

INTRODUCED BY: _____ DATE: _____

ORDINANCE ENACTING CHAPTER 1305 OF TIFFIN CODIFIED ORDINANCES AS AN EXTERIOR MAINTENANCE CODE.

The Council of the City of Tiffin finds: An Exterior maintenance Code is necessary to eliminate slum and blight and to preserve and protect the public health, safety, and welfare for all citizens of Tiffin.

THE COUNCIL OF THE CITY OF TIFFIN THEREFORE ORDAINS:

Section 1: Chapter 1305 of Tiffin Codified Ordinances is hereby enacted to read as follows:

- 1305.01 Title.
- 1305.02 Scope.
- 1305.03 Purpose
- 1305.04 Definitions.
- 1305.05 Applicability.
- 1305.06 Conflict of laws
- 1305.07 Enforcement.
- 1305.08 Maintenance responsibility.
- 1305.09 General exterior maintenance requirements
- 1305.10 Exterior surfaces.
- 1305.11 Foundations.
- 1305.12 Roofs, gutters, down spouts and chimneys.
- 1305.13 Yard area maintenance.
- 1305.14 Unoccupied or inoperative structures and unoccupied lots.
- 1305.99 Penalty

1305.01 TITLE.

This chapter shall be known as the Exterior Property Maintenance Code of the City of Tiffin.

1305.02 SCOPE.

The chapter is strictly limited to the establishment of minimum standards for the maintenance of exterior surfaces and exterior functioning units all commercial and residential structures, buildings and uses within the city, 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 manner and form as they may determine appropriate, consistent with other applicable provisions of law. This chapter is directed to obvious problems which may occasion incipient blighting conditions

within the City. All matters of the interior use, occupancy or habitation of any structure or building within the City are specifically excluded from the provisions of this chapter.

1305.03 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 residential and commercial premises and uses throughout the City; to fix certain responsibilities and duties upon owners and residents 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.

1305.04 DEFINITIONS.

(a) COMMON AREA: A common area for the purpose of this chapter shall be defined as an area in or upon or part of a rental property which may be used by more than one tenant.

(b) HAZARD: A source of risk or danger to person or property.

(c) OWNER: An owner for the purposes of this chapter shall be defined as the person listed on the county auditor's tax records as the owner of a parcel.

(d) RENTAL AGREEMENT: A rental agreement for the purposes of this chapter shall mean any agreement or lease, written or oral which entitles a tenant to use and occupy a premises.

(e) RENTAL PROPERTY: A rental property for the purposes of this chapter shall mean any property which is occupied by one or more tenant.

(f) TENANT: A tenant for the purposes of this chapter shall mean a person entitled under a rental agreement to the exclusive use and occupancy of a premises.

1305.05 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.

1305.06 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 City 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 City or law of the State, then the higher standard contained in any such other ordinance or law shall prevail.

1305.07 ENFORCEMENT.

(a) Inspection. All buildings, premises, and uses within the City are subject to exterior inspections from time to time by the Zoning Inspector or an individual(s) authorized by the City Administrator.

(b) Notice.

(1) Where a violation of any provision of this chapter other than a violation of 1306.12(B) is found to exist, the Zoning Inspector shall cause a written notice of such violation to be served upon the person responsible for the correction thereof. The notice shall specify the violation committed. Within fourteen (14) days of the date of services of notice, a reasonable period of time to correct or abate the violation shall be established. Such reasonable period of time for the correction and abatement of the violations shall be pursuant to a repair schedule submitted in writing by the violator and approved by the zoning inspector. In the event that weather is a major consideration in correcting or abating the violation, the Zoning Inspector may extend the time set out herein to not more than sixty (60) days immediately following the occurrence of appropriate weather conditions.

(2) Notice shall be served by certified mail to the owner of the property appearing on the current record of the county auditor and to the last known address of the tenant to be served. If the last known address of the tenant cannot be ascertained, the notice shall be posted on the outside front entrance of the structure in alleged violation.

(3) 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.

