

Village of Evendale 2015 Property Maintenance Committee Report and Recommendations

Proposed Code Revisions – Clean Copy

CHAPTER 1468 Property Maintenance Code

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1468.01 PURPOSE, INTENT AND DEFINITIONS.

- A. Purpose and Intent. Regulations for protecting the public health, safety and welfare are set forth in this chapter. This chapter shall insure the public health, safety and welfare by establishing minimum standards governing the maintenance, appearance, and conditions of all residential and nonresidential premises; by fixing certain responsibilities and duties upon owner, agent, operator, occupant, firm or corporation having a legal or equitable interest in the property, including a guardian of the estate of such person, if ordered to take possession of the real property by a court; by authorizing and establishing procedures for the inspection of residential and nonresidential premises; and by fixing penalties for violations of this Code. Existing structures and premises that do not comply with these provisions shall be altered or repaired to provide a minimum level of health and safety as required herein. This Code is hereby declared remedial and essential for the public interest and it is intended that this Code be liberally construed to effectuate the purposes stated herein.
- B. Definitions. As used in this chapter,
1. "Abandoned Vehicle" Means a vehicle which:
 - a) is inoperable, is more than five (5) years old, and has been left unattended on private property for more than fourteen (14) days; OR
 - b) has remained on private property without the consent of the owner or person in charge of the property for more than fourteen (14) days; OR
 - c) has been left outside, unattended on private property for more than thirty (30) days.
 2. "Accessory Structure" means a subordinate structure customarily incidental to, detached from and located upon the same lot occupied by the principal structure or use, including, but not limited to, sheds, garages, and play equipment.
 3. "Basement" means a portion of a building located partly underground, but having less than half its clear floor-to-ceiling height below the average grade of the adjoining ground.
 4. "Bathroom" means a room containing plumbing fixtures including a bathtub, toilet, urinal, water closet or shower.
 5. "Bedroom" means any private room in a dwelling suitable for regular use for sleeping purposes. Bedrooms include dens,

studies, or libraries but exclude living rooms, family rooms, dining rooms, kitchens, bathrooms, laundry rooms, and mud rooms. Any room designated as other than a bedroom, but that in the judgment of the Building Commissioner would normally be usable for sleeping purposes, shall be considered a bedroom.

6. “Blighted” or “deteriorated” as it refers to “blighting” or “deteriorating” influences, factors and conditions within this Code means the condition of any structure or land, except property used for agricultural purposes, in a predominantly built-up neighborhood:
 - a) Which because of physical condition or use is regarded as a public nuisance at common law or has been declared a public nuisance in accordance with local housing, building, plumbing, fire or related codes;
 - b) Which because of physical condition, use or occupancy is considered an attractive nuisance to children, including, but not limited to, abandoned wells, shafts, basements, excavations, and unsafe fences or structures;
 - c) Which, because it is dilapidated, unsanitary, unsafe, vermin-infested or lacking in the facilities and equipment required by the housing code of the municipality, has been designated as unfit for human habitation by the building commissioner;
 - d) Which is a fire hazard, or is otherwise dangerous to the safety of persons or property;
 - e) From which the utilities, plumbing, heating, sewerage or other facilities have been disconnected, destroyed, removed, or rendered ineffective so that the property is unfit for its intended use;
 - f) Which by reason of neglect or lack of maintenance has become a place for accumulation of trash and debris, or a haven for rodents or other vermin;
 - g) Which has been tax delinquent for a period of at least three (3) years; or
 - h) Which has not been rehabilitated within the time constraints placed upon the owner by the building commissioner;
7. “Building” See “Structure”.
8. “Building Commissioner” means the official certified by the Ohio Board of Building Standards to operate the Evendale Building Department, or any duly authorized representative or designee.
 6. “Code” means this Chapter 1468, Property Maintenance Code. “Commercial Vehicle” means any of the following:
 - (a) Any vehicle exceeding 8,800 pounds gross vehicle weight; or
 - (b) A passenger van designed to transport ten or more individuals, regardless of its weight.

9. “Deterioration” means the condition or appearance of a building or part thereof, characterized by holes, breaks, rot, crumbling, cracking, peeling, rusting or other evidence of physical decay, neglect or lack of maintenance.
10. “Driveway” means a roadway-like path with a surface of concrete or asphalt for the ingress and egress of vehicles from the right of way to a parcel (but which is not the parking areas of a business).
11. “Evendale Zoning Code” means Part Twelve, Title Four of the Evendale, Ohio Code of Ordinances.
12. “Exposed to Public View” means any premises or any part thereof, or any building or any part thereof, which may be viewed by the public, or any member thereof, from a sidewalk, street, alleyway or open air parking lot, or from the area of any adjoining or neighboring premises.
13. “Exterior of the Property” means the open space of any premises outside of any building erected thereon.
14. “Exterior property” means the open space on the premises and on adjoining property under the control of the owners or operators of such premises.
15. “Family” Means one of the following:
 - a) One person;
 - b) Two or more persons related by blood, marriage, adoption or guardianship living together as a single housekeeping unit in a residence;
 - c) Two unrelated persons and their children living together as a single housekeeping unit in a residence; or
 - d) A group of not more than four unrelated persons living together as a single housekeeping unit.
16. “Fire Hazard” means any thing or act which increases or may cause an increase of the hazard or menace of fire to a greater degree than that customarily recognized as normal by persons in the public service of preventing, suppressing or extinguishing fire, or which may obstruct, delay or hinder or may become the cause of obstruction, a delay or a hindrance to the prevention, suppression or extinguishment of fire, or any other fire hazard defined in these Codified Ordinances.
17. “Front Yard” see “Yard, Front”.
18. “HabitableSpace” means a space in a building for living, sleeping, eating or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces and similar areas are not considered habitable spaces.
19. “Impassable” A private driveway or improved easement is impassable when because of age, neglect, deterioration or disaster—natural or manmade—the private driveway or improved

easement will no longer safely support motor vehicular traffic of the type necessary to provide police and fire/paramedic service to any one of the premises served by the private driveway or improved easement. It is *prima facie* evidence that a private driveway or improved easement is impassable when it does not meet the standards required for private and public fire lanes as specified in the Village of Evendale Fire Code.

