

First Reading: December 1, 2011
Second Reading: Dispensed

RESOLUTION 2011 - 109

**A RESOLUTION APPROVING AND ADOPTING WITH MODIFICATIONS THE
INTERNATIONAL CODE COUNCIL, INC. INTERNATIONAL PROPERTY
MAINTENANCE CODE/2009 AS THE PROPERTY MAINTENANCE CODE OF
SYCAMORE TOWNSHIP**

WHEREAS, Sycamore Township has adopted a Limited Home Rule form of Township Government pursuant Ohio Revised Code Chapter 504; and

WHEREAS, the Ohio Revised Code, including but not limited to § § 504.04, 504.08, and 505.73, provides a Board of Township Trustees the authority, by resolution, to adopt, administer and enforce a property maintenance code pertaining to the repair and continued maintenance of structures and premises of such structures; and

WHEREAS, the Sycamore Township Board of Trustees recognizes that the proper maintenance of structures and premises in the Township is essential to the preservation of a safe and healthful environment; and

WHEREAS, this Resolution establishes the minimum regulations governing the conditions and maintenance of all property, buildings, and structures within Sycamore Township, and provides standards to insure the structures are safe, sanitary, and fit for occupation and use, and provides for the condemnation and demolition of unsafe structures or those unfit for human occupancy; and

WHEREAS, the International Code Council, Inc. (ICC) has published a nationally recognized model property maintenance code which is widely adopted and used throughout the United States;

NOW THEREFORE, BE IT RESOLVED by the Board of Township Trustees of Sycamore Township, State of Ohio:

SECTION 1. That the Board does hereby approve and adopt, as modified below, the ICC "International Property Maintenance Code/2009" as published by the ICC and which shall be known as the Property Maintenance Code of Sycamore Township, Ohio.

SECTION 2. That, pursuant to Section 111 of the Code, the Board hereby reconfirms the Sycamore Township Property Maintenance Code Board of Appeals which consists of five members. Members of the Board of Appeals shall be appointed by the Board of Township Trustees, either for the initial terms or any subsequent terms, to serve such terms was established under prior versions of the Property Maintenance Code. Each term shall be for a

period of five years, and the term of one member shall expire each year. Members of the Board of Appeals may be reappointed for a subsequent term. Members of the Board of Appeals may be removed by the Board of Township Trustees at any time, and for any reason, and in such case, the Board of Trustees shall appoint a successor to serve the unexpired term of the removed member. Members of the Board of Appeals shall be compensated at the rate set by the Board of Township Trustees of Sycamore Township from time to time.

SECTION 3.

That a copy of the Property Maintenance Code of Sycamore Township, Hamilton County, Ohio, be kept on file in the office of the Township Fiscal Officer of Sycamore Township and the Sycamore Township Department of Planning and Zoning, and shall be enforced by the Sycamore Township Department of Planning and Zoning for the control of structures as herein provided; and each and all of the regulations, provisions, penalties, conditions and terms of said ICC “International Property Maintenance Code/2009” are hereby referred to, adopted, and made a part hereof, as if fully set out in this Resolution, with the additions, insertions, deletions and changes prescribed below:

The ICC “International Property Maintenance Code/2009” as adopted is amended and revised in the following respects (note, words struck through are those to be deleted; words in bold face are those to be inserted):

- a) All references to the *International Building Code* or the *International Existing Building Code* shall be substituted to read “**The Ohio Building Code or the Residential Code of Ohio**”.
- b) All references to the *International Mechanical Code* shall be substituted to read **The Ohio Mechanical Code**.
- c) All references to the *International Plumbing Code* shall be substituted to read **The Ohio Plumbing Code**.
- d) All references to the *International Zoning Code* shall be substituted to read the **Sycamore Township Zoning Resolution**.
- e) All references to the “*appointing authority*” shall be substituted to read the “**Board of Township Trustees of Sycamore Township**”.
- f) All references to “*Code Official*” shall be substituted to read “**Zoning Administrator or his or her designate**”.

