

Village of Mantua
Ohio
Ordinance 2004 -11
As Amended
(Revised 10-15-04)

Introduced By: Christina Hummel

Seconded By: Jim Yager

AN ORDINANCE ADOPTING CHAPTER 480 OF MANTUA'S ZONING CODE ENACTING AN EXTERIOR MAINTENANCE CODE FOR THE VILLAGE OF MANTUA, WITH AN AMENDMENT AND DECLARING AN EMERGENCY

WHEREAS, the Mantua Planning and Zoning Commission has composed an exterior maintenance Code which would require that all properties within the Village be properly maintained, that the necessary public hearings have been conducted, and that it is apparent that the community desires that this set of regulations be adopted and implemented as soon as possible; and

WHEREAS, Village Council has determined that these regulations should be implemented as soon as possible;

NOW, THEREFORE, BE IT ORDAINED by the Council for the Village of Mantua, County of Portage, State of Ohio, that:

Section 1. Chapter 480 of Mantua's Zoning Code entitled "Exterior Maintenance Code" shall be enacted as follows:

CHAPTER 480
Exterior Maintenance Code

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| 480.01 Title and Scope | 480.12 Yard Maintenance |
| 480.02 Purpose | 480.13 Abandoned Structures and
Unoccupied Lots |
| 480.03 Findings; Declaration of Policy | 480.14 Noncompliance with Final Orders |
| 480.04 Application | 480.99 Penalties |
| 480.05 Conflict of Laws | 480.100 Property Maintenance
Advisory Board |
| 480.06 Enforcement | |
| 480.07 Maintenance of Responsibility | |
| 480.10 General Exterior Maintenance Requirements | |
| 480.11 Exterior Surfaces | |
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480.01 TITLE AND SCOPE

(a) This chapter shall be known as the Exterior Property Maintenance Code of the Village of Mantua, Ohio

b) This chapter is strictly limited to the establishment of standards for the maintenance of exterior surfaces and exterior functioning units of all residential, retail, commercial and industrial structures and buildings 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 directed to visual problems and deteriorated property values which may on occasion cause blighting conditions within the Village. All matters of the interior use, occupancy or habitation of any structure or building within the Village are specifically excluded from the provisions of this chapter.

480.02 PURPOSES

The purpose of this code is to protect the public health, safety and welfare by establishing standards governing the maintenance, appearance and exterior condition of all premises 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; to fix penalties for the violations of this code; to provide for the repair, demolition or vacation of premises unfit for human habitation, occupancy or use. This code is hereby declared to be remedial and essential for the public interest, and is intended that this code be construed and interpreted to implement the purposes as stated herein.

480.03 FINDINGS; DECLARATION OF POLICY

It is hereby found and declared that there exist in the Village various and several structures, including yard areas immediately contiguous thereto, which are deteriorated or defective with respect to exterior maintenance and further, that such conditions, including, but not limited to, structural deterioration, lack of maintenance, the exterior appearance of premises and the existence of exterior fire hazards and unsanitary conditions, constitute an immediate threat to the health, safety, welfare and reasonable comfort of the residents and inhabitants of the Village. It is further found and declared that, by reason of lack of maintenance and progressive deterioration, the exterior appearance of certain properties has the further effect of creating blighting conditions and initiating depressed neighborhood groupings, and if the same are not curtailed and corrected, the conditions are likely to grow and spread and necessitate, in time, the expenditure of public funds to correct and eliminate the same, and that by reason of timely regulations and restrictions as herein contained, the growth of such blight may be prevented and the immediate neighborhood and property values thereby maintained.

480.04 APPLICATION

Every residential, nonresidential or mixed occupancy building, and the land on which it is situated, used or intended to be used for dwelling, commercial business or industrial occupancy, shall comply with the provisions of this code, whether or not such building shall have been constructed, altered or repaired before or after enactment of this code, and without regard to any permits or licenses which shall have been issued for the use or

occupancy of the building or premises for the construction or repair of the building, or for the installation or repair equipment or facilities prior to the effective date of this code. This code establishes 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 regulated by and subject to the provisions of this code.

480.05 CONFLICT OF LAWS

In any case where a provision of this code imposes a higher standard than that set forth in any other ordinance of the Village or law of the State, then the standard set forth herein shall prevail, but if a provision of this code 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.

480.06 ENFORCEMENT

The enforcement of the provisions of the code shall be the responsibility of the Village Zoning Inspector, as designated by the Mayor, together with such additional enforcement officers as may be required, to carry out and implement all the provisions herein.