20. "In danger of becoming impassable" A private driveway or improved easement is in danger of becoming impassable if, in the opinion of the Building Commissioner, the private driveway or improved easement is more likely than not to become impassable within the next 60 days.
21. "Infestation" means the presence, within or contiguous to a structure or premises, of vermin.
22. "Landscaping" means the improvement of a lot, parcel or tract of land with grass, shrubs, and trees. Landscaping may include, but is not limited to: pedestrian walks; flower beds; and ornamental objects such as fountains, statuary, and other similar natural and artificial objects designed and arranged to produce an aesthetically pleasing effect.
23. "Let or Rent/Lease for Occupancy" means to permit, provide or offer possession or occupancy of a dwelling, premises or structure to a person or persons who are not the legal owner of record thereof, pursuant to a written or unwritten agreement or contract, recorded or not.
24. "Motor vehicle" means every vehicle intended to be propelled or drawn by power other than muscle power including, but not limited to, automobiles, trucks, trailers, boats, construction equipment, buses, and tractors.
25. "Nonresidential" means any parcel of land within the Village that does not fall within the definition of "Residential".
26. "Occupant" means any person living or sleeping in a building; or having possession of a space within a building.
27. "Operator" means any person who has charge, care or control of a structure or premises which is let or offered for occupancy.
28. "Owner" means any person, agent, operator, firm or corporation having a legal or equitable interest in the property; or recorded in the official records of the state, county, or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.
29. "Parcel benefitted by" means that a parcel is "benefitted by" a private driveway or improved easement if the owners, occupiers,

tenants or users of said parcel have used said private driveway or improved easement for access to that parcel on any date in the preceding calendar year. It is *prima facie* evidence that such use occurred if (1) the private driveway or improved easement provides the sole means of motor vehicular ingress and egress to said parcel; or (2) there exists on said parcel a driveway that connects to the private driveway or improved easement that is subject to the order in some manner to a public street or thoroughfare of the Village of Evendale.

30. "Parked vehicle" means any operable vehicle that does not fit the definition of "stored vehicle".
31. "Plumbing" means and includes all of the following supplied facilities and equipment: gas pipes, gas-burning equipment, water pipes, garbage disposal units, waste pipes, water closets, sinks, installed dishwashers, lavatories, bathtubs, shower baths, installed clothes-washing machines, catch basins, drains, vents, and any other similar supplied fixtures, together with all connections to water, sewer, or gas lines.
32. "Premises" means a lot, plot or parcel of land, whether vacant or including any structures thereon.
33. "Private Driveway" means the full width of an easement with a part thereof being paved as a private drive and not dedicated to the Village for public use, providing access to residential or other abutting property from the right of way to a parcel or parcels where approved to be constructed as a private drive in lieu of a dedicated street.
34. Recreational Vehicle means any vehicle or boat originally designed for recreation or human habitation, including, but not limited to, the following:
 - a) "Boat." Any vessel used for water travel. A boat mounted on a trailer shall be considered one vehicle.
 - b) "Camper Trailer." A folding or collapsible vehicle without its own motive power, designed as temporary living quarters for travel, camping, recreation or vacation use;
 - c) "Motorized Home." A temporary dwelling designed and constructed for travel, camping, recreational or vacation uses as an integral part of a self-propelled vehicle.
 - d) "Off-The-Road Vehicle." A vehicle intended principally for recreational use off of roads where state vehicle licenses are required, such as a dune buggy, go-cart, snowmobile, or aircraft.

- e) "Racing Car" or "Cycle." A vehicle intended to be used in racing competition, such as a race car, stock car, or racing cycle.
 - f) "Travel Trailer" or "Trailer" means a vehicle without its own motor power that is designed to transport other vehicles, equipment and objects, and that is eligible to be licensed or registered and insured for highway use.
 - g) "Truck Camper." A structure designed primarily to be mounted on a pickup or truck chassis and designed to be used as a temporary dwelling for travel, camping, recreational, or vacation uses. When mounted on a truck, such a structure and the truck shall together be considered one vehicle.
 - h) "Van." A general term applied to a non-commercial motor vehicle licensed by the State of Ohio as a Recreational Vehicle.
35. "Residential" means any parcel of land that includes a single-family dwelling intended primarily for use as a residence, or any vacant parcel platted for one single-family dwelling.
36. "Side Yard" see "Yard, Side".
37. "Stored" as pertaining to "vehicles" means any operable vehicle that remains on premises for greater than 24 hours during any time Monday through Friday, or greater than 72 hours from Friday to Monday. All inoperable vehicles located on premises are considered "stored vehicles."
38. "Structure" means anything constructed or made, the use of which requires permanent location in or on the ground or attachment to something having a permanent location in or on the ground, including driveways, patios, and other similar structures.
39. "Vehicle" means a device, including a motorized bicycle, in, upon or by which any person or property may be transported or drawn upon a street or highway, except motorized wheelchairs and devices moved by human power, such as bicycles. (For the purposes of this chapter only, "vehicle" does not include "Recreational Vehicle," "Commercial Vehicle," or "Trailer.")
40. "Vermin" means animals, insects, and other organisms whose presence in, on, or around a premises constitute or have the potential to constitute a health hazard, and include, but are not limited to, rats, mice, birds, roaches, etc.
41. "Workmanlike" means executed in a skilled manner; e.g., generally plumb, level, square, in line, undamaged, and without marring adjacent work.
42. "Yard, Front" means the area between a front lot line and the building line. Where no structure exists, it is considered that area

between the front lot line and the front setback line. A corner lot must have two front yards and two rear yards opposite those front lot yards.