(c) Appeal

(1) Within twenty-one (21) days of the date of service of notice, any person affected by the notice may request a hearing thereof before the Zoning Board of Appeals by filing a written request with the Zoning Inspector. The Zoning Inspector shall forward such request to the Board within three (3) days of receipt. The Chairperson of the Board, upon receipt of the request, shall set the matter down for hearing within thirty (30) days, allowing at least five (5) days notice to the party and the Zoning Inspector. The Zoning Board of 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.

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

A. 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

B. 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 be substantially disproportionate to any benefit to the health, safety or welfare of the community that might be derived there from.

(3) No license or permit or other certification of compliance with this chapter shall constitute a defense against any violation or any other local ordinance applicable to any structure or premises, nor shall any provision herein relieve any owner, manager or resident from complying with any such other provision, nor any official of the City from enforcing any such other provision.

1305.08 MAINTENANCE RESPONSIBILITY.

(a) The owner of every commercial and residential structure or use within the City shall be responsible for maintaining the exterior surfaces of the same in conformance with the provisions of this chapter.

(b) The owner and/or tenant of every commercial and residential structure or use within the City shall be responsible for maintaining the yard area contiguous thereto in conformance with the provisions of this chapter. Nothing contained herein shall cause a tenant to be responsible for the maintenance of a yard that is a common area.

(c) Unless expressly provided to the contrary in this chapter, the respective obligations and responsibilities imposed herein upon the owner, as differentiates from those of the tenants, shall not be altered or affected by an agreement or contract by and between any of the aforesaid, or between them and other parties.

(d) No owner shall knowingly permit a tenant to create any condition upon the owner's property, which constitutes a violation of the provisions of this chapter.

1305.09 GENERAL EXTERIOR MAINTENANCE REQUIREMENTS.

(a) The exterior surfaces of all commercial and residential structures or uses within the City 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 for which such part or feature was designed.

(b) The entire yard area and extending up to and including the lot line in all directions, and the boulevard (public right of way from the street line and unimproved alleys) shall be maintained in a safe, clean and sanitary condition.

1305.10 EXTERIOR SURFACES.

(a) All exterior surfaces of every commercial structure or use within the City shall be maintained so as to resist decay or deterioration from any naturally occurring cause. All exterior wood surfaces shall be covered with paint, finish or other surface coating so as to prevent such decay or deterioration. An exterior wall segment, facing or other distinguishable surface area having more than twenty-five percent (25%) of its total area bare or otherwise deteriorated, will require the wall 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.

1305.11 FOUNDATIONS.

(a) The foundation of every commercial and residential structure or use within the City shall be maintained in such condition and repair as to prevent damage to the structural integrity of the same.

(b) All openings into the foundations of every dwelling structure shall be protected against the entrance of rodents.

1305.12 ROOFS, GUTTERS, DOWN SPOUTS AND CHIMNEYS.

(a) The roof of every commercial and residential structure or use within the City 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, having more than twenty-five percent (25%) of its total area comprised of missing 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 within the City having gutters and/or downspouts in place shall be maintained in such manner as to keep such gutters and/or downspouts free of exterior rust and corrosion. Such rust and corrosion as may develop in the course of ordinary use of the same shall be removed, painted or otherwise surface-coated so as to keep such gutters and/or downspouts free of visible rust or corrosion.

(c) The chimney of every structure within the City shall be maintained structurally sound and in good repair, free of loose, missing or deteriorated mortar and bricks, or other chimney building materials. Any such loose, missing or deteriorated mortar or bricks shall be refitted, replaced or repaired.

1305.13 YARD AREA MAINTENANCE.

(a) Refuse.

(1) No furniture (except lawn furniture in good repair), mattresses, household furnishings, rugs, appliances, unused posts, discarded or abandoned machinery and construction equipment shall be placed or stored in any yard area, or unprotected porch or patio subject to the weather within the City over a period in excess of five (5) days.

(2) Exterior property areas of all premises or uses, including but not limited to fences and driveways, shall be kept free of debris, objects, materials or conditions that 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 five (5) days.

