 150.79.8 Motor Vehicles.** Except as provided for in other regulations, no inoperative or unlicensed motor vehicle shall be parked, kept or stored on any premises, and no vehicle shall at any time be in a state of major disassemble, disrepair, or in the process of being stripped or dismantled. Painting of vehicles is prohibited unless conducted inside an approved spray booth.

No motor vehicle shall be parked on the grass or any other non-paved surface or any place not specifically designed for motor vehicle traffic or parking at any time, except, motor vehicles may be parked on grass for a period of time not to exceed 6 hours for parties, events or religious observances in which case they may be parked on grass only for the duration of the party, event or religious observance.

**§150.79.9 Construction Equipment and Materials.** No construction equipment or materials may be stored in the front yard of any premises. Construction equipment and materials must be stored behind the structure within zoning setbacks and must not be visible from the street. Exception: On any construction project for which a building permit has been issued, construction equipment and materials may be stored in the front yard of any premises for a period of time not to exceed 72 hours. Provided, however, if a holiday occurs within said 72 hour period, equipment may be stored in the front yard of any premises for a period of time not to exceed 96 hours.

**§ 150.79.10 Lawn and Garden Equipment and Trailers.** No lawn or garden equipment or trailers of any kind may be stored in the front or side yard of any premises, but must be stored behind the structure and within zoning setbacks or in an enclosed outbuilding or accessory structure.

**§ 159.79.11 Trade or Business Equipment.** No business equipment may be stored on premises. Exception: Business equipment used in a properly licensed trade or business operated on the premises may be stored behind the structure provided that such

equipment is located within the zoning setbacks in an enclosed out building or accessory structure.

**§ 150.79.12 Toys, Recreational and Sports Equipment.** No toys, recreational or sports equipment may be stored in the front yard of any premises for period in excess of 72 hours.

**§ 150.79.13 Defacement of Property.** No person shall willfully or wantonly damage, mutilate or deface any exterior surface of any structure or building on any private or public property by placing thereon any marking, carving or graffiti. It shall be the responsibility of the owner to restore said surface to an approved state of maintenance and repair.

### **SWIMMING POOLS, SPAS AND HOT TUBS**

**§ 150.80 Swimming Pools, Spas and Hot Tubs.** Swimming pools, spas and hot tubs shall be maintained in a clean and sanitary condition, and in good repair.

### **EXTERIOR STRUCTURES**

**§ 150.81 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.

**§ 150.81.1 Protective Treatment.** All exterior surfaces, including, but not limited to doors, door and window frames, cornices, porches, trim, balconies, decks and fences shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. All siding and masonry joints as well as those between the building envelope and the perimeter of windows, doors, and skylights shall be maintained weather resistant and water tight. All metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.

**§ 150.81.2 Premises Identification.** Buildings shall have approved address numbers placed to be plainly legible and visible from the street or road fronting the property.

**§ 150.81.3 Structural Members.** All structural members shall be maintained free from deterioration, and shall be capable of safely supporting the dead and live loads.

**§ 159.81.4 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 rodents and other pests.

**§ 150.81.5 Exterior Walls.** All exterior walls shall be free from holes, breaks, and loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent deterioration.

**§ 150.81.6 Roofs and Drainage.** The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and down spouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.

**§ 150.81.7 Decorative Features.** All cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.

**§ 150.81.8 Overhang Extensions.** All overhang extensions including, but not limited to, canopies, marquees, signs, metal awnings, fire escapes, stand pipes and exhaust ducts shall be maintained in good repair and be properly anchored so as to be kept in a 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.

**§ 150.81.9 Stairways, Decks, Porches and Balconies.** Every exterior stairway, deck, porch and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads.

**§ 150.81.10 Chimneys and Towers.** All chimneys, cooling towers, smoke stacks, 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 application of weather-coating materials, such as paint or similar surface treatment.

**§150.81.11 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.

**§ 150.81.12 Window, Skylight and Door Frames.** Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight.

**§ 150.81.12.1 Glazing.** All Glazing materials shall be maintained free from cracks and holes.

**§ 150.81.12.2 Windows.** Every window, other than a fixed window, shall be operable and capable of being held in position by window hardware.

**§150.81.13 Doors.** All exterior doors, door assemblies and hardware shall be maintained in good condition. Locks at all entrances to dwelling units, rooming units and guestrooms shall tightly secure the door.

