

ORDINANCE # 06-12

AN ORDINANCE ENACTING CHAPTER 97, EXTERIOR MAINTENANCE CODE, TO THE CODIFIED ORDINANCES OF THE VILLAGE OF ROCKFORD AND DECLARING AN EMERGENCY.

WHEREAS the purpose of this chapter is to protect the public health, safety and welfare by establishing minimum standards governing the maintenance, appearance and exterior condition of all premises and uses throughout the village.

NOW THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF ROCKFORD, STATE OF OHIO:

Section 1. That Chapter 97 of the Codified Ordinances of the Village of Rockford be enacted to read as attached.

Section 2. Council declares this to be an emergency measure immediately necessary for the preservation of the public peace, health, safety, welfare, and morals, such emergency arising out of the need to clean up dangerous situations in the Village of Rockford.

PASSED THIS 1ST DAY OF AUGUST 2006.



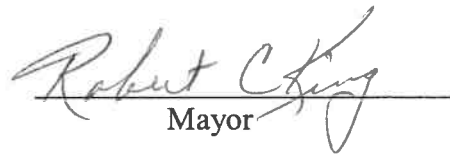
President of Council

ATTEST:

APPROVED:



Clerk/Treasurer



Mayor

CHAPTER 97: EXTERIOR MAINTENANCE CODE

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Section 96.01 Title

This chapter shall be known as the Exterior Property Maintenance Code of the Village of Rockford.

Section 96.02 Scope

The chapter is limited to the establishment of minimum standards for the maintenance of exterior surfaces and exterior functioning units of all structures, buildings

and uses within the village, including yard areas immediately contiguous thereto. No provisions of this chapter shall, in any way, directly or indirectly, be interpreted to interfere with, or to limit the right of, any owner or resident to inhabit real property owned or leased by them in such a manner and form as they may determine appropriate, consistent with other applicable provisions of law. This chapter is direct to obvious visual problems which may occasion incipient blighting conditions within the village.

Section 96.03 Purpose

The purpose of this chapter is to protect the public health, safety and welfare by establishing minimum standards governing the maintenance, appearance and exterior condition of all premises and uses throughout the village; to fix certain responsibilities and duties upon owners, residents and managers of the same as to both separate and correlative responsibilities and duties; to authorize and establish procedures for the exterior inspection of such premises and uses; to fix penalties for the violations of this chapter; and to provide for the repair, demolition or vacation of premises unfit for human habitation, occupancy or use. This chapter is hereby declared to be remedial and essential for the public interest, and it is intended that this chapter be construed and interpreted to effectuate the purposes as stated herein.

Section 96.04 Applicability

Every building, occupancy or use shall comply with the provisions of this chapter, whether or not such building or use shall have been constructed, altered or repaired before or after the enactment of this chapter, and without regard to any permits or licenses which shall have been issued for the use or occupancy of the building premises, for the construction or repair of the building or use, or for the installation or repair of equipment or facilities prior to the effective date of this chapter. This chapter establishes minimum standards for the initial and continued occupancy and use of all such structures and does not replace or modify standards otherwise established for the construction, repair, alteration or use of the building. Where there is mixed occupancy, residential or nonresidential use therein shall be nevertheless required by and subject to the provisions of this chapter.

Section 96.05 Conflict of Laws

In any case where a provision of this chapter imposes a higher standard than that set forth in any other ordinance by the village or law of the state, then the standard set forth herein shall prevail, but if a provision of this chapter imposes a lower standard than that imposed by any other ordinance of the village or law of the state, then the higher standard

contained in any such other ordinance or law shall prevail.

96.06 Definitions

For the purpose of this chapter, certain terms and words are hereby defined. Words used in the present tense shall include the future; the singular number shall include the plural and the plural, the singular; the word BUILDING shall include the word STRUCTURE and the word SHALL is mandatory and not directory.

DETERIORATION. The condition or appearance of the exterior of the building or part thereof, characterized by holes, breaks, rot, crumbling, cracking, peeling, rusting, or other evidence of physical decay, neglect or lack of maintenance.

EXTERIOR OF THE PREMISES. Those portions of a building which are exposed to public view and the open space of any premises outside of any building.

FINAL ORDER. A notice of violation has been served according to this chapter, and the persons named have filed to comply within the time allowed, or that notice of violation has been served according to this chapter, an appeal taken, and is that order of determination issued by the Board of Zoning Appeals.

GARBAGE. Animal vegetable waste resulting from the handling, preparation, cooking and consumption of food.

INFESTATION. The presence of insects, rodents, vermin or other pests on the premises, which constitute a health hazard.

NUISANCE. That which is defined by the statutes of the State of Ohio and declared thereby to be a nuisance and also including conditions dangerous to human life or detrimental to the health of persons on or near the premises where the conditions exist and where the conditions are perilous by active and negligent operation thereof and unsanitary conditions are anything offensive to the senses or dangerous of health.

OCCUPANT. Any person living and sleeping in a dwelling unit or having actual possession of said dwelling unit or any person who leases or rents a nonresidential building, structure or any portion thereof.