43. “Yard, Rear” means the area between a rear lot line and the rear building line. Where no structure exists, it is considered that area between the rear lot line and the rear setback line. In the case of a corner lot, there will be two rear yards opposite the two front yards.
44. “Yard, Side” means any yard between a lot line and a building line which is not considered a front or rear yard. Where no structure exists, it is considered that area between the side lot lines and the side setback lines.

1468.02 APPLICABILITY AND SCOPE.

- A. Generally. This code is to protect the public health, safety and welfare in all existing structures, residential and nonresidential, and on all residential and nonresidential premises by establishing minimum requirements and standards for sanitation, protection from the elements, and safe and sanitary maintenance; fixing the responsibility of owners, agents, operators, occupants, firms, or corporations having a legal or equitable interest in the property, including a guardian of the estate of such person, if ordered to take possession of the real property by a court; regulating the occupancy of existing structures and premises, whether or not such structure has been constructed, altered or repaired before or after the enactment of this Code and irrespective of any permits or licenses which have been issued for the use or occupancy of the building, or for the installation or repair of equipment, or for the initial and continued occupancy and use of all such buildings, and providing for administration, enforcement and penalties.
- B. Responsibility for Compliance. The owner, agent, operator, occupant, firm or corporation having a legal or equitable interest in a property, including a guardian of the estate of such person, if ordered to take possession of the real property by a court, shall be responsible for compliance with all provisions of this chapter, as to said property, including all structures and other elements located thereon, except where the responsibility therefor is specifically placed elsewhere.
- C. Conflict of Laws. The provisions of this chapter shall govern the minimum conditions and the responsibilities of persons for maintenance of structures, equipment and exterior property. In any case where the provisions of this Code impose a higher standard than that which is set forth in any other ordinance of the Village or the laws of the State, the standard set forth herein shall prevail. If the provisions of this Code impose a lower standard, then the higher standard set forth in any other ordinance or law shall prevail.

- D. Issuance and Renewal of Other Permits and Licenses. After the Date of enactment hereof, all licenses and permits shall be issued upon compliance with this Code as well as compliance with the ordinances under which such licenses and permits are granted.
- E. Enforcement and Compliance with Other Ordinances. No license or permit or other certification of compliance with this Code shall constitute a defense against any violation of any other ordinance of the Village applicable to any structure or premises, nor shall any provisions herein relieve any owner, agent, operator, occupant, firm or corporation having a legal or equitable interest in the property, including a guardian of the estate of such person, if ordered to take possession of the real property by a court, subject to these requirements, from the duty of complying with any other such provision, nor any official of the Village from enforcing any other such provision.

1468.03 EXISTING REMEDIES.

The provisions in this chapter shall not be construed to abolish or impair existing remedies relating to the removal or demolition of any structure which is dangerous, unsafe and unsanitary.

1468.04 SEVERABILITY.

Each portion of this chapter stands on its own. If any section, subsection, or portion thereof is found by the courts to be invalid or unconstitutional, only that portion shall be affected by that decision. The remainder of this chapter shall remain intact and in force.

1468.05 PROPERTY MAINTENANCE REGULATIONS.

- A. General Maintenance of Structures and Exterior Premises. The exterior of all structures and exterior premises shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare. All surfaces thereon shall be kept painted where necessary for the purpose of preservation and appearance, or surface-coated with a protective coating or treated to prevent rot and decay. Exteriors of all structures shall be maintained free of broken windows, crumbling stone or brick, peeling paint or other condition reflective of deterioration or inadequate maintenance to the end that the property itself may be preserved, safety and fire hazards eliminated and adjoining properties and the immediate neighborhood protected from blighting influences.
- B. Sanitation and Vermin.

1. Sanitation. All structures and exterior premises shall be maintained in a clean, safe and sanitary condition. The occupant shall keep that part of the structures and exterior premises which such occupant occupies or controls in a clean and sanitary condition.
 2. Vermin harborage. All structures and exterior premises shall be kept free from vermin infestation. Where vermin are found, they shall be promptly exterminated by approved processes which will not be injurious to human health. After extermination, proper precautions shall be taken to prevent re-infestation.
- C. Structural Maintenance.
1. Structural members. All structural members shall be maintained free from deterioration and shall be capable of safely supporting the imposed dead and live loads.
 2. Foundation walls. All foundation walls shall be maintained plumb and free from cracks and breaks and shall be kept in such condition so as to prevent the entry of rats or water.
 3. Exterior walls. All exterior walls shall be free from holes, breaks, loose or rotting materials; and maintained weatherproof and properly surface coated, such as paint or similar surface treatment, to prevent deterioration.
 4. Roof and drainage. The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof water shall be discharged in accordance with plans which have been approved by the Evendale Building Department.
 5. Decorative features. All cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.
 6. Chimneys and towers. 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 treatment.
- D. Maintenance of Exterior Elements – Structures.
1. Sidewalks and driveways.
 - a) All sidewalks, walkways, stairs, driveways, private driveways, spaces and similar areas on a lot:
 - i. Shall be kept in a proper state of repair, and maintained free from hazardous conditions;
 - ii. Shall have a permanent paved surface; and