**§ 150.81.14 Basement Hatchways.** Every basement hatchway shall be maintained to prevent the entrance of rodents, rain and surface drainage water.

**§ 150.81.15 Guards for Basement Windows.** Every basement window, other than a fixed window, shall be supplied with rodent shields, storm windows or other approved protection against the entry of rodents.

**§ 150.81.16 Building Security.** Doors, windows or hatchways for dwelling units, room units or housekeeping units shall be provided with devices designed to provide security for the occupants and property within.

**§ 150.81.16.1 Doors.** Doors providing access to a dwelling unit, rooming unit or housekeeping unit that is rented, leased or let shall be equipped with a deadbolt lock meeting specifications set forth herein. Such deadbolt locks shall be operated only by the turning of a knob or a key and shall have a lock throw of not less than 1-inch. For the purpose of this section, a sliding bolt shall not be considered an acceptable deadbolt lock. Such deadbolt locks shall be installed according to manufacturer's specifications and maintained in good working order. All deadbolt locks required by this section shall be designed and installed in such a manner so as to be operable inside of the dwelling unit, rooming unit or housekeeping unit without the use of a key, tool, combination thereof or any other special knowledge or effort.

**§ 150.81.16.2 Windows.** Operable windows located in whole or in part within 6 feet (1828 mm) above ground level or walking surface below, that provides access to a dwelling unit, rooming unit or housekeeping unit that is rented, leased or let shall be equipped with window sash locking devices.

**§ 150.81.17 Basement Hatchways.** Basement hatchways that provide access to a dwelling unit, rooming unit or housekeeping unit that is rented, leased or let shall be equipped with devices that secure the unit from unauthorized entry.

## **INTERIOR STRUCTURES**

**§ 150.82 General.** The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition.

**§150.82.1 Structural Members** All structural members shall be maintained structurally sound, and be capable of supporting the imposed loads.

**§ 150.82.2 Interior Surfaces.** All interior surfaces, including windows and doors, shall be maintained in good, clean and sanitary condition. Peeling, chipping, flaking or

abraded paint shall be repaired, removed or covered. Cracked or loose plaster, decayed wood and other defective surface conditions shall be corrected.

**§ 150.82.3 Stairs and Walking Surfaces.** Every stair, ramp, landing, balcony, porch, deck or other walking surface shall be maintained in sound condition and good repair.

**§ 150.82.4 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.

**§ 150.82.5 Interior Doors.** Every interior door shall fit reasonably well within its frame and shall be capable of being opened and closed by being properly and securely attached to jambs, headers or tracks as intended by the manufacturer of the attachment hardware.

### **RUBBISH AND GARBAGE**

**§ 150.83 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.

**§ 150.83.1 Disposal of Rubbish.** Every occupant of a structure shall dispose of all rubbish in a clean and sanitary manner by placing such rubbish in containers which enclose the material and prevent the intrusion of animals.

**§150.83.2 Refrigerators.** Refrigerators and similar equipment not in operation shall not be discarded without first removing the doors and properly removing the refrigerant and tagging the unit to indicate the removal.

**§ 150.83.3 Disposal of Garbage.** Every occupant of a structure shall dispose of garbage in a clean and sanitary manner by placing such garbage in leak proof garbage containers which enclose the material and prevent the intrusion of animals.

**§ 150.83.4 Storage.** No garbage or rubbish whether in a garbage container or otherwise shall be kept in the front yard of any premises.

**§ 150.83.5 Curbside Pickup.** No rubbish or garbage shall be placed for curbside pickup more than 24 hours in advance of scheduled pickup. All rubbish and garbage containers must be removed from the front of the premises within 24 hours after scheduled pickup.

### **EXTERMINATION**

**§ 150.84 Infestation.** All structures shall be kept free from insect and rodent infestation. All structures in which insects or rodents 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.

**§ 150.84.1 Mosquito Control.** The owner of any premises on which pools of water stagnate shall not permit such waters to become a breeding place for mosquitoes and such owner shall fill or drain the depressions or otherwise abate the condition.

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

**§ 150.84.3 Single Occupant.** The occupant of a one-family dwelling or of a single tenant nonresidential structure shall be responsible for extermination on the premises.

**§ 150.84.4 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 area 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 extermination.

**§ 150.84.5 Occupant.** The occupant of any structure shall be responsible for the continued rodent and pest-free condition of the structure. Exception: Where the infestations are caused by defects in the structure, the owner shall be responsible for extermination.