OWNER. Any person, who, along or jointly or severally with others, shall have legal or equitable title to any premises, with or without the accompanying actual possession thereof; or shall have charge, care or control as owner or agent of the owner; or as executor, administrator, trustee, receiver or guardian of the estate, or as a mortgagee in possession.

PERSON. Any individual, corporation, association, partnership, trustee, lessee, agent or assignee.

PREMISES. A lot, plot or parcel of land, including the buildings or structures thereon.

REFUSE. All putrescible and non-putrescible solid wastes (except body wastes) including but not limited to garbage, rubbish, ashes, dead animals, and industrial wastes; an accumulation of brush, broken glass, stumps and roots that present a safety hazard and includes garbage, trash and debris which present an unsanitary and/or safety hazard.

RUBBISH. Non-putrescible solid waste consisting of both combustible and non-combustible wastes such as paper, wrappings, tin cans, yard clippings, leaves, wood, glass, crockery, plastics and similar materials.

Section 96.07 Enforcement

The enforcement of any and all provisions of this chapter is placed with the Zoning Inspector, and the village Police Department, as they believe may be required to carry out and effectuate all of the provisions herein.

Section 96.08 Inspection

All buildings, premises, and uses within the village are subject to exterior inspections from time to time by the Zoning Inspector.

Section 96.09 Maintenance Responsibility

(A) the owner and/or manager of every structure or use within the village shall be responsible for maintaining the exterior surfaces of the same in conformance with the provisions of this chapter.

(B) The owner and/or manager of every structure or use within the village shall be responsible for maintaining the yard area contiguous thereto in conformance with the provisions of this chapter.

(C) No owner or manager shall be relieved from the obligations of nor be entitled to defend any violation by reason of any contract or agreement between them any other person.

Section 96.10 General Exterior Maintenance Requirements

(A) The exterior surfaces of all structures or uses within the village whether functional or aesthetic, shall be maintained in good repair. Any exterior part or feature thereof having functional use shall be capable of performing the use of which such part or feature was designed.

(B) The entire yard area and extending up to and including the lot line in all directions shall be maintained in a safe, clean, and sanitary condition.

Section 96.11 Exterior Surfaces

(A) All exterior surfaces of every structure or use within the village shall be maintained so as to resist decay or deterioration from any naturally-occurring cause. All exterior surfaces shall be covered with paint, finish, or other surface-coating so as to prevent such decay and deterioration. An exterior wall segment, facing or other distinguishable surface area determined by the Zoning Inspector to have more than 25% of its total area bar, peeling, flaking, pitted, corroded or otherwise deteriorated, will require the all segment, facing or other distinguishable surface area to be surface-coated in its entirety. If the surface to be coated is a portion of a larger structure, such surface coating shall be compatible in color, texture, and design with the entire structure.

(B) Any deteriorated or decayed exterior walls, doors, porches, floors, steps, railings, or parts or features thereof, shall be repaired or replaced.

(C) Any damaged or broken windows, screens, or shutters, and deteriorated or decayed sill, sash, molding, lintel, frame or trim thereof shall be repaired or replaced.

Section 96.12 Foundations

The foundation of every structure or use within the village shall be maintained in such condition and repair as to prevent damage to the structural integrity of the same.

Section 96.13 Roofs, Gutters, Downspouts and Chimneys

(A) The roof of every structure or use within the village shall be maintained weather-tight. All missing shingles, or other roofing materials, shall be replaced with materials of similar kind, nature, design and color as the original thereof. Any roof segment, or distinguishable portion thereof, determined by the Zoning Inspector to have more than 25% of its total area comprised of missing or deteriorated shingles, or other roofing material, then the roof segment or distinguishable portion thereof shall be

replaced or repaired with materials of similar kind, nature, design, and color as the original thereof.

(B) Any structure or use within the village having gutters and/or downspouts in place shall be maintained in such a manner as to keep such gutters and/or downspouts free of exterior rust and corrosion. Such rust or corrosion as may develop in the course or ordinary use of the same shall be removed, painted or otherwise surface-coated as to keep such gutters and/or downspouts free of visible rust or corrosion.

Section 96.14 Yard Area Maintenance

(A) Refuse

(1) No furniture, mattresses, household furnishings, rugs, appliances, dilapidated vehicles or vehicle parts, discarded or abandoned machinery and construction equipment shall be placed or stored in any yard area or use within the village over a period in excess of 15 days.

(2) Exterior property areas of all premises or uses shall be kept free of debris, objects, materials or conditions that, in the opinion of the Zoning Inspector, create a health, accident or fire hazard, or are a public nuisance, or constitute a blighting or deteriorating influence on the neighborhood. All debris shall be removed within 15 days.

(B) **Grass and weed control, surface condition.** Grass and weeds shall be maintained, controlled and cut in conformance with Section 93.40 of this village code. All lots shall be provided with grass or other appropriate ground cover or landscaping material so as to assure absorption of rainfall and prevent erosion and rapid runoff of surface water.