- iii. If in existence prior to the enactment of this Chapter and being unpaved, may be maintained as an unpaved surface which is dustless and compacted.
 - b) Private Driveways and Improved Easements. Any private driveway for vehicular ingress and egress which intersects at any point with a public street or thoroughfare of the Village of Evendale, Ohio and provides access to more than one premises, shall be maintained in a condition so that the private driveway is passable for ingress and egress by motor vehicle, including police, fire and paramedic vehicles, to all structures serviced by said private driveway.
 - c) Nuisance Impact of Impassible Private Driveways. Any private driveway or improved easement for vehicular ingress and egress is hereby declared a nuisance and a danger to the health and safety of the citizens of the Village of Evendale where, because of its construction, weathering, advanced age, neglect, lack of maintenance, fire, explosion, earthquake, vandalism, or other natural or manmade causes:
 - i. Has been rendered impassable by motor vehicle traffic, including police, fire and paramedic vehicles; or
 - ii. Is in danger of becoming impassable by motor vehicle traffic, including police, fire and paramedic vehicles.
 - 2. Stairs, Decks, Patios, Handrails and Similar Appurtenances. Exterior stairs, decks, porches, balconies and all similar appurtenances attached thereto, including guards and handrails, shall be structurally sound and properly anchored with connections capable of supporting all nominal loads and resisting all load effects, and shall be maintained in good condition.
- E. Maintenance of Exterior Areas.
- 1. Grading and drainage. All premises shall be graded and maintained to prevent the accumulation of stagnant water thereon, or within any structure located thereon. Water retention areas and reservoirs approved by the Building Department are exempt from this provision.
 - 2. Overhangs. Loose and overhanging objects, both man-made and natural, which, by reason of location above ground level, constitute a danger of falling on persons in the vicinity thereof and shall be removed from the premises or repaired to a safe condition.
 - 3. Landscaping. All owners of land shall be responsible for the maintenance of all landscaping. This includes mowing and maintaining lawns and landscaping both on the property and in the areas abutting rights-of-way, swales, lake, and creek banks.

Landscaping shall be maintained in a good condition so as to present a healthy, neat and orderly appearance and shall be mowed or trimmed in a manner and at a frequency so as not to detract from the appearance of the general area. Landscaping shall be maintained such that it will not cause property damage and public safety hazards, including removal of living, dead or decaying plant material, and those obstructing street lighting. Landscaping shall be maintained in accordance with the following standards:

- a) Insects, disease, etc.: Landscaping shall be kept free of visible signs of infestation of insects and of disease and to enable landscaping to be in a healthy condition.
 - b) Turf edge trimming: Property owners are encouraged to edge all roadways, curbs and sidewalks to prevent encroachment from the adjacent turfed areas.
 - c) Maintenance of irrigation systems: Irrigation systems, where installed, shall be maintained to eliminate water loss due to damaged, missing or improperly operating sprinkler heads, emitters, pipes and all other portions of the irrigation system and shall not be installed or operated to place water on roads.
 - d) Natural Wooded Areas.
 - i. An area which is a previously undisturbed, naturally wooded and vegetated area is exempt from the maintenance provisions of 1468.05(E)(3).
 - ii. An area which has been previously disturbed and used as landscaped area, lawn, or otherwise, may be exempt from the maintenance provisions of 1468.05(E)(3) upon determination of the Building Commissioner if it is shown to be an area which is in the process of being returned to its natural, wooded condition, and which is otherwise not required to be landscaped under any provision within the Evendale Zoning Code.
 - e) For additional limitations on natural growth, trees, and grass/lawns, please see Evendale, Ohio Code of Ordinances Chapter 674.
4. Refuse.
- a) Refuse, including, but not limited to, an accumulation of brush, rubbish, garbage, trash, refuse, broken glass, automobile parts, stumps and roots which may create a health, accident or fire hazard, or which is a public nuisance, or which constitutes a blighting or deteriorating influence on the neighborhood, shall be removed from the premises.

- b) Refuse and refuse receptacles shall not be kept or stored in the front yard of any premises any time except for twelve (12) hours before and after trash pickup.
5. Firewood. Front yards shall be kept free, and storage shall be prohibited, of all firewood, brush, logs or any other material intended to be used in fireplaces or other permitted burning facilities. Storage of such materials shall be permitted only in rear yards and under the following conditions:
- a) The firewood shall be stacked no higher than six feet;
 - b) It shall be cut firewood;
 - c) It shall be stored at least five feet from the property line;
 - d) It shall be stored in such a manner as not to constitute a fire hazard; and
 - e) Storage piles shall not cumulatively exceed 256 cubic feet per parcel in an exposed area. Additional wood may be stored in an enclosed area, accessory structure, garage or shed.
6. Rain Barrels.
- a) Roof drains, gutters and downspouts.
 - i. Shall be maintained in good repair and free from obstructions.
 - ii. Roof water shall not be discharged in a manner that creates a public nuisance.
 - iii. Roof drains, gutters and downspouts may be connected to a public storm sewer where one is accessible, or in the event a public storm sewer is not available or accessible, such drains, gutters and downspouts shall be discharged in a manner approved by the Building Commissioner and the Village Engineer, or his or her duly authorized representative.
 - iv. One or more downspout(s) may be diverted into an approved rain barrel or other structural storage container, provided that the overflow from such appurtenances is directed into the public storm sewer system or is discharged in a manner approved by the Building Commissioner and the Village Engineer, or his or her duly authorized representative.
 - v. Rain barrels or other structural storage containers shall be covered at all times and incorporate a drainage system that directs any overflow away from the building's foundation and into the public storm sewer system or to a discharge point that is approved

- by the Building Commissioner and the Village Engineer, or his or her duly authorized representative.
- vi. The installation of rain barrels or other structural storage containers shall be subject to review and approval of the Building Commissioner, or his or her duly authorized representative, and shall conform to the standards set forth by the Village for such devices.
 - vii. Visual screening of rain barrels or other structural storage containers may be required, on a case by case basis, so as to prevent unsightly visual impacts to the surrounding area. This will be determined by the Building Commissioner, or his or her duly authorized representative, at the time of permit application and subject to any standards set forth by the Village.
 - b) This requirement shall be waived for existing appurtenant structures if, in the opinion of the Building Commissioner, or his or her duly authorized representative, the drainage does not cause excessive erosion or water damage or does not create a nuisance on public or private property.
7. Compost Piles. Nothing in this chapter shall be construed or interpreted so as to prevent persons from creating or maintaining a compost pile or piles for yard waste, provided that such pile or piles are not stored in quantities or locations prohibited by any provision of this chapter or by any ordinance of the Village or law of the State. All compost piles:
- a) Shall not be visible from the public right-of-way;
 - b) Shall not create any health or fire hazard;
 - c) Shall not be created or maintained in any front or side yard or located closer than five feet from any side or rear lot line;
 - d) Shall be permitted if the compost pile or piles are enclosed by a barrier on all sides which shall not exceed four feet in height;
 - e) Shall not be in excess of one percent of the square footage of the lot or seventy-five square feet, whichever is less;
 - f) Shall not impede any natural watercourse or drainage from any property; and
 - g) May contain any organic yard waste or vegetable waste. Meat products, dairy products, food oils and animal wastes are prohibited.
- F. Parking and Storage of Vehicles.