- (a) **Inspection:** All buildings and premises within the Village are subject to exterior inspections from time to time by the Zoning Inspector using those public access venues (roads, sidewalks) as may be available. When entry by the Zoning Inspector onto private property is deemed necessary in the furtherance of his duties, such inspection shall be preceded by written notice of the inspection given to the property owner at least forty-eight hours before the inspection, except in case of emergency.
- (b) In cases where citizen complaints trigger an inspection, the property owner will be notified of the complaint in writing by the Zoning inspector, and an appointment for closer inspection scheduled to resolve the issue.
- (c) **Notice:** Where a violation of any provision of this code 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 and shall provide for a reasonable period of time, not less than 30 days nor more than 90 days, to correct or abate the violation. In the event that weather is a major consideration in correcting or abating a violation, the Zoning Inspector may extend the time set forth herein to not less than an additional thirty days, but not more than sixty days, immediately following the occurrence of appropriate weather conditions, such schedule being consistent with the weather conditions.

Notice may be served personally or by certified mail addressed to the last known address of the person to be served or by leaving a copy thereof at the usual residence of the person to be served. If the last known address cannot be ascertained, the notice shall be posted on the outside front entrance of the structure in alleged violation.

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

(d) **Corrective Action Delay:** In the event the property owner can demonstrate that corrective action to abate violation within the time frame outlined in (b) above would impose serious financial hardship or ruin, the Zoning Inspector is empowered, subject to review by the Planning and Zoning Commission, to delay the initiation of any corrective action upon receiving a commitment in writing from the property owner that: (1) the property owner voluntarily and freely accepts the determination that his property is in violation of this Code and must be improved to eliminated such violation(s); and (2) the property owner makes a specific "time commitment" representation as to when the violation elimination activity will be initiated, and when all such actions will be completed, eliminating any and/or all such violation(s). Such time period may be unique to each commitment, but shall not exceed two (2) years. Any property owner receiving a corrective action delay shall periodically report at regular intervals to the Zoning Inspector or on the progress made toward both beginning the remediation activity, completing such activity and eliminating any/all violations.

(e) **Appeal:** Within 30 days of the date of service of notice, any person affected by the notice may request a hearing thereon before the Board of Zoning Appeals by filing a written request with the Clerk of the Board. The Chairperson of the Board, upon receipt of the request, shall, within 30 days from that date, and upon five days notice to the party and the Zoning Inspector, set the matter down for hearing. The Board 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. Any order of modification or dismissal shall be effective for two years following the date of issuance of such order, and thereafter the subject matter of such order of modification or dismissal may be amenable to further inspection, notice and appeal as set forth herein.

The Board of Zoning Appeals shall consider only the following in determining appropriate action to be taken:

1. That any modification of the original order of the Zoning Inspector shall not, in any material way, alter the standards of this code 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 be substantially disproportionate to any benefit to health, safety or welfare of the community that might be derived therefrom.

No license or permit or other certification of compliance with this code shall constitute a defense against any violation of 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 other provision, nor any official of the Village from enforcing any such other provision.

480.07 MAINTENANCE RESPONSIBILITY

The owner of every single or multiple unit structure within the Village shall be responsible for maintaining the exterior surfaces of the same in conformance with the provisions of this code.

The owner of every single or multiple unit structure within the Village shall be responsible for maintaining the yard area immediately contiguous thereto in conformance to the provisions of this code.

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

480.10 GENERAL EXTERIOR MAINTENANCE REQUIREMENTS

- (a) The exterior surfaces and all exterior members of all structures within the Village, be the same 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 contiguous to all structures within the Village, and extending up to and including the lot line in all directions, shall be maintained in a safe, clean and sanitary condition.

480.11 EXTERIOR SURFACES

- (a) All exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. An exterior wall segment, facing or other distinguishable surface area determined by the Zoning Inspector to have more than twenty-five (25%) per cent of its total area bare, peeling, flaking, pitted or otherwise deteriorated shall be surface coated. All siding and masonry joints as well as those between the building envelope and the perimeter of windows, doors, and skylights shall be maintained weather resistant and water tight. All metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion, and all surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust or corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.
- (b) All foundation walls shall be maintained plumb and free from open cracks and breaks and shall be kept in such a condition so as to prevent the entry of rodents and other pests.
- (c) All exterior walls shall be free from holes, breaks, and loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent deterioration.
- (d) The roof and flashing shall be sound and not have defects that admit rain. Roof drainage shall be adequate to prevent deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair, free from visible oxidation, and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.
- (e) Every exterior stairway, deck, porch or balcony shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads.

