

ORDINANCE NO. 08 -19

AN ORDINANCE ADOPTING THE *INTERNATIONAL PROPERTY MAINTENANCE CODE* AND DECLARING AN EMERGENCY

WHEREAS, the Village of Jackson Center does desire to adopt the 2003 edition of the *International Property Maintenance Code*, regulating and 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 ensure 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 demolition of such existing structures in the Village of Jackson Center; providing for the issuance of permits and collection of fees therefore; repealing the Village of Jackson Center's Property Maintenance Code (ordinance 05-17), the cutting of grass and weeds ordinance (Ordinance 83-17), and all other ordinances, and parts of the ordinance in conflict therewith;

NOW, THEREFORE, BE IT ORDAINED by the Council of the Village of Jackson Center, Shelby County, Ohio that:

SECTION 1.

A certain document, three (3) copies of which are on file in the office of the clerk of the Village of Jackson Center, being marked and designated as the *International Property Maintenance Code*, 2003 edition, as published by the International Code Council, be and is hereby adopted as the Property Maintenance Code of the Village of Jackson Center, in the State of Ohio for regulating and 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 ensure 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 demolition of such existing structures as herein provided; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said Property Maintenance Code on file in the office of the Village of Jackson Center are hereby referred to, adopted, and made a part hereof, as if set out in this Ordinance, with the additions, insertions, deletions and changes, if any, prescribed in Section 2 of this Ordinance.

SECTION 2.

The following sections are hereby revised:

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| All Subsections | “All references to metric system measures are deleted. All code provisions published by the International Code Council shall incorporate all relevant State of Ohio Statutes and Village of Jackson Center ordinances as if such references are expressly stated with such provisions. In the event of any inconsistencies, the most restrictive provision(s) will apply.” |
| Section 101.1 | Insert: “Village of Jackson Center” |
| Section 106.4 | Add: Subsection: “ 106.4.1 Fines. A violation of any provision of the Property Maintenance Code shall be a minor misdemeanor on the first offense, and a misdemeanor of the fourth degree for second and subsequent offenses.” |
| Section 103.5 | Delete. |

Section 107.2

Replace # 4 with: "Any notice sent under Section 107.3 shall include a correction order allowing reasonable time to make repairs and improvements required to bring the dwelling unit, structure or property into compliance with the provisions of this code. With regard to noxious weeds and other site related issues a reasonable time for correction shall be deemed to be seven (7) days after the notice provided in 107.3 has been personally delivered or sent by certified mail and posted on the property."

Section 107.3

Replace entire section with: "**107.3 Method of service.** Such notice shall be deemed to be properly served if a copy thereof is:

1. Delivered personally;
2. Sent by certified mail, return receipt requested to the owner(s) at the tax mailing address on file with the Auditor of Shelby County, or to the occupants at the property address whose name may be obtained through any public agency; or
3. Posted in a conspicuous place in or about the structure/property affected by such notice."

Section 111.1

Replace entire section with: "**111.1 Application for appeal.** Any person directly affected by a decision of the code official or a notice or order issued under this code shall have the right to appeal to the Planning Commission (AKA Zoning Board of Appeals), provided that a written application for appeal is filed with the Village Administrator within 10 days after the day the decision, notice or order was served."

Section 301

Add Subsection: "**301.4 Notices.** Notices issued under this chapter shall comply with Section 107 and shall be effective for the remainder of the calendar year in which they are issued. Abatement procedures may be taken per Sections 106.5 and Section 309 without issuing any additional notices."

Section 302

Add Subsection: "**Section 302.10. Outdoor Storage.** All outdoor storage for a continuous period exceeding fifteen days shall be enclosed or otherwise screened from public view.

Exception: The storage of such functional items as children's play structures, firewood and bicycles shall be permitted."

Add Subsection: "**302.11 Trees.** No owner or occupant of any premises shall permit a dead or diseased tree to remain standing which could endanger public property, private property or passers by. Trees or bushes overhanging public ways shall be pruned so as not to interfere with pedestrian or vehicular traffic or vision clearance at intersections.

Section 302.4

Insert: eight (8) inches.

Section 302.4

Add to the end of the first paragraph: "All undeveloped lots and any abutting street right-of-way shall be maintained free of weeds and plant growth in excess of eight (8) inches in height for the first fifty (50) feet measured perpendicularly to any adjacent road surface or developed lot."