(b) Grass and Weeds.

Grass and weeds shall be maintained, controlled and cut in conformance with Sections 931.12 through 931.15 of the Codified Ordinances of the City of Tiffin, Ohio.

(c) Accessory Structures.

(1) All structures or uses located in the yard area of commercial and residential properties within the City, 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 commercial and residential structures or use within the City shall be repaired or removed.

(d) Ground Surface Hazards. Holes, cracks, excavations, breaks, projections and obstructions at any place on the premises, including but not limited to driveways and sidewalks, that are a hazard to persons using the premises and shall not be permitted.

(e) Storm water drainage. Storm water shall be properly drained to prevent recurrent or excessive ponding or the entrance of water into any crawl space, basement or cellar.

1305.14 UNOCCUPIED INOPERATIVE STRUCTURES AND UNOCCUPIED LOTS.

(a) Unoccupied or inoperative structures, and the lot upon which any structure is located, as well as unoccupied lots, shall be maintained in accordance with the provisions of this chapter. Any such lot 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. The owner shall cut and maintain all grass or other ground cover and remove all rubbish and weeds from the premises.

(b) If any structure or use shall become unoccupied or inoperative and not maintained according to provisions of this chapter for a period more than one hundred eighty (180) days, it shall be presumed to be a nuisance affecting or endangering surrounding property values and to be detrimental to the public health, safety, convenience, comfort, property or general welfare of the community and shall be abated.

(c) Whenever the Zoning Inspector shall find any structure to be unoccupied and an inoperative nuisance, notice shall be given in the same manner as service of summons in civil cases or by certified mail addressed to the owner of record of the premises at his last known address or to the address to which tax bills are sent, or by a combination of the foregoing methods, to abate such unoccupied or inoperative nuisance condition within thirty days either by placing the structure in operation in accordance with this Section, adapting and using the structure for another use permitted in the Zoning District or by razing the

structure, removing all debris, any signs, goods, supplies and equipment, and filling depressions to the grade level of the lot, provided, however, that if the structure is in use at the time notice is given and remaining in operation for ninety consecutive days, the provisions of this Section shall not apply.

(d) Upon the failure, neglect or refusal of any owner to comply with the notice to abate such unoccupied and inoperative nuisance, the Zoning Inspector shall advise the Law Director of all the facts and the Law Director shall proceed to exercise on behalf of the City any remedy which shall then be

available to it to secure an abatement of such unoccupied or inoperative nuisance, including, but not limited to, any remedy that pertains to the abatement of a public nuisance, and to recover any damages or enforce any penalties which may be recovered or imposed at the instance of the City, including all damages reasonable under Ohio R.C. 715.26 and 715.261.

(e) The remedies contained in this section shall be cumulative and shall apply in addition to any other remedial sections in this Code, including but not specifically limited to, Section 1307.06 of the building code.

1305.99 PENALTY.

(a) Whenever the person responsible under this chapter with the maintenance of a structure or premises fails to comply with any Final Order as provided in this chapter, the Law Director may file an action seeking injunctive relief or other remedies provided by law.

(b) Whoever violates any provision of this chapter, or fails to comply with any Final Order as provided herein shall, upon conviction, be guilty

of a minor misdemeanor. A separate offense shall be deemed committed each day on which a violation occurs or continues.

(c) Whoever violates any provision of this chapter, or fails to comply with any Final Order as provided herein, on more than one subject matter in any two (2) year period separate and distinct from a conviction upon a prior subject matter, shall be, upon conviction of the same, guilty of a misdemeanor of the third degree. A separate offense on such subsequent subject matter within two (2) years shall be deemed committed each day on which a violation or noncompliance occurs or continues.

Section 2: This Ordinance shall take effect and be in force at the earliest time allowed by law.

Authenticated:

_____ and _____
President of Council Clerk of Council

_____ Date _____

Approved by:

_____ Date _____

Effective date: _____

04-60.ord