- g) Section 101.1 Delete entire Section which reads: ~~101.1 Title. These regulations shall be known as the International Property Maintenance Code of [name of jurisdiction], hereinafter referred to as "this code".~~ Insert: **101.1 Title. These regulations shall be known as the Property Maintenance Code of Sycamore Township, hereinafter referred to as "this code" or "Property Maintenance Code".**
- h) Section 101.4 (second line). Insert: "...held to be **unauthorized or unconstitutional...**"
- i) Section 102.3 (last sentence). Language shall read: "Nothing in this code shall be construed to cancel, modify or set aside any provision of the ~~International Zoning Code~~ **Sycamore Township Zoning Resolution.**"
- j) Section 103.1 Language shall read: The department of ~~property maintenance inspection is hereby created~~ **Planning and Zoning is charged with the administration and enforcement of this Property Maintenance Code** and the executive official in charge thereof shall be known as the ~~code official~~ **Zoning Administrator or his or her designate.**
- k) Section 103.3 (as second sentence). Insert: "**All Code Enforcement Officers shall have the same authority as vested in the Zoning Administrator to carry out the responsibilities and duties prescribed by this Property Maintenance Code.**"
- l) Section 103.5. Delete entire Section which reads...~~103.5 Fees. The fees for activities and services performed by the department in carrying out its responsibilities under this code shall be as indicated in the following schedule. [Jurisdiction to insert appropriate schedule.]~~
- m) Section 106.3. Language shall read: "Any person failing to comply with a notice of violation or order served in accordance with Section 107 shall be deemed guilty of a ~~misdemeanor or~~ civil infraction as ~~determined by the local municipality~~ and such violation shall be a strict liability offense, **subject to a civil fine of up to \$1,000.00.** If the notice of violation is not complied with, the code official shall institute the appropriate proceeding at law or in equity (**including action for permanent injunctive relief**) to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy **or use** of the structure in violation of the

provisions of this code or of the order or direction made pursuant thereto. **The cost of** any action taken by the authority having jurisdiction on such promises shall be charged against the real property on which the violation occurs and shall be a lien upon such real property.

- n) Section 111.2.1. Language shall read: “The chief appointing authority ~~shall~~ **may** appoint two or more alternate members...”
- o) Section 111.2.4 Delete: Paragraph. Insert: “**The Zoning Administrator or his or her designate shall serve as secretary to the Board.**”
- p) Section 111.2.5 which reads....Delete entire Section which reads: ~~111.2.5 Compensation of members. Compensation of members shall be determined by law, is deleted in its entirety.~~ In its place shall be the following: “**111.2.5 Compensation of members. Compensation of members of the Board shall be as determined by the Board of Township Trustees of Sycamore Township from time to time.**”
- q) Section 111.7 Delete entire Section which reads...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. Insert: **111.7 Any person with standing may appeal the decision of the Sycamore Property Maintenance Board of Appeals to the Court of Common Pleas as authorized in the Ohio Revised Code.**
- r) Section 301.2 (seventh line) Insert: “Occupants of a dwelling unit are **also** responsible...”
- s) Section 302.4 (line 2-3) Insert: “**eight (8) inches**”.
- t) Section 304.10 (fifth line, as last sentence) Insert: “**Said areas shall be kept clear of hazards and debris and shall not be used as storage areas.**”
- u) Section 304.14 (first and second lines) Insert: **April 1 [to] October 31.**
- v) Section 305.1 (second sentence) Language shall read: “**In**

addition to the property owner, occupants shall also be responsible for keeping keep that part of the structure which they occupy or control in a clean and sanitary condition.”

w) Section 602.3 (fifth line) Insert: **October 1 [to] March 31.**

x) Section 602.4 (third line) Insert: **October 1 [to] March 31.**

SECTION 4.

That, in the event any conflict between the requirements of the Property Maintenance Code of Sycamore Township, Ohio as adopted herein and those of any other codes or resolutions, statutes or rules adopted by Sycamore Township, Hamilton County or the State of Ohio, that requirement which establishes the higher or stricter standard shall prevail.

SECTION 5.

That nothing in this Resolution or in the Property Maintenance Code hereby adopted shall be construed to affect any suit or proceeding pending in any court, or any liability incurred or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed.

SECTION 6.