(C) Accessory structures

(1) All structures or uses located in the yard area within the village, such as sheds, barns, garages, bins and the like, shall be maintained in good repair in conformance with other provisions of this chapter having regard to foundations, roofs and exterior surfaces.

(2) Any broken, rusted, deteriorated or decayed fence, yard enclosure, or other device or structure located in the yard area contiguous to any structures or use within the village shall be repaired or removed.

(D) **Ground surface hazards.** Holes, cracks, breaks, projections and obstructions at any place on the premises which, in the opinion of the Zoning Inspector, are a hazard to persons using the premises shall not be permitted.

(E) **Motor vehicles.** Parking of motor vehicles on any lot or parcel of land within the village is regulated by the Zoning Code, and Chapter 76 of the village code.

Section 96.15 Infestation

All structures and the premises thereof shall be maintained free of vermin, rodents and other pests, and free of sources of breeding, harborage and infestation by such vermin, rodents and other pests.

Section 96.16 Village Right of Abatement

In the event a violation is not corrected or abated as required by a final order, the village shall have the right to enter upon the premises and make the correction or abatement, and recover the actual cost thereof, plus 15% for inspections and administrative fees, from the owner and/or other person named in the final order.

Section 96.17 Notice of Violation

(A) Where a violation of any provision of this chapter is found to exist, the Zoning Inspector shall cause a written notice of such violation to be served upon the owner, manager, occupant, or other person responsible for the correction thereof. The notice shall specify the violation committed and shall provide a reasonable period of time, not more than 90 days, to correct or abate the violation. The notice shall state that if the violation is not corrected or abated within the time allowed, the village may enter upon the premises and do the correction or abatement, and charge the cost thereof to the person named in a final order.

(B) Notice shall be served by certified mail to the current address as recorded with the county auditor as to the owner, and the property address as to the occupant. Notice shall also be served by personal delivery to the owner or occupant.

(C) In the absence of an appeal, as provided below, the completion of notice, and failure to comply, shall constitute a final order as to administrative proceedings.

Section 96.18 Appeal

(A) Within 14 days of the date of receipt of notice of a violation, the person may request a hearing before the Board of Zoning Appeal by filing a written request with the

Zoning Inspector. The appeal shall be heard at the next regularly scheduled meeting of the Board of Zoning Appeals, allowing at least five days notice to the party and the Zoning Inspector. The Board of Zoning Appeals may sustain, modify or dismiss, in whole or in part, any action required to correct or abate the violation set forth in the notice and shall issue an order incorporating its determinations, and such order shall be a final order as to these administrative proceedings.

(B) The Board of Zoning Appeals shall consider the following in determining appropriate action to be taken, to wit:

(1) That any modification of the original order of the Zoning Inspector shall not, in any material way, alter the standards of this chapter and shall not affect detrimentally the health or safety of occupants, or the health, safety or welfare of the occupants or owners of adjacent premises or of the immediate neighborhood; and

(2) That strict enforcement would constitute an undue and unnecessary hardship on the owner, manager, or resident, by reason of compelling an expenditure for repair of the premises which would substantially be disproportionate to any benefit to the health, safety, or welfare of the community that might be derived therefrom.

Section 96.19 Misdemeanor for Failure to Correct or Abate

(A) It shall be unlawful for any person, manager or occupant to fail to correct or abate a violation as determined by a final order entered under this chapter.

(B) Prosecution for criminal violations of this section shall be in either the Mayor's Court or the Mercer County Municipal Court. The final order shall be prima facie evidence of the violation of this section.

Section 96.20 Abatement Procedure

(A) Upon information that a final order has not been complied with, the legislative authority may cause written notice to be served on the owner, lessee, manager or occupant of the premises, giving notice that the village will enter the premises five days thereafter to make correction or abatement.

(1) After the passage of five days, with the continued failure to abate or correct, the Village Administrator shall hire the necessary machinery and labor to perform the required task.

(2) Expenses incurred shall, when approved by Council, be paid out of the money in the treasury not otherwise appropriated.

(B) The notice provided for in this section shall be sent to the last known address of the owner or other person having charge of the land, or delivered by the Chief of Police or a police officer. If the owner or other person having charge served with the notice is a non-resident of the village whose address is known, the notice shall be sent to his or her address by certified mail. If the address of the owner or other person having charge of the land is unknown, it is sufficient to publish the notice once in a newspaper of general circulation in the county.

Section 96.21 Fees for Service and Return

The Chief of Police, or any police officer, may make service and return of the notice provided for in Section 96.99 and shall be allowed the same fees as provided for service and return of summons in civil cases.

Section 96.22 Certification to County Auditor

If the bill for abatement or correction is not paid within 30 days after submission, then the Clerk of Council shall certify said costs together with a 10% penalty to the Mercer County Auditor for placement of the tax duplicate to be collected as other taxes for return to the village, and shall be a lien upon the premises from the date of certificate.

Section 96.99 Penalty

(A) Whoever fails to comply with any final order as provided herein shall be, upon conviction of the same, guilty of a misdemeanor of the third degree.

(B) A separate offense shall be deemed committed each day on which a violation occurs or continues.