

**AN ORDINANCE CREATING A PROPERTY MAINTENANCE CODE
AND NOT DECLARING AN EMERGENCY**

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF
ROAMING SHORES, OHIO:

SECTION 1: DEFINITIONS. AS USED IN THIS SECTION:

- A. "Dangerous building or structure" means any building, structure or manufactured or mobile home (with or without a foundation) which 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.
- B. "Unsafe equipment" means any boiler, heating equipment, elevator, moving stairway, electrical wiring or device on the premises which is in such disrepair or condition that such equipment is a hazard to life, health, property or safety to the public or its inhabitants.
- C. "Building or structure unfit for human occupancy" means any building, structure or manufactured or mobile home designed or used for human occupation which is unsanitary, vermin or rat infested, contains filth or contamination, or lacks potable water, ventilation, illumination or sanitary facilities.
- D. "Blighted building" means any building, structure or manufactured or mobile home in a significant state of disrepair, including but not limited to, broken windows and doors, boarded windows or doors, crumbling foundations, missing siding or walls, etc.
- E. "Unightly building" means any building, structure or manufactured or mobile home with missing shingles or peeling paint; or with broken or unsafe stairway, porches, fences or retaining walls.
- F. "Dangerous landscaping" means trees, shrubs or other plants which extend from adjacent lots out into sidewalks or the right of way in such a manner as to interfere with pedestrian or vehicular traffic. Dangerous landscape further includes residual debris and holes in the ground, including uncovered basements, left after the passage of thirty days from the beginning of a demolition.

SECTION 2: GENERAL MAINTENANCE REQUIREMENTS

No owner or occupant of land or premises shall allow any of the following:

- A. A dangerous building or structure; or a building or structure unfit for human occupancy; or a blighted building; or an unsightly building.

- B. Accumulation of unusable appliances, furniture, mattresses, washer, dryers, televisions, or other unsightly material.
- C. Accumulations of garbage, rubbish and junk vehicles as defined in Section 303.10.
- D. Dangerous landscaping.

SECTION 3: AUTHORITY OF VILLAGE OFFICIALS.

- A. The Police Chief or his/her designee shall be responsible for enforcing this chapter. Upon the determination that a landowner or occupant has violated the provisions of Section 1311.02, the Police Chief or his/her designee shall notify the owner of such property of the violation by written notice.
- B. Service of the Notice of Violation shall be made on the owner of the land delivered via regular U.S. Mail addressed to their last known address, residence, place of business or the tax mailing address as indicated in the records of the Ashtabula County Auditor/Treasurer, and by any one of the following means:
 - 1. By personal delivery, or
 - 2. By leaving the notice of violation at the person's last known residence or place of business in the presence of a family member or other responsible person of suitable age and discretion who shall be informed of the general nature of the contents thereof; or
 - 3. By posting the violation notice on the subject property in a conspicuous location visible to any owner, occupant or agent of said property;
 - 4. A notification of the existence of the notice of violation may be published at least once in a local newspaper of general circulation.
- C. In the event that an occupied dwelling exists on the premises, service shall also be made by serving the occupant of the house personally with a copy of such notice or by posting such notice on the front door.
- D. The Notice of Violation shall identify those areas in which the landowner and/or occupant have failed to comply, shall designate the remedial action required, and shall provide the following time periods for correcting the violations set forth in Section 1311.02.
 - 1. Ten days for removal of trash, rubbish, junk cars, and other violations requiring the removal of personal property or remedial measures for dangerous landscaping.
 - 2. Thirty days for the removal, demolition or repair of buildings, structures or manufactured or mobile homes constituting a dangerous building or structure or those unfit for human occupation.
 - 3. Sixty days for the removal, repair or demolition of blighted buildings and unsightly buildings.
- E. Any person aggrieved by the determination of the Police Chief or his/her designee shall have a period of ten days from receipt of the notice to file a written appeal to the Village Planning Commission. Said appeal shall provide the name, address and phone number of the appealing party, the address of the violation, and the basis for disputing the Village determination that the property violates Chapter 1311. Said

appeal shall be heard by the Village Planning Commission within 30 days, and the Administrator shall insure that the person filing the appeal has at least 7 days notice of said hearing. The Commission shall take testimony from the party appealing and from the Village, shall make written findings and shall issue a written decision. Any party aggrieved by the Planning Commission shall have 28 days from receipt of the date of decision to appeal to the Ashtabula County Common Pleas Court.

- F. In instances where a dangerous building or dangerous landscape becomes an imminent threat and danger to the occupant or to the public, and, in the case of a dangerous building, the same is supported by an affidavit from a registered engineer, county health official, State Fire Marshal or certified Building Official, the Police Chief and his/her designee may take immediate steps to eliminate the imminent threat to the public without waiting for the remedial period or an appeal, including demolition, removing occupants from the dwelling and any other measures necessary to protect the public.

- G. Upon failure of the owner to comply with the provisions of this chapter within the time limit following service of the "Notice of Violation", the Village may remediate dangerous landscaping, remove trash and rubbish, make repairs or demolish a building in order to abate the public nuisance.

- H. If the Village makes such remediation, repairs, removal or demolition pursuant to this section, the costs shall be borne by the owner, which shall include all costs incurred by the Village, including cost of performing the work, engineering or other experts and costs, if any, of borrowing funds to complete the work, together with an administrative fee of twenty percent (20%) of total costs.

- I. The expenses of the abatement shall be determined and billed to the property owner by regular mail. If the bill is not paid within ten days following the date of mailing, the Village Clerk shall certify to the County Auditor the action taken under this chapter, a statement of the charges for such action, and a proper description of the premises, for the purpose of making the same a lien upon such land to be collected as other taxes and returned to the Village General Fund in accordance with Ohio R.C. 731.54.

SECTION 5: COMPLIANCE WITH OFFICIAL NOTICES.

No person shall fail to comply with the directions set forth by the aforementioned Village officials in any written notice of violation.

SECTION 6: CHAPTER NOT EXCLUSIVE.

This chapter shall not be deemed to be a limitation or restriction on the authority of any department, division, official or employee of the Village, but shall be deemed as an enlargement of any authority existing by virtue of the statutes of the State of Ohio, or any ordinance heretofore enacted by Council.

SECTION 7: SEVERABILITY.

Should any section or provision of this chapter be held by the courts to be unconstitutional or invalid, such decision shall not affect the validity of this chapter as a whole or any part thereof other than the part so decided to be unconstitutional or invalid.

SECTION 8: PENALTY.

Whoever violates or fails to comply with any of the provisions of this chapter is guilty of a minor misdemeanor for each offense. A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs after the expiration of the time period detailed in the notice of violation.

Passed this ____ day of _____

John Ball, Mayor

ATTEST:

Leeann Moses, Clerk/Treasurer

Kyle B. Smith, Solicitor