1. Vehicle parking. All vehicles shall be properly parked in the driveway, garage, designated parking area, or right-of-way where permitted pursuant to Chapter 452.
 2. Storage of vehicles. All vehicles which are junk vehicles, abandoned vehicles, or which do not carry a current year's license plate and registration where required by law shall be stored in a completely enclosed, authorized or permitted building on a lot or premises, except as an otherwise permitted use in the district where such a vehicle is located. No motor vehicle may be in a major state of disassembly, disrepair, or in the process of being stripped or dismantled except within a wholly enclosed structure approved for such purposes.
 3. Recreational Vehicles, Commercial Vehicles, and Trailers on residential Parcels. On Residential parcels only, parking or storing of recreational vehicles, commercial vehicles and trailers is prohibited unless such vehicle:
 - a) Is stored or parked by a resident/occupant on a lot owned or leased by him in a designated parking area located in a side or rear yard not less than fifty (50) feet from public rights-of-way and ten (10) feet from any lot line, for a period not to exceed any part of two calendar days within a single calendar week;
 - b) Otherwise, such recreational vehicle, commercial vehicle or trailer shall be stored within a wholly enclosed building.
 4. Recreational vehicles, Commercial Vehicles, and Trailers on Non-Residential Parcels. The parking and storage of recreational vehicles, commercial vehicles, and trailers on non-Residential parcels is governed wholly by the provisions of the Evendale Zoning Code.
- G. Signage, Awnings and Other Identification.
1. Signs and billboards. All permanent signs and billboards exposed to public view that are permitted by reason of other regulations or as a lawful nonconforming use shall be maintained in good repair. Signs which have weathered or faded, or those upon which the paint has peeled or cracked, shall, with their supporting members, be removed forthwith or put into a good state of repair. All non-operative or broken electrical signs shall be repaired or shall, with their supporting members, be removed forthwith. When no longer in use, permanent signs shall be completely removed within thirty (30) days following the cessation of the relevant activity.
 2. Awnings. Any awning and its accompanying structural members which extend over any street, sidewalk or other portion of any premises shall be maintained in good repair and shall not constitute a nuisance or safety hazard. In the event such an awning is not

properly maintained in accordance with this paragraph, it shall, together with its supporting members, be removed forthwith. In the event such awning is made of cloth, plastic or similar materials, such cloth and plastic, where exposed to public view, shall be maintained in good condition and shall not show evidence of weathering, discoloration, ripping, tearing or other holes. Nothing herein shall be construed to authorize an encroachment on streets, sidewalks or other parts of the public domain.

3. Street numbers. On every building to which a street number has been assigned, such number shall be displayed in a size and location such that the number will be readily observable and readable from a public right-of-way.

1468.06 Residential Rental Property Registration, Permit and Inspections.

- A. In addition to compliance with Evendale’s short-term rental Ordinance, owners of residential dwellings within the Village that let, sublet, rent, lease, or otherwise permit occupancy by someone other than the owner are required to obtain a Rental Permit from the Village. Upon permit application, the applicant shall include a completed copy of Hamilton County’s Residential Rental Property Registration Form.
- B. Prior to the issuance of a permit, property owners seeking a rental registration permit shall do either of the following:
 1. Permit the rental property for which the permit is being sought to be inspected by the Building Commissioner and/or their designee(s) to determine compliance with this Code; or
 2. Sign a sworn affirmation indicating that the property in question is in compliance with this Code.
- C. After the initial inspection or affirmation, rental properties must be inspected or a new affirmation submitted within five (5) days prior to a change in occupancy.
- D. Owners are to provide a list of tenants for each occupancy, providing the names of the tenants of majority age and providing only the number of minor children that are/will be residing in the household.
- E. Failure to bring noticed violations into compliance with this code as provided by section 1468.13 may result in, among other legal action(s), permit revocation
- F. Permits, unless otherwise revoked, are valid for five (5) years from the date of issuance; however, a permit must be renewed when there is a change in occupancy.
- G. Permit administration fees will be set by Village Ordinance.

1468.07 Residential Rental Property Interior Maintenance Regulations.

No person shall occupy as owner-occupant, or rent, lease, or let to another for occupancy any dwelling or portion thereof, for the purpose of living, sleeping, cooking or eating therein, which does not comply with the following requirements:

1468.07.1 – Kitchen Sink

Every dwelling unit shall contain a kitchen sink which is properly connected to a water and sewer system approved by the Building Commissioner.

1468.07.2 - Bathroom

Every dwelling unit shall contain a room which affords privacy to a person within such room and which is equipped with a flush water toilet, a sink and a bathtub or shower, connected to a water and sewer system approved by the Building Commissioner.

1468.07.3 – Bathroom lights, ventilation, floor surface.

Every bathroom shall be lighted and ventilated. Every bathroom floor shall be constructed and maintained so as to be reasonably impervious to water.

1468.07.4 – Hot and Cold Water

Every kitchen sink, lavatory, bathtub or shower shall be properly connected with hot and cold water lines. The hot water lines shall be connected to a hot water heating facility of adequate size which provides at times a temperature of not less than 120°F.

