

## **ORDINANCE NO. 529-2011**

### **PROPERTY MAINTENANCE CODES FOR THE VILLAGE OF PANDORA, OHIO**

The following are property maintenance codes for the Village of Pandora, Ohio:

#### **SECTION 1. SANITATION.(maintained in a clean, safe and sanitary manner)**

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, safe and sanitary condition.

#### **SECTION 2. GRADING AND DRAINAGE (graded/draind to prevent stagnant water)**

All premises shall be graded and maintained to prevent the accumulation of stagnant water thereon, or within any structure located thereon. This section shall not apply to water retention areas and reservoirs approved by the Code Official.

#### **SECTION 3. STORAGE AND ACCUMULATION OF JUNK AND SIMILAR MATERIALS ON PRIVATE PROPERTY; NOTICE TO REMOVE.(junk accumulation-brush, domestic animal waste)**

- (A) No person shall cause or permit garbage, rubbish, tree or bush branches or trimmings, brush, cast-off or discarded articles, litter, junk, materials which are ready for destruction, or which have been collected for salvage or conversion to some other use, to be stored, kept or placed outside any structure, or on any premises, except where permitted by zoning ordinances.
- (B) Upon receipt of information that subsection (a) hereof is being violated, the Code Official shall cause a written notice to be served upon the owner, lessee, agent or tenant having charge of such land, notifying him that the offending articles and/or materials must be removed within ten days after service of such notice.
- (C) The form of such notice shall comply with the following provisions:

##### **FORM**

- (1) Be in writing;
- (2) Include a description of the real estate sufficient for identification;
- (3) Include a statement of the reason or reasons why the notice is being issued;
- (4) Include a correction order allowing a reasonable time for the repairs and improvements required to bring the dwelling unit, structure or premises into compliance with provisions of this Code;

- (5) Include assessment of Civil Penalty and Notice of Reinspection Fees if there is failure to bring premises into compliance; and
- (6) Include a statement notifying the person of any administrative appeal rights and procedures.

#### METHOD OF SERVICE

- (1) Delivery by personal service upon the person to whom the notice is directed or such person's agent; or
  - (2) Sent by regular U.S. Mail evidenced by a U.S. Postal Certificate of Mailing addressed to such person at the last known address which is reasonably calculated to reach the party named in the notice. If the notice is returned showing that the letter was not delivered because the addressee no longer lives there or is unknown, or because a wrong address was used, and no other address is known, then a copy of said notice shall be posted in a conspicuous place in or about the structure affected by such notice, and the notice shall be published once in a publication having general circulation in Putnam County. When such a notice is published, any time periods referenced in the notice shall commence from the date of publication. Service of such notice in the foregoing manner upon the owner's agent or upon the person responsible for the premises shall constitute service of notice upon the owner.
- (D) If the person to whom a notice is directed fails to comply with the requirements of the notice, the Code Official shall cause such offending articles and/or materials to be removed from the premises and may employ the necessary labor to perform such task. All expenses shall be paid out of funds appropriated by Council upon vouchers approved by the Mayor. The expenses shall consist of the following:
- (1) All direct costs for the removal of such items; plus
  - (2) The costs for preparing and serving all notices; plus
  - (3) An administrative fee schedule in the amount set forth:
    - (a) Property Maintenance Code, whenever an Administrative Fee is authorized to be charged for work or services performed by the City, the administrative Fee shall be two hundred and five dollars **(\$205.00)**.
    - (b) Property Maintenance Code, whenever a Reinspection Fee is authorized to be charged for reinspection of the premises performed by the Village, the Reinspection Fee shall be seventy – five dollars **(\$75.00)**.
- (E) In the event that the owner or other appropriate person fails to pay such expenses within thirty days after being notified in writing, by regular U.S. mail, of the amount thereof by the Code Official, the expenses set forth in subsection (D) hereof may be

collected using one or more of the following methods, provided, however, that the expenses may only be collected once;