Section 302.8

Add: Subsection: "**302.8.1 Commercial Vehicles.** (1) No commercial vehicles, including commercial tractors, trucks, buses, manufactured homes, and semi-trailers, shall be parked or stored on any property within a residential zoning district other than in a completely enclosed building, except those commercial vehicles conveying the necessary tools, materials, and equipment to a premises where labor using such tools, materials, and equipment is to be performed during the actual time of parking. No automotive vehicles or trailers of any type without current license plates shall be parked or stored on any residential property other than in a completely enclosed building.
(2) No commercial vehicles, including commercial tractors, trucks, buses, manufactured homes, semi-trailers, shall be parked on a public right-of-way for more than 48 hours."

Add: Subsection: "**302.8.2 Non-Commercial Vehicles.** No trailer, motor home, camper, recreational vehicle, boat, boat trailer, snowmobile, snowmobile trailer, all-terrain vehicle, aircraft, or motorcycle, nor any truck larger than ¾ ton, shall be parked on a public right-of-way for more than 48 hours."

Section 304.14

Insert: " May 15 – October 15"

Section 309

Add: " **Section 309 – Abatement by Village.**"

Add: Subsection: "**309.1 Abatement by Village.** If the owner, lessee, agent or tenant having charge of the land in violation of any of the provisions of this chapter fails to comply with a notice of abatement required by Sections 302.4, 302.10, 302.11, 307, and 308, the Administrator or his or her designee shall cause such plants, or weeds to be cut, or such diseased trees, litter, rubbish, and garbage to be removed."

Add Subsection: "**309.2 Recovery of Administrative Costs.** The Village may recover from the owner of the property such costs as it may incur under Section 107.01, plus its actual cost of staff time and legal services, in the event that civil litigation is initiated and the Village prevails in the action."

Add Subsection: "**309.3 Recovery of Abatement Expenses.** The expenses incurred by the Village and chargeable to the property owner under section 309.2 shall be a lien upon the land. Whenever an invoice for such expenses remains unpaid by the property owner for thirty (30) days after actual

receipt, the Administrator shall make a written return to the County Auditor of the expenses to be charged and a proper description of the premises. Such amounts, when allowed, shall be entered upon the tax duplicate, shall be a lien upon such lands from and after the date of entry, and shall be collected as other taxes, to be returned to the Village and deposited in the General Fund. The remedies provided in this section and in Section 309.1 are in addition to the penalty provided in Section 106.4."

Section 602.3 Insert: "October 15 – May 15"

Section 602.4 Insert: "October 15 -- May 15"

Chapter 8 Replace entire Chapter with:
"REFERENCED STANDARDS:
2008 National Electric Code
2006 Ohio Residential Code
2007 Ohio Building Code
2007 Ohio Fire Code
2007 Ohio Mechanical Code
2007 Ohio Plumbing Code;
and all subsequent revisions."

SECTION 3. All other ordinances or parts of ordinances in conflict, including but not limited to, the Village of Jackson Center's Property Maintenance Code (ordinance 05-17), and the cutting of grass and weeds ordinance (Ordinance 83-17), herewith are hereby repealed.

SECTION 4. If any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. Council hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

SECTION 5. Nothing in this Ordinance or in the Property Maintenance Code hereby adopted shall be construed to affect any suit or proceeding impending any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act of ordinance hereby repealed as cited in Section 2 of this Ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Ordinance.

SECTION 6. As it is necessary to immediately implement the Property Maintenance Code to provide legislation to update and fill in the gaps in Jackson Center's' code regarding property maintenance, this ordinance is hereby declared to be an emergency measure, necessary for the preservations of the public health, safety and welfare, and as a result this ordinance will take effect immediately upon its passage.

Adopted this 25th day of August, 2008.

x Scott Klopfenstein
Scott Klopfenstein, Mayor

Attest:
x Beverly A. Lehen

Beverly A. Wren, Fiscal Officer

CERTIFICATE OF FISCAL OFFICER AS TO POSTING

I certify that the above Ordinance No. 08-19 has been posted as required by law. Posted in the Village Office, US Bank NA, Allenbaugh Insurance, Phil's Cardinal and the Jackson Center Library.

Date of Posting: August 26, 2008

Signed: Beverly A. Wren
Beverly A. Wren, Fiscal Officer

First Reading 08/11/08

Second Reading 08/25/08

Third Reading Suspended
08/25/08