1468.07.5 - Potable Water

Every dwelling and dwelling unit shall be supplied with a potable water supply. There shall be adequate water supply and pressure at all installed hot and cold water outlets.

1468.07.6 - Plumbing

All plumbing and plumbing facilities (i.e. sinks, faucets, hot water tanks, pipes, water lines, sewer lines, garbage disposals, etc.) shall be properly installed and maintained in good working condition, free from defects, leaks, and obstructions.

1468.07.7 - Garbage and rubbish storage facilities

Every dwelling shall be supplied with adequate garbage and rubbish storage facilities, type and location of which prevent infestation from vermin

1468.07.8 – Interior infestation

The interior of every structure used for human habitation shall be free from insect, rodent, and vermin infestation.

1468.07.9 - Unobstructed Egress

Every dwelling shall have an unobstructed means of egress leading to an open outdoor space at ground level. Hallways, doorways, stairwells and other areas leading to the outside shall be kept free from accumulated garbage, debris, furnishings or other items that prevent access to the outside.

1468.07.10 – Window required

Every habitable space shall have at least one, openable window or skylight facing directly to the outdoors. The minimum total window area, for every Habitable Space, is to be eight percent (8%) of the floor area of such room. Whenever the only window in a room is a skylight-type window in the top of such room, the total window area of such skylight must be equal to at least eight percent (8%) of the total floor area of such room.

1468.07.11 – Maintenance of Doors and Windows

Every window and exterior door shall be reasonably weathertight, watertight and rodent proof.

1468.07.12 – Structural integrity

Every foundation, floor, ceiling, wall, stairway, roof and other structural components of a dwelling shall be reasonably weather-tight, rodent proof and free of any holes, broken, deteriorated or missing components.

1468.07.13 – Dampness and Fungus growth

All habitable spaces shall be free of excessive dampness, mold, mildew or other fungus.

1468.07.14 - Heating facilities

Every dwelling shall have heating facilities, such as a furnace, which are properly installed, are maintained in safe and good working condition, and are

capable of safely and adequately heating all habitable space and bathrooms located therein to a temperature of at least 70F

1468.07.15 – Electric

- A. The size and usage of appliances and equipment shall serve as a basis for determining the need for additional facilities in accordance with NFPA 70.
- B. The Service Supply for existing single-family dwelling shall be a minimum of 60-ampere capacity.
- C. All electrical systems, outlets, fixtures and components shall be properly installed and maintained in good working condition, free from defects.
- D. Where it is found that the electrical system constitutes a hazard to the occupants or the structure by reason of inadequate service, improper fusing, insufficient for similar reasons, the building commissioner shall require the defects to be corrected to eliminate the hazard.
 - 1. Every habitable space in a dwelling shall contain at least two separate floor or wall-type electric convenience outlets
- E. Where required by the Building Code, Ground-Fault Circuit Interrupter receptacles shall not be removed or otherwise modified.

1468.07.16 – Facility/Utility maintenance and upkeep

Every supplied facility, piece of equipment, or utility which is required under this regulation shall be so constructed, installed or operated that it will function safely and effectively and shall be maintained in satisfactory working condition. No owner or operator, or occupant shall cause any service, facility, equipment, or utility which is required under this regulation to be removed from or shut off from or discontinued for an occupied dwelling, except for such temporary interruption as may be necessary while actual repair or alterations are in process, or during temporary emergencies when discontinuance of service is approved by the building commissioner.

1468.07.17 – Minimum Floor Area

Every dwelling shall contain a minimum gross floor area of at least one hundred (150) square feet of space in Habitable Spaces for the first occupant and at least one hundred thirty (130) square feet of space in habitable space for each additional occupant.

1468.07.18 – Ceiling height

Every habitable space shall have a minimum ceiling height of seven (7) feet over fifty (50) percent of the floor area; and the floor area where the ceiling

height is less than five (5) feet shall not be considered as part of the floor area in computing minimum gross floor area.

1468.07.19 – Bedrooms - Floor Area

Every room occupied intended for use as a bedroom by one occupant shall contain at least seventy (70) square feet of floor space, and every room intended for use as a bedroom by more than one occupant shall contain at least fifty (50) square feet of floor space for each occupant thereof.

1468.07.20 - Room Arrangement

- A. No dwelling shall have room arrangements such that access to a bedroom can be had only by going through another bedroom unless there are no locking doors in the direction of the means of egress out of the rooms; and
- B. No dwelling shall have room arrangements such that access to a bedroom be had only through a bathroom or water closet compartment.

1468.07.21 – Basements

No area of a basement shall be used as a bedroom unless:

- A. The floors and walls of the habitable areas of the basement are impervious to leakage of underground and surface runoff water and are effectively insulated against dampness;
- B. Adequate light and ventilation are supplied to the habitable areas of the basement; and
- C. A second means of egress exists from each bedroom.

1468.07.22 Smoke and Carbon Monoxide Detectors/Alarms

Each dwelling shall have smoke detectors and carbon monoxide detectors installed to the following specifications:

- A. At least one (1) carbon monoxide detector/alarm and one (1) smoke detector/alarm – or a unit which is a combination carbon monoxide/smoke detector/alarm, shall be installed on a ceiling or wall within ten (10) feet of all bedrooms;
- B. All carbon monoxide detectors/alarms and smoke detectors/alarms shall be installed in accordance with the manufacturers' installation instructions;
- C. When activated, the carbon monoxide detector/alarm and smoke detector/alarm shall be clearly audible over all background noise levels and with all intervening doors closed from the bedroom which it is intended to serve.

- D. All installed carbon monoxide detectors/alarms and smoke detectors/alarms shall be designed to emit a signal when batteries are low, and shall be in proper working order; and
- E. There shall be at least one (1) smoke detector/alarm on each level of the dwelling unit.