(f) All chimneys, cooling towers, smoke stacks, and similar appurtenances shall be maintained structurally safe and sound, and in good repair. All exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface coating.

(g) Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight.

480.12 YARD MAINTENANCE

(a) Refuse:

(1) No furniture (except lawn furniture in good repair), mattresses, household furnishings, rugs, appliances, abandoned railroad ties, tires, wheels, abandoned vehicle parts, dilapidated automobiles or automobile parts shall be placed or stored in any yard area contiguous to any structures within the village over a period in excess of forty-eight hours, provided, however, that such of the items as are set for herein are usually good and ordinarily placed for scheduled refuse hauling may be so placed for a period of time not to exceed the next regularly scheduled refuse hauling date. "Exemption to the 48 hour limitation is provided to commercial entities whose storage of automotive-related items is consistent with their normal business practice." Property owners and/or residents are urged to remove emptied trash receptacles or recycle bins from the roadside within 24 hours after collection to a sheltered area convenient for use.

(2) Property areas of all premises 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. Broken glass, stumps, filth, garbage, trash and debris shall not be permitted on any property. This section does not apply to legitimate building materials stored on lots with projects in progress, subject to Title VI, Section 650 of the Mantua Zoning Code.

(b) Trees, grass and shrubbery:

(1) All trees, shrubs or plants should be trimmed of dead, decayed or broken portions thereof and the debris properly disposed of.

(2) Grass and weeds, on improved lots, shall be maintained, controlled and cut on a regular basis. Grass or weeds in excess of 9 inches in height constitute a public nuisance and health risk.

(c) Accessory Structures:

(1) All structures located in the yard area contiguous to all zoning categories 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 code having regard to foundations, roofs and exterior surfaces.

(2) Any broken, deteriorated or decayed fence, yard enclosure or other device or structure located in the yard area contiguous to all zoning categories within the Village shall be repaired or removed.

(d) Driveways: A driveway is that area giving access and egress to motor vehicles from the street to the garage or a parking area, having a surface of asphalt, concrete or gravel, and shall be maintained in good repair.

(e) Ground-Surface Hazards: Holes, cracks, excavations, breaks, projection and obstructions at any place on the premises which are a hazard to persons using the premises shall not be permitted.

(f) Sidewalks: Shall be maintained in good repair in accordance with Village Ordinance No. 1995-25.

If any structure shall become abandoned for a period of more than 90 days, such structure may 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. For the purpose of this section, "abandon" shall mean to give up occupancy in the structure with the intent of never again claiming occupancy in the structure.

Whenever the Zoning Inspector shall find that any structure has been abandoned, notice shall be given in the same manner as a service of summons in a civil case or by certified mail addressed to the owner of record of the premises at his or her last known address or to the address to which tax bills are sent, or by a combination of the foregoing methods, to abate such abandoned condition within thirty days either by placing the structure in operation in accordance with this section, by adapting and using the structure for another use permitted in the zoning district, or by razing the structure, removing all debris, signs, goods, supplies and equipment, and filling depressions to the grade level of the lot, provided, however, that if the structure is used after the notice is given and remains in operation for ninety consecutive days, the provisions of this section shall not apply.

Upon the failure, neglect or refusal of any owner to comply with the notice to abate such abandonment, the Zoning Inspector shall advise the Village Solicitor of all the facts and the Village Solicitor shall proceed to exercise on behalf of the Village any remedy which shall then be available to it to secure an abatement of such abandonment, including any 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 Village, including all damages reasonable under Ohio R.C. 715.26 and 715.261.

Unoccupied, empty or inoperative structures, whether or not abandoned, together with the lot upon which any such structure is located and with any other unoccupied or empty lot, shall be maintained in accordance with the provisions of this code. 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. The parking of motor vehicles upon said premises shall be prohibited, and the Zoning Inspector may order the owner of the premises to install fencing which is in compliance with the Mantua Village Zoning Code and which will be sufficient to block motor vehicles access to said property.

480.14**NONCOMPLIANCE WITH FINAL ORDERS**

Whenever the person charged herein with the maintenance of a structure or premises fails to comply with any final order as provided in this code, the Village Solicitor or appropriate Village Law Enforcement Officer shall institute an appropriate action at law.

480.99**PENALTIES**

- (a) Whoever violates any provision of this code, or fails to comply with any final order as provided herein shall be guilty of a minor misdemeanor and shall be fined not more than one hundred dollars (\$100.00). A separate offense shall be deemed committed each day on which a violation or noncompliance occurs or continues.