That, upon the effective date of the Property Maintenance Code adopted herein, Resolution 1994-15 (Sycamore Township), entitled “A RESOLUTION ESTABLISHING THE MINIMUM REGULATIONS GOVERNING THE CONDITIONS AND MAINTENANCE OF ALL PROPERTY, BUILDINGS AND STRUCTURES; BY PROVIDING THE STANDARDS FOR SUPPLIED UTILITIES AND FACILITIES AND OTHER PHYSICAL THINGS AND CONDITIONS ESSENTIAL TO INSURE THAT STRUCTURES ARE SAFE, SANITARY AND FIT FOR OCCUPATION AND USE: AND THE CONDEMNATION OF BUILDINGS AND STRUCTURES UNFIT FOR HUMAN OCCUPANCY AND USE AND THE DEMOLITIONS OF SUCH STRUCTURES; KNOWN AS THE PROPERTY MAINTENANCE CODE” shall be and is hereby repealed.

SECTION 7.

That, upon the effective date of the Property Maintenance Code adopted herein, Resolution 36-2004 (Sycamore Township), entitled “A RESOLUTION APPROVING AND ADOPTING WITH MODIFICATIONS THE INTERNATIONAL CODE COUNCIL, INC. INTERNATIONAL PROPERTY MAINTENANCE CODE/2003 AS THE PROPERTY MAINTENANCE CODE OF SYCAMORE TOWNSHIP” shall be and is hereby repealed.

SECTION 8.

The Trustees of Sycamore Township upon a unanimous vote do hereby dispense with any requirement that this resolution be read on two separate days, and hereby authorize the adoption of this resolution upon its first reading.

SECTION 9.

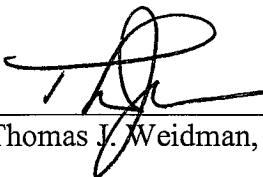
Upon the unanimous vote of the Sycamore Township Trustees, this

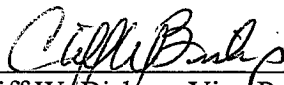
Resolution is hereby declared to be an emergency measure necessary for immediate preservation of the public peace, health, safety and welfare of Sycamore Township. The reason for the emergency is to provide for safe and habitable properties in Sycamore Township.

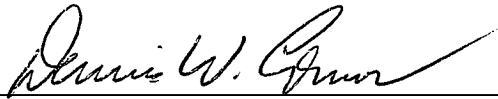
VOTE RECORD:

Mr. Bishop AYE Mr. Connor AYE Mr. Weidman AYE

Passed at a meeting of the Board of Township Trustees of Sycamore Township this 1st day of December, 2011.

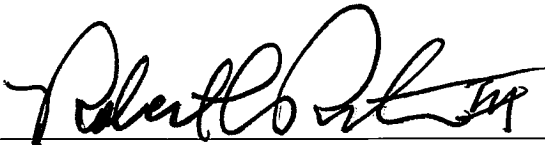

Thomas J. Weidman, President


Cliff W. Bishop, Vice President

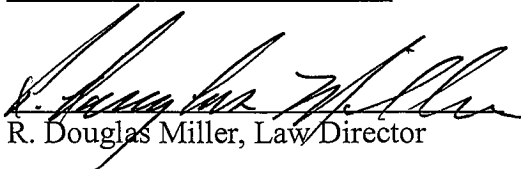

Dennis W. Connor, Trustee

AUTHENTICATION:

This is to certify that this resolution was duly passed and filed with the Township Fiscal Officer of Sycamore Township this 1st day of December, 2011.


Robert C. Porter III, Fiscal Officer
Sycamore Township, Ohio

APPROVED AS TO FORM:


R. Douglas Miller, Law Director

PROOF OF PUBLICATION

I hereby certify that I have published this Resolution on _____ by posting in the five most public places as established by the Board of Township Trustees such places being the Sycamore Township Government Complex, Bob Meyer Park, Bechtold Park, the Robert L. Schuler Sports Complex, and the Clete McDaniel Sports Complex.

A handwritten signature in black ink, appearing to read "Robert C. Porter, III", written over a horizontal line.

Robert C. Porter, III, Fiscal Officer