1468.07.23 Fire Extinguisher.

At least one (1) operational and unexpired fire extinguisher shall be available and maintained in all non-owner occupied, residential dwellings at all times, regardless of occupant load.

1468.07.24 – Storage of Materials

Combustible materials, liquids, gases, etc. (i.e. fuels, kerosene, coal, varnish/stains, etc.) shall be stored in approved, appropriate containers or cabinetry and away from ignition sources such as furnaces, hot water heaters, stoves etc.

1468.07.25 – Condemnation for Unfit Conditions

Any dwelling or dwelling unit which shall be found to have any of the following defects shall be condemned as unfit for human habitation and shall be so designated and placarded by the building commissioner.

- A. One which is so damaged, decayed, dilapidated, unsanitary, unsafe, or vermin infested that it creates a serious hazard to the health or safety of the occupants or of the public.
- B. One which lacks illumination, ventilation or sanitation facilities adequate to protect the health or safety of the occupants or of the public.
- C. One which because of its general condition or location is insanitary, or otherwise dangerous to the health or safety of the occupants or of the public.

1468.08 REPAIRS.

Any repairs, additions or alterations on any structures or exterior premises which are caused directly or indirectly by the enforcement of this code shall be done in a workmanlike manner. Any repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the building, plumbing, and mechanical codes adopted by the village.

1468.09 PROHIBITIONS.

No owner, agent, operator, occupant, firm or corporation having a legal or equitable interest in the property, including a guardian of the estate of such person, if ordered to take possession of the real property by a court, shall fail to comply with a written order of the Building Commissioner issued under the provisions of this chapter.

1468.10 VIOLATIONS.

It shall be unlawful for owners, agents, operators, occupants, firms, or corporations having a legal or equitable interest in a property, including a guardian of the estate of such person, if ordered to take possession of the real property by a court, to fail to maintain any structure or exterior property area on said property regulated by this code, or cause same to be done, contrary to or in conflict with or in violation of any of the provisions of this code, or to fail to obey a lawful order of the Building Commissioner.

1468.11 PUBLIC NUISANCE.

Any lot, premises or structure which is in violation of this chapter is declared to be a public nuisance. In addition to all other remedies, the Building Commissioner may, in the name of the Village of Evendale, file a civil action to abate the nuisance and for any other appropriate relief.

1468.12 LIABILITY.

The Building Commissioner, member of the Board of Zoning Appeals or any designee/employee charged with the enforcement of this code, while acting for the Village of Evendale, in good faith and without malice in the discharge of the duties required by this code or other pertinent law or ordinance, shall not thereby be rendered liable personally, and is hereby relieved from all personal liability for any damage accruing to persons or property as a result of an act or by reason of an act or omission in the discharge of official duties. Any suit instituted against any officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be defended by the legal representative of the jurisdiction until the final termination of the proceedings. The Building Commissioner or any subordinate shall not be liable for costs in an action, suit or proceeding that is instituted in pursuance of the provisions of this code.

1468.13 ENFORCEMENT, AUTHORITY OF BUILDING COMMISSIONER AND NOTICE OF VIOLATIONS.

- A. Powers of the Building Commissioner. The Building Commissioner is hereby authorized and directed to enforce the provisions of this code,

- through himself or through a designee. The Building Commissioner shall have the authority to render interpretations of this code and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be in compliance with the intent and purpose of this code. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this code.
- B. Inspections. The Building Commissioner shall make all of the required inspections, or shall accept reports of inspection by approved designees, agencies or individuals. All reports of such inspections shall be in writing. The Building Commissioner is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise, subject to the approval of the appointing authority.
- C. Right of Entry. Where it is necessary to make an inspection to enforce the provisions of this code, or whenever the Building Commissioner has reasonable cause to believe that there exists in a structure or upon a premises a condition in violation of this code, the Building Commissioner is authorized to enter the structure or premises at reasonable times to inspect or perform the duties imposed by this code, provided that if such structure or premises is occupied the Building Commissioner shall present credentials to the occupant and request entry. If such structure or premises is unoccupied, the Building Commissioner shall first make a reasonable effort to locate the owner or other person having charge or control of the structure or premises and request entry. If entry is refused, the Building Commissioner shall have recourse to the remedies provided by law to secure entry.
- D. Identification. The Building Commissioner shall carry proper identification when inspecting structures or premises in the performance of duties under this code.
- E. Notice of Violation; Orders.
1. Notice to person responsible. Whenever the Building Commissioner determines that there has been a violation of this code or has grounds to believe that a violation has occurred, notice shall be given in the manner prescribed in Section 1468.13(E)(2) as to form and Section 1468.13(E)(3) as to method of service to the party or parties responsible for the violation as specified in this code. Notices for condemnation procedures shall also comply with this Section 1468.13.
 2. Form. Such notice prescribed in Section 1468.13(E)(1) shall be in accordance with all of the following. Such notice shall:
 - a) Be in writing;
 - b) Include a description of the premises sufficient for identification;

- c) Include a statement of the violation or violations and why the notice is being issued;
 - d) Include a correction order allowing a reasonable time to make the repairs and improvements required to bring the premises or structure into compliance with the provisions of this code
 - e) Inform the party responsible of the right to appeal; and
 - f) Include a statement of the right to file a lien in accordance with Section 1468.13(F), Prosecution of Violation.
 3. Method of service. Such notice shall be deemed to be properly served if a copy thereof is:
 - a) Delivered personally by the Building Commissioner or his designee;
 - b) Sent by certified or first-class mail addressed to the last known address of the party responsible; or
 - c) If the notice is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the premises by such notice.
 4. Unauthorized tampering. Signs, tags or seals posted or affixed by the Building Commissioner shall not be mutilated, destroyed or tampered with, or removed without authorization from the Building Commissioner.
 5. Penalties. Penalties for noncompliance with orders and notices shall be as set forth in § 1468.99.
 6. Transfer of ownership. It shall be unlawful for the owner of any property who has received a compliance order or upon whom a notice of violation has been served to sell, transfer, mortgage, lease or otherwise dispose of such property to another until the provisions of the compliance order or notice of violation have been complied with, or until such owner shall first furnish the grantee, transferee, mortgagee or lessee a true copy of any compliance order or notice of violation issued by the Building Commissioner and shall furnish to the Building Commissioner a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such compliance order or notice of violation and fully accepting the responsibility without condition for making the corrections or repairs required by such compliance order or notice of violation.
- F. Prosecution of Violation. If the notice of violation is not complied with, the Building Commissioner shall institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation. Any action taken by the authority having jurisdiction on such premises shall be charged against