- (1) Such expenses may be certified by Council to the County Auditor and placed upon the tax duplicate for collection as a special assessment and thereupon shall be collected as other taxes and assessments; or
  - (2) The Village Solicitor is authorized to bring suit and take other necessary legal action to collect all such expenses.
- (F) The remedies provided in this section shall be in addition to the penalty as follows and any other remedy allowed by law.
- (1) Any person who violates a provision of this Code shall, upon conviction thereof, be subject to the following penalties:
    - (a) For the first conviction, a misdemeanor of the fourth degree, and shall be fined not more than two hundred fifty dollars (**\$250.00**) or imprisoned not more than thirty days, or both.
    - (b) For a second conviction, a misdemeanor of the third degree, and shall be fined not more than five hundred dollars (**\$500.00**) or imprisoned not more than sixty days, or both.
    - (c) For a third conviction, a misdemeanor of the second degree, and shall be fined not more than seven hundred fifty dollars (**\$750.00**) or imprisoned not more than ninety days, or both.
    - (d) For a fourth or subsequent conviction, a misdemeanor of the first degree, and shall be fined not more than one thousand dollars (**\$1,000.00**) or imprisoned not more than six months, or both.
  - (2) A separate offense shall be deemed committed each day during or on which a violation occurs or continues after due notice has been served.
  - (3) Any person who violates a provision of the Code shall be required to pay a Civil Penalty in the amount of Three Hundred fifty dollars (**\$350.00**). If that person complies with the correction order within the time specified in the order, the Civil Penalty shall be reduced to Fifty dollars (**\$50.00**).
  - (4) When a person is found in violation of a provision of this Code and fails to comply with the correction order within the time specified, a reinspection fee shall be charged for every inspection thereafter. Reinspection of the premises shall be conducted until such time that the property is brought in compliance with the Codified Ordinances of the Village of Pandora, Ohio. Whenever reinspection of the premises is conducted by the Village of Pandora, Ohio, and

such costs of reinspection has not been included within the administrative costs, the additional cost of reinspection shall be assessed in the amount provide by the above stated administrative fee schedule.

- (5) In the event the person fails to pay a Civil Penalty, Reinspection or Administrative Fee or costs incurred by the Village of Pandora, Ohio, for clean up, repair and/or abatement of the premises within thirty (30) days after being notified in writing, by regular U.S. mail, or posting on premises, of the amount thereof by the code official, may be collected using one or more the following methods, provided however that the expenses may be collected once:
  - (a) Such expenses may be certified by Council to the County Auditor and placed upon the tax duplicate for collection as other taxes and assessments; or
  - (b) The Village Solicitor is authorized to bring suit and take other necessary legal action to collect such expenses.
- (6) The remedies provided in this Section shall be in addition to any other remedy allowed by law.

#### SECTION 4. PARKING OF VEHICLES AND TRAILERS CONTAINING JUNK. (no storage of junk in vehicles and/or trailers)

No person shall place, park, stop or stand, in or upon any highway, street, alley or private property within the Village of Pandora, any vehicles or trailer upon or in which is deposited, collected, stored or maintained any junk, except when the person in charge or control of such vehicles or trailer is in the actual and immediate act of loading or unloading junk upon, in or from the vehicle or trailer. As used in this section, "vehicle" and "trailer" shall have the same definitions as provided in Chapter \_\_\_\_ of these Codified Ordinances.

#### SECTION 5. OUTDOOR USE OF FURNITURE.(indoor furniture cannot be kept outdoors)

Furniture that is not specifically constructed or intended for outdoor use shall not be kept or stored outdoors on any premises.

#### SECTION 6. ACCUMULATION OF RUBBISH OR GARBAGE.(free from accumulation)

All exterior property and premises, and the interior of every structure, shall be free from any accumulation of rubbish or garbage.

#### SECTION 7. DISPOSAL OF RUBBISH (stored in approved containers)

- (A) Every occupant of a structure shall dispose of all rubbish in a clean and sanitary manner by placing such rubbish in approved containers.

- (B) The owner of every occupied premises shall supply approved covered containers for rubbish, and the owner of the premises shall be responsible for the removal of rubbish.

#### SECTION 8. DISPOSAL OF GARBAGE(stored in approved containers)

- (A) Every occupant of a structure shall dispose of garbage in a clean and sanitary manner by placing such garbage in an approved garbage disposal facility or approved garbage containers.
- (B) The owner of every dwelling shall supply on of the following: an approved mechanical food waste grinder in each dwelling unit, an approved incinerator unit in the structure available to the occupants in each dwelling unit, or an approved leak proof, covered, outside garbage container.
- (C) The operator of every establishment producing garbage shall provide, and at all times cause to be utilized, leak proof approved containers provided with close-fitting covers for the storage of such materials until removed from the premises for disposal.

#### SECTION 9. INFESTATION.(free from rats and insect infestation)

All structures shall be kept free from insect and rat infestation. All structures in which insects or rats 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.

#### SECTION 10. IN GENERAL

When a structure or equipment is found by the Code Official to be unfit for human occupancy, or is found to be unlawful, such structure shall be condemned pursuant to the provisions of this Code.

##### A. Structure Unfit for Human Occupancy.

A structure is unfit for human occupancy whenever the Code Official finds that such structure is unsafe, unsecured, 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.

##### B. Closing of Vacant Structures.(shall be secured and repaired within six (6) months)

1. If a structure is vacant and unsecured, or unfit for human habitation and occupancy, and is not in danger of structural collapse, the Code Official 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 specified in the order, the Code Official shall cause the premises to be closed through any available public agency or by contact or arrangement with private

persons, and the cost thereof shall be collected in accordance with subsection ( ) hereof.

2. In the event this Code Official determines that a vacant and unsecured structure, poses an immediate danger to the safety or well being of the public or any person, then the Code Official is authorized to immediately cause said structure to be closed and secured, without prior notice to the owner or other appropriate person. The expenses therefore shall be the responsibility of the owner of the premises.
3. In the event that the owner or other appropriate person fails to pay the expenses for the work performed pursuant to the subsection ( ) hereof, within thirty days after being notified in writing, by regular U.S. mail, of the amount thereof by the Code Official, such expenses may be collected using on or more of the following methods provided, however, that the expenses may only be collected once.
  - (a.) Such expenses may be certified by Council to the County Auditor and placed upon the tax duplicate for collection as a special assessment and thereupon shall be collected as other taxes and assessments; or
  - (b.) The Village Solicitor is authorized to bring suit and take other necessary legal action to collect all such expenses.
4. No structure which has been closed under this section, or which otherwise has been closed or boarded-up by any other person, shall remain closed or boarded-up for a period longer than six months. The repair shall result in openings secured by conventional methods used in the design of the building or by methods permitted for new construction of similar type. No owner of a structure, or other person legally responsible for a structure, shall fail to repair any doors, windows or other openings or other openings which are boarded up or otherwise secured by any means other than conventional methods used in the design of the building or permitted for new construction of a similar type, or fail to cause the structure to be in compliance with this Property Maintenance Code after the expiration of said six-month period.
5. All doors, windows and other openings shall be covered with a minimum of one-half inch thick painted structural sheathing material or solid nominal one-inch lumber, closely butted at the edges and maintained. Such coverings may be installed to fit over the exterior casing or to fit tightly inside the exterior casing coverings the sash area only. However, there shall not be any edges or cracks that will serve as handholds for tearing off of the same. All coverings shall be anchored by nails or screws and shall not be capable of being removed without tools. Any porch floor, railings, post or roof, or any other attachment to the structure, in danger of falling or causing injury by being decayed or having holes that could cause tripping or falling, shall be repaired and maintained. All loose debris and discarded boards and lumber shall be kept clear of the premises.

SECTION 11. ADOPTION

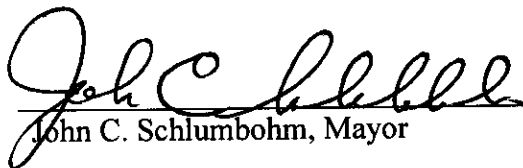
This Ordinance shall take effect from and after the earliest period allowed by law.

ADOPTED: Nov. 8, 2011

ATTEST:

  
Lana S. Burry, Fiscal Officer

APPROVED:

  
John C. Schlumbohm, Mayor