- the real estate upon which the structure is located and shall be a lien upon such real estate.
- G. Order to Vacate Premises. If a violation of this chapter constitutes a risk of physical harm to the public or occupants of any building or premises, the Building Commissioner shall order the building, premises or affected portions thereof vacated until the violation causing the physical harm is remedied.
 - H. Abatement of Violation. The imposition of the penalties herein prescribed shall not preclude the legal officer of the jurisdiction from instituting appropriate action to restrain, correct or abate a violation, or to prevent illegal occupancy of a building, structure or premises, or to stop an illegal act, conduct, business or utilization of the building, structure or premises.
 - I. Department Records. The Building Commissioner or designee shall keep official records of all business and activities of the department specified in the provisions of this code. Such records shall be retained in the official records for the period required for retention of public records.
 - J. Modifications. Whenever there are practical difficulties involved in carrying out the provisions of this code, the Building Commissioner shall have the authority to grant modifications for individual cases upon application of the party responsible, provided the Building Commissioner shall first find that special individual reason makes the strict letter of this code impractical and the modification is in compliance with the intent and purpose of this code and that such modification does not lessen health, life and fire safety requirements. The details of action granting modifications shall be recorded and entered in the department files.

1468.14 FINAL ORDER; TIME FOR APPEAL.

- A. Any owner, agent, operator, occupant, firm or corporation having a legal or equitable interest in the property, including a guardian of the estate of such person, if ordered to take possession of the real property by a court, served with a notice of violation for said property, has the right to appeal such notice to the Board of Zoning and Building Appeals. Such appeal must be in writing, should be filed on forms provided by the Village, and must be filed within fourteen (14) days of service of the notice of violation required by Section 1468.13(E).
- B. Final Order. A notice of violation issued under Section 1468.13(E) shall constitute a final order upon the expiration of the applicable appeal time plus any additional time for compliance provided by the Building Commissioner in the Notice of Violation pursuant to § 1468.13(E)(2)(d).
- C. An application for appeal shall be based on a claim that the true intent of this code has been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means.

- D. Notice of meeting. The Board of Zoning Appeals shall meet upon notice from the Clerk, within thirty (30) days of the filing of an appeal, unless the Appellant has agreed to an extension of time.
- E. Open meeting. All hearings before the Board of Zoning Appeals shall be open to the public. Any person may appear and testify at the hearing, either in person or by a duly authorized agent. The Board has the power to:
 - 1. Subpoena and require the attendance of witnesses;
 - 2. Administer oaths; and
 - 3. Compel testimony;
- F. The Village Solicitor will, upon request, attend such meetings to advise the Board.
- G. Decision of the Board. Every decision of the Board of Zoning Appeals made pursuant to this Chapter shall be accompanied by a written finding of fact and conclusions of law, based upon testimony and evidence, and specifying the reason for granting or denying the variance.
- H. Board Member Recusal. Members of the Committee are not qualified to vote if they have not attended the hearing, or if they have any interest in the issue appealed.

1468.16 APPEALS TO COUNCIL.

If any aggrieved party disagrees with the determination made by the Board, an appeal may be made to the Council. The following rules apply:

- A. Filing of Appeal. The appellant shall file with the Village Clerk within fourteen (14) calendar days of the Board's determination a written statement setting forth both the decision in question and the reasons for the disagreement with the decision.
- B. Village Clerk Action. The Village Clerk will send a copy of the statement to the Secretary of the Board, to any interested party, to the Mayor and to each Council member.
- C. Public Hearing. A public hearing will be held consistent with the public hearing requirements of Chapter 1278 of the Village of Evendale Zoning Code, Public Hearings.
- D. Action by Council. Following public hearing, Council shall give due consideration to the record for the appeal as developed at the Board of Zoning Appeals meeting and public comments received at the public hearing. Council may then affirm the Board's decision by a simple majority. If Council desires to modify, vacate or reverse the decision of the Board, it may only do so through a concurring vote of at least five (5) members of Council. If at least five (5) members do not concur, the decision of the Board will be upheld without change.
- E. Notice of Decision. Upon the approval by the Council, the Village Clerk will post the resolution for the period specified for all ordinances, and send it

- to all interested parties, including the Secretary of the Board, who will file it with the other decisions of the Board.
- F. Further Appeal. Any person aggrieved by the Council may file an appeal pursuant to § 1468.18.

1468.18 APPEALS TO COURT.

Any party entitled to appeal a decision of the Village Council may appeal to the Court of Common Pleas of Hamilton County, Ohio as permitted by Ohio Revised Code Chapters 2505 and 2506.

1468.99 PENALTY

- A. Whoever knowingly makes false statements in a sworn affidavit submitted pursuant to Section 1468.06(B) shall be guilty of a misdemeanor of the first degree, and subject to the penalties as specified in Evendale Code of Ordinances § 698.02.
- B. Whoever violates or fails to comply with any other provision of this chapter is guilty of a minor misdemeanor for a first offense. Whoever violates or fails to comply with any other provision of this chapter on two or more occasions is guilty of a misdemeanor of the third degree for each offense after the first.
- C. A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues.