

SUBSTITUTE ORDINANCE NO. 54 -97

BY:                                 Anne H. Porter                                

An Ordinance to amend the Codified Ordinances of the City of Bexley by revising Chapter 1490 and by deleting Chapter 676 and re-enacting Chapter 676 as Chapter 1492 of the Bexley Building and Property Maintenance Code.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BEXLEY, OHIO:

Section 1. That the Codified Ordinances of the City of Bexley be amended by revising Chapter 1490 of the Bexley Housing Code.

Section 2. That Chapter 1490 of the Bexley Housing Code be amended as follows:

1490.01 TITLE, PURPOSE AND SCOPE.

(a) Title. This chapter shall be known as and may be cited as the “Building AND PROPERTY Maintenance Code of the City”, or just the “Building AND PROPERTY Maintenance Code”.

(b) Purpose and Scope. Within the scope of this chapter, the purposes of this chapter are to:

- (1) Establish minimum standards necessary to make all dwelling, ACCESSORY AND COMMERCIAL structures safe, sanitary, free from fire and health hazards, ~~fit for human habitation~~ and beneficial to the public welfare;
- (2) Establish minimum standards governing the maintenance of ALL dwelling, ACCESSORY AND COMMERCIAL structures in such condition as will not constitute a blighting or deteriorating influence on the neighborhood and the community;
- (3) Protect property values and to maintain the character and appearance of the community and neighborhoods within the community;
- (4) Fix responsibilities for owners and occupants of dwelling, ACCESSORY AND COMMERCIAL structures with respect to sanitation, repair and maintenance;
- (5) Establish additional standards for multiple dwellings;
- (6) Authorize the inspection of dwelling, ACCESSORY AND COMMERCIAL structures AND THE PREMISES THEREOF;
- (7) Establish enforcement procedures;
- (8) Authorize the vacation or condemnation of dwelling, ACCESSORY AND COMMERCIAL structures FOUND unsafe or unfit for human habitation; and,
- (9) Fix penalties for violations.

1490.02 DEFINITIONS.

As used in this chapter:

(A) "CODE OFFICIAL" MEANS THE CODE ENFORCEMENT OFFICER, ASSISTANT CODE ENFORCEMENT OFFICER, SERVICE DIRECTOR, CHIEF BUILDING OFFICIAL, ZONING OFFICER, MAYOR OR OTHER DULY AUTHORIZED REPRESENTATIVE OF THE CITY WHO IS CHARGED WITH THE ADMINISTRATION AND ENFORCEMENT OF THIS CODE.

~~(a)~~ (B) "Communal kitchen" means a kitchen within a ~~dwelling~~ STRUCTURE used by the occupants of more than one dwelling unit or shared or used by any person other than the members of one family.

~~(b)~~ (C) "Dwelling structure" means a building or structure, or that part of a building or structure, used or designed or intended to be used, all or in part, for residential purposes.

~~(c)~~ (D) "Dwelling" means a building ~~intended or designed to be occupied by not more than two families living separately and independent of each other.~~ CONSISTING OF ONE OR MORE DWELLING UNITS AS FOLLOWS:

~~(A)~~ (1) SINGLE-FAMILY DWELLING, CONSISTING OF ONE DWELLING UNIT ONLY;

~~(B)~~ (2) TWO-FAMILY DWELLING, CONSISTING OF TWO DWELLING UNITS ONLY; AND,

~~(C)~~ (3) MULTIFAMILY DWELLINGS, CONSISTING OF THREE OR MORE DWELLING UNITS ONLY.

~~(d)~~ (E) "Dwelling unit" means a group of rooms arranged, maintained or designed to be occupied by a single family and shall consist of a complete bathroom with toilet, lavatory and tub or shower facilities and one, and one only, complete kitchen or kitchenette with cooking, refrigeration and sink facilities, and living and sleeping facilities, all of which are used exclusively by such family and by any authorized persons occupying such dwelling unit with ~~the~~ SUCH family. Where the required facilities for a dwelling unit are not contiguous, the ~~Superintendent of Buildings~~ CHIEF BUILDING OFFICIAL OR ZONING OFFICER shall determine whether such facilities constitute a dwelling unit. The words "dwelling unit", "apartment" and "suite" shall be considered synonymous.

~~(e)~~ (F) "Family" means a single individual living upon the premises as a separate housekeeping unit or a collective body of persons living together upon the premises as a single housekeeping unit in a domestic relationship based upon birth, marriage or other domestic bonds.

~~(f)~~ (G) "Habitable room" means a room or enclosed floor space used or intended to be used for living, sleeping or eating purposes, excluding bathrooms, toilet rooms, laundries, pantries, dressing rooms, boiler rooms, basements and areas used for kitchen purposes. Wherever living, sleeping or eating space is included in a room or area also used for kitchen purposes, the ~~Superintendent of Buildings~~ CHIEF BUILDING OFFICIAL OR ZONING OFFICER shall determine the portion of the floor area used for kitchen purposes and such portion, so determined, shall not constitute habitable floor area in determining the habitable floor area of a dwelling unit.

~~(g)~~ (H) "Occupant" means ANY a person ~~over one year of age~~ living in, sleeping in, cooking or eating in, or having actual possession of, a dwelling unit or a room.

~~(h)~~ (I) "Operator" means a ANY person(S), LESSEE, AGENT, TENANT, OR OTHER ENTITY ~~who has~~ HAVING MANAGEMENT, charge, care or control of a dwelling structure OR PREMISES.

~~(i)~~ (J) "Owner" means the owner or owners of a premises, including the holder of title thereto, subject to a contract of purchase, a vendee in possession, a mortgagee or receiver in possession, a lessee or joint lessee of the whole thereof, or any agent or any other person or fiduciary directly in control of the premises.

(K) "PERSON" MEANS AN INDIVIDUAL, CORPORATION, PARTNERSHIP OR ANY OTHER GROUP ACTING AS A UNIT.

~~(j)~~ (L) "Premises" means a lot, parcel or plot of land, including the buildings or structures thereon.

~~(k)~~ (M) "Secondary, ACCESSORY, or appurtenant structure" means a structure the use of which is incidental or accessory to that of the ~~main building~~ PRINCIPAL STRUCTURE and which is attached thereto or located on the same premises.

(N) "STRUCTURE" MEANS THAT WHICH IS BUILT OR CONSTRUCTED OR A PORTION THEREOF.

~~(l)~~ (O) "Supply" or "supplied" means paid for, furnished, provided by, or under the control of, the owner or operator.

~~(m)~~ "Double house" means a detached dwelling arranged, intended or designed to be occupied by two families living side by side with a party wall between.

~~(n)~~ "Two family dwelling" means a detached dwelling arranged, intended or designed to be occupied by two families, one of which has its principal living rooms on the first floor, the other of which has its principle living rooms on the second floor.

~~(o)~~ (P) "Commercial building STRUCTURE" means any STRUCTURE OR building other than a dwelling structure OR STRUCTURE ACCESSORY TO A DWELLING STRUCTURE. This includes any building a part of which ~~is~~ MAY BE residential including churches, schools and filling stations.

(Q) "WORKMANLIKE MANNER" MEANS WORK EXECUTED IN A SKILLED MANNER; E.G., IN CONFORMANCE WITH GENERALLY ACCEPTED TRADE STANDARDS AND IS PLUMB, LEVEL, SQUARE, IN LINE, UNDAMAGED, AND INSTALLED WITHOUT MARRING ADJACENT WORK.

#### 1490.03 BASIC STANDARDS FOR ~~RESIDENTIAL~~ OCCUPANCY.

(a) Leasing for Residential Occupancy; Restrictions. No owner shall rent or lease or offer for rental or lease any dwelling unit, dwelling structure, ANY UNIT OR STRUCTURE, or any part thereof, which does not comply with the provisions of this chapter.

(b) Required Dwelling Unit Facilities. Every dwelling unit shall be provided with a kitchen sink installed in connection with the main cooking facilities of the dwelling unit. No such kitchen sink shall be placed within any water closet compartment or within any bathroom containing a water closet.

Communal kitchens are prohibited.

(c) Connection of Fixtures.

- (1) All plumbing fixtures in a ~~dwelling~~ structure shall be supplied with running water from the ~~M~~municipal water system.
- (2) Every ~~dwelling~~ unit shall have a reasonable supply of running hot water properly connected to all plumbing fixtures requiring hot water.
- (3) All plumbing fixtures in a ~~dwelling~~ structure shall be so designed and installed as to prevent contamination of the water supply system.

#### 1490.04 MAINTENANCE RESPONSIBILITIES.

The responsibilities of FOR maintenance shall be as follows:

(a) The owner OR OPERATOR of every ~~multiple dwelling~~ STRUCTURE shall be responsible for the maintenance, thereof in good repair and safe condition OF SUCH as required by the provisions of this chapter. The owner OR OPERATOR OF EVERY MULTIPLE DWELLING OR OTHER STRUCTURE WITH SHARED OR COMMON AREAS shall also be responsible for ~~maintaining the shared or common areas of the premises~~ THE MAINTENANCE OF THESE SHARED OR COMMON AREAS in a clean, SAFE and sanitary condition.

(b) The occupant of a ~~dwelling unit in any dwelling structure~~ ANY STRUCTURE OR PART THEREOF shall be responsible for maintaining in a clean and sanitary condition that part of the dwelling unit, dwelling structure or premises which he occupies and controls. In addition, such occupant shall be responsible for maintaining in good and safe working order the equipment and appliances which he owns.

#### ~~1490.12~~ 1490.05 JANITOR, CUSTODIAN OR AGENT.

~~In~~ FOR any multiple dwelling in which the owner thereof does not reside, there shall be designated by the owner, a janitor, custodian, agent, ~~operator~~, or other responsible person, who shall be considered the ~~agent~~ OPERATOR.

#### ~~1490.05~~ 1490.06 GENERAL MAINTENANCE REQUIREMENTS.

(a) All ~~dwelling~~ structures and all parts thereof, both exterior and interior, shall be maintained in good repair and ~~shall be capable of performing the function for which such structure or part of any feature thereof was designed or intended to be used.~~ ALL PARTS OF A STRUCTURE SHALL BE CAPABLE OF PERFORMING THEIR INTENDED FUNCTION.

(b) All equipment and facilities appurtenant to a ~~dwelling structure or dwelling unit~~ shall be maintained in good, ~~and~~ safe working order.

~~1490.06~~ 1490.07 MAINTENANCE OF FOUNDATIONS.

- (a) All foundations of every dwelling structure shall be maintained structurally sound and in good repair.
- (b) All openings into the foundation of every dwelling structure shall be protected against the entrance of rodents.

~~1490.07~~ 1490.08 MAINTENANCE OF ROOFS, GUTTERS, AND DOWNSPOUTS, AND CHIMNEYS.

- (A) All roofs of every dwelling structure shall be maintained weathertight and shall be equipped with gutters and downspouts, IN GOOD REPAIR, that are connected directly or indirectly to a public storm sewer ~~or the street or alley.~~ However, this STORMWATER DISCHARGE requirements shall MAY be waived ALTERED for existing buildings if, in the opinion of the Superintendent of Buildings SERVICE DIRECTOR, the drainage does not CAUSE EXCESSIVE EROSION OR WATER DAMAGE OR DOES NOT create a nuisance on public or private property. ANY PIPE CARRYING STORM WATER DRAINAGE TO A SANITARY SEWER IS PROHIBITED.
- (B) ALL CHIMNEYS AND CHIMNEY CAPS OF EVERY STRUCTURE SHALL BE MAINTAINED STRUCTURALLY SOUND, SECURE AND IN GOOD REPAIR; AND FREE OF DETERIORATED, LOOSE, MISSING, OR BROKEN MORTAR, BRICK, BLOCK OR OTHER MATERIAL.
- (C) ALL ROOFS OF EVERY SECONDARY OR APPURTENANCE STRUCTURE EXCEEDING 100 SQUARE FEET OF ROOF SHALL MEET THE STANDARDS OF SUBSECTION (A) OF THIS SECTION.

~~1490.08~~ 1490.09 MAINTENANCE OF EXTERIORS OF DWELLING STRUCTURES, SECONDARY OR APPURTENANT STRUCTURES.

- (a) All exterior parts of every dwelling structure, including exterior walls, parapet walls, decorative additions, chimneys and all other exterior structures STRUCTURAL MEMBERS, either above or below the roof line, shall be maintained in a safe, WEATHERTIGHT condition, ~~and so as to resist decay or deterioration from any cause.~~
- (b) ~~Any dwelling structure or secondary or appurtenant structure whose exterior surface is bare, deteriorated, tumble down, decaying, disintegrating or in poor repair must be repaired or razed.~~ All MISSING, buckled, ~~rotted~~ ROTTEN, or decayed OR DETERIORATED STRUCTURAL MEMBERS INCLUDING, BUT NOT LIMITED TO, walls, doors, windows, porches, floors, steps, railings, CEILINGS, SOFFITS, POSTS, SILLS AND trim and their missing members must be REPAIRED OR replaced and put in good condition IN A WORKMANLIKE MANNER. ALL SUCH REPLACEMENTS MUST BE CONSISTENT WITH THE ORIGINAL DESIGN OF THE STRUCTURE AND/OR PART THEREOF.
- (c) Any dwelling structure ~~or secondary or appurtenant structure~~ whose exterior surface is BARE, deteriorated, decaying, disintegrating ~~or whose exterior surface has~~ IS weathered with dirt and grime or has been impaired through peeling or flaking of the paint or other protective coating shall be repaired or repainted or resurfaced as follows:

(1) All exterior surfaces shall be replaced or repaired in TO A good condition preparatory to repainting or recoating.

~~(2) All bare exterior surfaces which are flaking or crumbling shall be replaced or sealed in a good and workmanlike manner. ALL PAINTING OR RESURFACING MUST MATCH THE EXISTING EXTERIOR SURFACE OF THE STRUCTURE IF NOT COMPLETELY RESURFACED AND MUST BE DONE IN A WORKMANLIKE MANNER.~~

~~(3) All new or repaired exterior bare surfaces shall be painted or coated.~~

~~(4) All exterior surfaces weathered with dirt and grime or which are peeling or flaking shall be painted or covered with a protective coating or surface.~~

~~Presentation of evidence that all exterior surfaces have, not more than five years prior to the date of inspection, been properly prepared and painted with at least one coat of good exterior paint or covered with any other protective coating or surface shall be prima facie evidence of the exterior being in good condition.~~

(D) ALL SECONDARY, ACCESSORY OR APPURTENANT STRUCTURES SUCH AS SHEDS, GARAGES, ETC., SHALL BE MAINTAINED IN GOOD REPAIR AND FREE FROM HEALTH, SAFETY AND FIRE HAZARDS.

(E) COMMERCIAL STRUCTURES WITH DWELLING SPACE. ANY COMMERCIAL BUILDING WHICH IS PARTIALLY A DWELLING STRUCTURE, SUCH AS APARTMENTS ABOVE OR ON THE SAME FLOOR AS STORES OR OFFICES, SHALL BE SUBJECT TO THE SAME MAINTENANCE RESPONSIBILITY AS PERTAINS TO DWELLING STRUCTURES, INCLUDING ANY EMPTY STORES, APARTMENTS OR BUILDINGS.

(F) COMMERCIAL BUILDING TENANTS. MAINTENANCE RESPONSIBILITY OF COMMERCIAL BUILDING TENANTS SHALL BE TO KEEP THE PREMISES, WHICH INCLUDES THE PUBLIC SIDEWALK, FREE AND CLEAR OF ALL TRASH, LITTER, BOTTLES, CANS, OBSTRUCTIONS, SNOW, ICE, ETC.

#### 1490.10 DAMAGED STRUCTURES.

ALL STRUCTURES DAMAGED BY FIRE, EXPLOSION, WEATHER OR ANY OTHER CAUSE MUST BE REPAIRED AND RETURNED TO THEIR ORIGINAL INTENDED USE OR MADE COMPATIBLE WITH EXISTING OR NEIGHBORING BUILDINGS, OR BE RAZED. WORK ON SUCH STRUCTURES MUST BE STARTED WITHIN SIXTY (60) DAYS UNLESS GIVEN AN EXTENSION OF TIME BY THE BOARD OF ZONING APPEALS. (EXCEPTION: NONCONFORMING STRUCTURES. SEE CODE SECTION 1264.04(E).

#### ~~1490.11 SECONDARY OR APPURTENANT STRUCTURES.~~

~~All secondary or appurtenant structures shall be maintained in good repair and free from health, accident and fire hazards or shall be removed from the premises.~~

~~All roofs of every secondary or appurtenant structure shall be equipped with gutters and downspouts connected directly or indirectly to a public storm sewer, except, however, that if the roof area served by a specific downspout does not exceed 500 square feet, measured horizontally, and the drainage does not, in the opinion of the Superintendent of Buildings, cause excessive erosion or water damage or does not create a nuisance on public or private property, this requirement shall be waived.~~

~~1490.16~~ 1490.11 NUMBERING OF BUILDINGS.

(a) All dwelling structures and all commercial buildings within the City shall have designated street numbers, which numbers shall be assigned by the ~~Superintendent of Buildings~~ SERVICE DIRECTOR in accordance with the systems generally in effect and established for all of the County and heretofore used in the City, which system utilizes High Street and Broad Street in the City of Columbus as the lines of reference and provides that the numbers on the streets parallel thereto be dependent on the distance from the reference lines.

(b) House numbers previously assigned and designated for existing dwelling and business structures within the City shall be certified as official and maintained as such on the records of the Building Department, and new numbers shall be certified and assigned for new construction at the time of the application for a building permit.

(c) The owner ~~and~~ OR occupants of A ~~dwelling and business houses~~ OR COMMERCIAL STRUCTURE shall display the certified house number on or near ~~their~~ THE ~~dwelling or business houses~~ OR COMMERCIAL STRUCTURE in a prominent and conspicuous location, preferably near the front door or entry way, not obscured by trees, bushes, shrubs or other obstructions, and easily visible ~~and discernible~~ from the street, to facilitate ~~the police, AND~~ emergency vehicles and ~~other public visitors~~ THE GENERAL PUBLIC in ~~finding and~~ identifying the structure. ANY DWELLING OR COMMERCIAL STRUCTURE WHICH ABUTS AN ALLEY OR SIMILAR RIGHT-OF-WAY TO THE REAR OF IT'S PREMISES SHALL DISPLAY IN A CLEAR AND VISIBLE MANNER THE CERTIFIED HOUSE NUMBER AT THE REAR OF THE STRUCTURE CLOSEST TO THE ALLEY OR RIGHT-OF-WAY.

(d) Only ~~a~~Arabic numerals at least three inches in height shall be used for such required house numbers, whether the house number is displayed on the dwelling or ~~business house~~ COMMERCIAL STRUCTURE or posted on a free-standing or other yard sign.

(e) This section shall not prohibit or prevent an owner or occupant from displaying the designated house number in more than one location on the premises, or in another manner, such as in script, so long as the basic requirements of this section are met.

~~1490.09~~ 1490.12 INFESTATION BY PESTS.

~~All dwelling structures and the premises thereof shall be maintained free from sources of breeding, harborage and infestation of insects, vermin or rodents.~~

(A) ALL STRUCTURES AND THE PREMISES THEREOF SHALL BE MAINTAINED FREE FROM SOURCES OF BREEDING, HARBORAGE AND INFESTATION BY INSECTS, VERMIN OR RODENTS. RAT SCREENING SHALL BE REQUIRED ON ALL STRUCTURES THAT DO NOT REST ON A FULL FOUNDATION.

(B) ALL FIREWOOD SHALL BE STORED AND STACKED NEATLY.

~~1490.13~~ COMMERCIAL BUILDINGS AND STRUCTURES.

~~(a) Commercial Buildings. Maintenance responsibility for all commercial buildings is subject to the same conditions as pertain to any dwelling structure.~~

~~(b) Damaged Commercial Buildings. A commercial building which is damaged by fire, explosion, weather or any other reason must be repaired and returned to its original intended use or so that it is compatible with existing or neighboring buildings, or be torn down. Work on such structure must be started within sixty days unless given and extension of time by the Board of Zoning Appeals.~~

~~(c) Commercial Structures with Dwelling Space. Any commercial building which is partially a dwelling structure, such as apartments above or on the same floor as stores or offices, shall be subject to the same maintenance responsibility as pertains to dwelling structures, including any empty stores, apartments or buildings.~~

~~(d) Commercial Building Tenants. Maintenance responsibility of commercial building tenants shall be to keep the premises, which include the public sidewalks, free and clear of all trash, litter, bottles, cans, obstructions, snow, ice, etc.~~

~~1490.10~~ 1490.13 EXTERIOR PROPERTY AREAS.

No owner, ~~or operator~~ OR OCCUPANT of any premises shall maintain or permit to be maintained ~~at or on~~ the exterior property areas of such premises ~~any~~ IN A condition ~~which~~ THAT deteriorates or debases the appearance of the neighborhood, reduces property values in the neighborhood, adversely alters the appearance and general character of the neighborhood, creates a fire, safety or health hazard or is a public nuisance., ~~including,~~ SUCH VIOLATIONS INCLUDE, but ARE not limited to the following:

(a) Broken or dilapidated fences, walls or other structures;

(b) Broken, uneven or improperly maintained walks or driveways;

(C) DRIVEWAYS OR DRIVEWAY APRONS HAVING LOOSE STONES, GRAVEL OR OTHER MATERIAL SPILLING ONTO ANY PUBLIC RIGHT-OF-WAY;

(D) MOTOR VEHICLES, TRAILERS, BOATS AND/OR OTHER MOTORIZED VEHICLES PARKED IN GRASS OR UPON ANY PREMISES EXCEPT UPON DRIVEWAYS, PARKING LOTS, IN GARAGES OR ON AREAS IMPROVED FOR VEHICULAR USE AND IN ACCORDANCE WITH ZONING REGULATIONS.

(E) THE STORAGE OF BUILDING MATERIALS OR MATERIALS SUCH AS EARTH, SAND OR DIRT UPON ANY PREMISES WHEN SUCH MATERIALS ARE NOT INTENDED FOR CURRENT USE ON THE PROPERTY ON WHICH THEY ARE LOCATED.

~~(e)~~ (F) Out of use or nonusable appliances or automobile parts.



~~(d)~~ (G) Rugs, rags or other materials hung on lines or in other places on such premises IN SUCH A MANNER OR FOR SUCH PERIOD OF TIME AS TO BE UNSIGHTLY OR OFFENSIVE ~~which materials are not being used for general household or housekeeping purposes;~~ broken, dilapidated or unusable furniture OR THE OUTDOOR USE OF FURNITURE INTENDED FOR INDOOR USE, mattresses or other household ~~furniture~~ FURNISHINGS; plastic materials, paints, miscellaneous coverings and/or any other materials, including those described in this section, placed at or on the premises in such a manner as to be unsightly, grotesque or offensive.

(H) IMPROPERLY DISPOSED OF MATERIALS, MATERIALS COLLECTED FOR SALVAGE, UNKEMPT GARBAGE, TRASH, LITTER, AND YARD WASTE INCLUDING BRUSH, TREE LIMBS, LEAVES AND WEEDS. IMPROPERLY DISPOSED OF MATERIALS INCLUDE THOSE MATERIALS SET OUT FOR COLLECTION BY THE CITY'S WASTE HAULER THAT DO NOT MEET THE WASTE HAULER'S GUIDELINES FOR COLLECTION OR IN ACCORDANCE WITH THE REGULATIONS SET FORTH IN CHAPTER 1060.

~~1490.15~~ 1490.14 ~~ENFORCEMENT.~~ DUTIES AND POWERS OF CODE OFFICIAL.

(a) ~~Inspection.~~ ~~The Superintendent of Buildings and other City department heads~~ ALL CODE OFFICIALS are hereby authorized to make, or cause to be made, inspections of all structures ~~or~~ AND premises ~~used for dwelling purposes and all secondary or appurtenant structures~~ to determine whether such structures and premises conform to the provisions of this chapter.

(b) ~~Identification of Inspectors.~~ ~~The Superintendent of Buildings and his authorized agents and inspectors~~ ALL CODE OFFICIALS shall be supplied with official identification and shall show such identification, ~~upon request,~~ when entering any dwelling structure or premises.

(c) ~~Notice of Violation.~~

~~(1) Whenever the Superintendent finds any structure or premises, or any part thereof, to be in violation of this chapter, he shall give or cause to be given to the owner, agent or other person in charge of such structure or premises a written notice stating the violations therein. Such notice shall order the owner, within a stated time, to repair, improve or vacate the structure or premises concerned.~~

~~(2) If the person to whom a notice of violation is addressed cannot be found within the City after a reasonable and diligent search, then such notice shall be sent by certified mail to the last known address of such person and a copy of such notice shall be posted in a conspicuous place on the structure or premises to which it relates. Such mailing and posting shall be deemed legal service of notice.~~

ALL CODE OFFICIALS SHALL HAVE THE RIGHT OF ENTRY TO ANY STRUCTURE OR PREMISES OR ANY PART THEREOF FOR THE PURPOSE OF CONDUCTING AN INSPECTION PURSUANT TO THE REGULATIONS AND REQUIREMENTS OF THIS CODE.

~~(d) — Noncompliance with Notice.~~

~~(1) Whenever the owner, agent, operator or occupant of a structure or premises fails, neglects or refuses to comply with a notice from the Superintendent of Buildings, the Superintendent may issue a notice to such owner, agent, occupant or operator ordering the structure or premises, or a part thereof, to be vacated, or he may advise the City Solicitor of the circumstances and request the Solicitor to institute an appropriate action at law to compel compliance, or both. Such notice shall be delivered, mailed or posted in the same manner as provided in subsection (c) above.~~

~~(2) Whenever the owner, agent, operator or occupant of a structure or premises fails, neglects or refuses to comply with a notice to vacate issued by the Superintendent of Buildings, the Superintendent may request the Mayor to enforce the orders of such notice of vacation and cause the structure or premises, or a part thereof, to be vacated in accordance with the terms of such notice.~~

~~(3) Whenever the owner, agent, operator or occupant of a structure fails, neglects or refuses to comply with a notice to demolish such structure, or a part thereof, or a secondary or appurtenant structure, issued in accordance with the provisions of this chapter, and when such structure is determined by the Superintendent of Buildings to constitute a public nuisance in that it is injurious to the public health, safety or welfare, the Superintendent may request the Solicitor to prepare legislation stating such determination and authorizing the Mayor to enter into a contract for the demolition of such structure, or a part thereof, or to take such other action as may be necessary to abate the nuisance. The Superintendent shall further give notice informing the owner, agent, operator or occupant of such determination and action.~~

~~(e) — Cases of Emergency. Whenever, in the opinion of the Superintendent of Buildings, the condition of a structure or premises, or a part thereof, constitutes an immediate hazard to human life or health, he shall declare a case of emergency and shall order immediate vacation of the structure or premises, or a part thereof.~~

~~(f) — Placards. Whenever the Superintendent of Buildings orders a structure or premises, or a part thereof, to be vacated, he shall cause to be posted at each entrance to such structure or premises, or a part thereof, a placard ordering such vacation. No person shall deface or remove such placard, until the repairs or demolition are completed, without the permission of the Superintendent. No person shall enter or use any structure or premises so placarded except for the purpose of making the required repairs or demolishing such structure or premises.~~

~~(g) — Expenses and Costs. Any expenses or costs incurred under the provisions for demolition contained in this chapter shall be paid by the owner of the structure or premises.~~

~~If such expenses and costs of demolition are not paid by the owner of the structure or premises within thirty days after written notice from the City to do so, such expenses and costs shall be recovered by an action at law or may be assessed against the lands of the owner and shall become a lien thereon, and shall be collected in the manner provided by law for assessments.~~

~~(h) — The Board of Zoning Appeals. The Board of Zoning Appeals, as established by Section 1264.12 of the Zoning Code, shall be the board of appeals for appeals taken from decisions made under this chapter.~~

~~(i) (D) Rules and Regulations; Existing Codes. The Superintendent of Buildings CODE OFFICIAL is hereby authorized to adopt such written rules and regulations as may be necessary for the proper interpretation and enforcement of this chapter. Such rules and regulations shall be submitted to the Board for approval and no such rule or regulation shall be adopted without such approval.~~

~~Such rules and regulations, upon adoption by the Board, shall be on file with the Superintendent of Buildings for public examination.~~

#### 1490.15 NOTICES, ORDERS AND ENFORCEMENT PROCEDURES.

##### (A) NOTICES; METHOD OF SERVICE.

WHENEVER A CODE OFFICIAL FINDS ANY STRUCTURE OR PREMISES, OR ANY PART THEREOF, TO BE IN VIOLATION OF THIS CHAPTER, THE CODE OFFICIAL SHALL GIVE OR CAUSE TO BE GIVEN, BY REGULAR MAIL, TO THE OWNER, OPERATOR OR OCCUPANT OF SUCH STRUCTURE OR PREMISES A WRITTEN NOTICE STATING THE VIOLATIONS THEREIN. SUCH NOTICE SHALL ORDER THE OWNER, OPERATOR OR OCCUPANT, WITHIN A STATED TIME, TO REPAIR, REMOVE, IMPROVE, OR VACATE THE STRUCTURE OR PREMISES TO WHICH IT RELATES.

- (1) IF THE OWNER, OPERATOR OR OCCUPANT TO WHOM A VIOLATION NOTICE IS ADDRESSED CANNOT BE FOUND WITHIN THE CITY AFTER A REASONABLE AND DILIGENT SEARCH, THEN SUCH NOTICE SHALL BE POSTED IN A CONSPICUOUS PLACE ON THE STRUCTURE OR PREMISES TO WHICH IT RELATES. SUCH POSTING SHALL BE DEEMED LEGAL SERVICE OF NOTICE.

##### (B) NOTICE TO REMOVE.

- (1) A CODE OFFICIAL SHALL CAUSE A WRITTEN NOTICE TO REMOVE TO BE SERVED BY REGULAR MAIL OR PERSONAL SERVICE UPON THE OWNER, OPERATOR OR OCCUPANT OF THOSE PREMISES IN VIOLATION OF SECTION 1490.13(E)(F)(G) AND (H). SUCH NOTICE SHALL ORDER THE OWNER, OPERATOR OR OCCUPANT TO REMOVE THE ARTICLES IN VIOLATION WITHIN THE STATED TIME AS DESIGNATED IN THE NOTICE.
- (2) IF THE OWNER, OPERATOR OR OCCUPANT TO WHOM A NOTICE TO REMOVE IS DIRECTED FAILS, NEGLECTS OR REFUSES TO COMPLY WITH THE REQUIREMENTS OF THE NOTICE, THE CODE OFFICIAL SHALL CAUSE SUCH ARTICLES AND/OR MATERIALS TO BE REMOVED FROM THE PREMISES AND MAY EMPLOY THE NECESSARY LABOR TO PERFORM SUCH TASK.

(3) UPON THE PERFORMANCE OF SUCH LABOR, THE CODE OFFICIAL SHALL ISSUE, BY REGULAR MAIL OR BY PERSONAL SERVICE, A REPORT OF THE COSTS THEREOF TO THE OWNER, OPERATOR OR OCCUPANT OF SUCH PREMISES. THE COST OF REMOVING THE ARTICLES IN VIOLATION, WHICH INCLUDES A CHARGE FOR THE USE OF EQUIPMENT, TRANSPORTATION, REMOVAL/HAULING, OPERATOR'S FEE AND/OR OTHER FEES INCURRED BY THE CITY FOR THE PERFORMANCE OF LABOR SHALL BE:

(A) ALL DIRECT COSTS FOR THE REMOVAL OF SUCH ITEMS; PLUS,

(B) AN ADMINISTRATIVE FEE.

(4) IN THE EVENT THAT THE OWNER, OPERATOR, OR OCCUPANT FAILS TO PAY SUCH EXPENSES WITHIN THIRTY (30) DAYS AFTER BEING NOTIFIED IN WRITING, BY REGULAR MAIL, OF THE AMOUNT THEREOF BY THE CODE OFFICIAL, THE EXPENSES SET FORTH IN SUBSECTION (C) MAY BE COLLECTED USING ONE OR MORE OF THE FOLLOWING METHODS, PROVIDED THAT THE EXPENSES MAY ONLY BE COLLECTED ONCE:

(A) SUCH EXPENSES MAY BE CERTIFIED BY CITY COUNCIL TO THE COUNTY AUDITOR AND PLACED UPON THE TAX DUPLICATE FOR COLLECTION AS A SPECIAL ASSESSMENT; OR,

(B) THE CITY ATTORNEY IS AUTHORIZED TO BRING SUIT AND TAKE OTHER NECESSARY LEGAL ACTION TO COLLECT ALL SUCH EXPENSES.

(C) NOTICE TO VACATE.

A NOTICE TO VACATE SHALL BE ISSUED IN ACCORDANCE WITH SUBSECTION (A) WHENEVER A STRUCTURE OR PREMISES IS FOUND TO BE UNSANITARY, UNSAFE OR OTHERWISE UNFIT FOR HUMAN HABITATION. A STRUCTURE SHALL BE DECLARED UNFIT FOR HUMAN HABITATION WHEN IT IS FOUND TO BE VERMIN OR RAT INFESTED, LACKING SANITARY COOKING, BATHING OR TOILET FACILITIES, LACKING HEAT AND/OR WATER SUPPLIES, CONTAINING FILTH OR AN ACCUMULATION OF GARBAGE, RUBBISH OR DEBRIS AND/OR ANY OTHER CONDITION THAT MAY BE HARMFUL OR INJURIOUS TO THE OWNER, OPERATOR, OCCUPANT OR PUBLIC.

(1) WHENEVER THE OWNER, OPERATOR OR OCCUPANT OF A STRUCTURE FAILS, NEGLECTS, OR REFUSES TO COMPLY WITH A NOTICE TO VACATE, THE CODE OFFICIAL MAY REQUEST THE COURT TO ENFORCE THE ORDERS OF SUCH NOTICE OF VACATION AND CAUSE THE STRUCTURE OR A PART THEREOF, TO BE VACATED IN ACCORDANCE WITH THE TERMS OF SUCH NOTICE.

(2) CASES OF EMERGENCY. WHENEVER THE CONDITION OF A STRUCTURE OR PREMISES, OR A PART THEREOF, CONSTITUTES AN IMMEDIATE HAZARD TO HUMAN LIFE OR HEALTH, THE CODE OFFICIAL SHALL DECLARE A CASE OF EMERGENCY AND SHALL ORDER IMMEDIATE VACATION OF THE STRUCTURE OR PREMISES, OR PART THEREOF.

- (3) PLACARDS. WHENEVER THE CODE OFFICIAL ORDERS A STRUCTURE OR PREMISES, OR A PART THEREOF, TO BE VACATED, THE CODE OFFICIAL SHALL CAUSE TO BE POSTED AT EACH ENTRANCE OF THE STRUCTURE OR PREMISES, OR PART THEREOF, A PLACARD ORDERING SUCH VACATION. NO PERSON SHALL DEFACE OR REMOVE SUCH PLACARD UNTIL THE REPAIRS OR DEMOLITION ARE COMPLETED, WITHOUT THE PERMISSION OF THE CODE OFFICIAL. NO PERSON SHALL ENTER OR USE ANY STRUCTURE OR PREMISES SO PLACARDED EXCEPT FOR THE PURPOSE OF MAKING THE REQUIRED REPAIRS OR DEMOLISHING SUCH STRUCTURE OR PREMISES.

1490.16 RIGHT OF APPEAL.

THE OWNER, OPERATOR OR OCCUPANT OF ANY STRUCTURE OR PREMISES SHALL HAVE THE RIGHT OF APPEAL TO THE BOARD OF ZONING APPEALS ANY COMPLIANCE ORDER OR WRITTEN NOTICE ISSUED BY A CODE OFFICIAL. THE APPEAL MUST BE FILED WITHIN SEVEN (7) DAYS FROM THE DATE SUCH NOTICE WAS DELIVERED, POSTED OR OTHERWISE RECEIVED. SUCH APPEAL MUST BE IN WRITING AND BASED ONLY ON A CLAIM THAT THE TRUE INTENT OF THE CODE HAD BEEN INCORRECTLY INTERPRETED. FAILURE TO FILE A WRITTEN APPEAL WITH THE BOARD WITHIN THE TIME PRESCRIBED HEREIN SHALL CONSTITUTE A WAIVER OF THE RIGHT TO AN APPEAL. THE BOARD WILL HEAR THE APPEAL AT ITS NEXT REGULAR OR SPECIAL MEETING. THIS SECTION DOES NOT APPLY TO CASES OF EMERGENCY.

1490.17 VIOLATIONS; EQUITABLE REMEDIES.

(a) No person shall violate or fail to comply with any of the provisions of this chapter or with any rule or regulation promulgated hereunder or with any written notice or written order issued thereunder, or interfere with, obstruct or hinder the ~~Superintendent of Buildings or any other City department head or his representative~~ CODE OFFICIAL, while attempting to make an inspection pursuant to this chapter.

(b) The imposition of any penalty shall not preclude the City ~~Solicitor~~ ATTORNEY from instituting an appropriate action or proceeding in a court of proper jurisdiction ~~to prevent an unlawful repair or maintenance,~~ or to restrain, correct or abate a violation, or to prevent the occupancy of a building, structure or premises, or to require compliance with the provisions of this chapter, or other applicable laws, ordinances, rules or regulations or the orders or determinations of the ~~Superintendent of Buildings~~ CODE OFFICIAL or the Board of Zoning Appeals.

1490.99 PENALTY.

(EDITOR'S NOTE: See Section 1430.99 for general Building and Housing Code penalty if no specific penalty is provided.)

Section 3. That the Codified Ordinances of the City of Bexley be amended by the deletion of Chapter 676 and re-enacting Chapter 676 as Chapter 1492 of the Bexley Building and Property Maintenance Code.

Section 4. That the re-enacted Chapter 1492 of the Bexley Building and Property Maintenance Code be amended as follows:

CHAPTER 676 1492  
~~Weeds~~ VEGETATION/WEED CONTROL

~~676.01~~ AUTHORITY OF MAYOR TO INSPECT; ABATEMENT.

~~The Mayor is hereby authorized to determine on what lots and lands in the City there are growing noxious weeds and weeds and grass of rank growth. After a determination has been made that such noxious weeds or rank weed and grass growth constitute a nuisance or endanger the public health, it shall be the duty of the Mayor to see that such noxious or rank weeds and grass are removed or such nuisance abated.~~

1492.01 VEGETATION/WEED CONTROL REQUIRED.

(A) NO OWNER OR OCCUPANT HAVING CHARGE OR CONTROL OF A PREMISES IN THE CITY SHALL PERMIT NOXIOUS OR RANK VEGETATION/WEEDS TO GROW THEREON, CONSTITUTING A NUISANCE OR DANGER TO PUBLIC HEALTH AND SAFETY.

(B) "NOXIOUS VEGETATION/WEEDS" ARE DEFINED TO INCLUDE, BUT ARE NOT LIMITED TO, THISTLE, BURDOCK, JIMSON WEED, RAGWEED, MILKWEED, MULLEIN, POISON IVY, POISON OAK AND POISON SUMAC. VEGETATION OF RANK GROWTH INCLUDES, BUT IS NOT LIMITED TO GRASS/LAWN AREAS THAT EXCEED EIGHT INCHES IN HEIGHT AND BUSHES, SHRUBS, FLOWERS, TREES, BRANCHES AND LIMBS THAT EXTEND INTO OR OVERHANG THE PUBLIC RIGHT-OF-WAY. SUCH VEGETATION SHALL CONSTITUTE A PUBLIC NUISANCE OR DANGER TO PUBLIC HEALTH AND SAFETY.

~~676.02~~ 1492.02 NOTICE TO CUT AND DESTROY.

~~The Mayor~~ CODE OFFICIAL shall cause written notice to be served BY REGULAR MAIL upon the owners, lessees, agents or tenants OPERATOR OR OCCUPANT having charge of lots and lands referred to in Section ~~676.01~~ OF SUCH PREMISES IN VIOLATION OF SECTION 1492.01, notifying them that THE noxious weeds or weeds and grass of rank growth are growing on such lots and lands and that they must AND/OR RANK VEGETATION/WEEDS be cut or destroyed within seven (7) days after the service of such notice OF THE NOTICE AND THAT THE PREMISES BE MAINTAINED IN ACCORDANCE WITH THIS CHAPTER. ~~If such owner or other person having charge of such lands is a nonresident whose address is known, such notice shall be sent to his address by certified mail. If the address of such owner OPERATOR OR OCCUPANT, whether a resident or a nonresident, is unknown, it shall be sufficient to post such notice once on the property. After completion of notice, the Mayor shall make due return thereon, setting forth the estimated cost of service.~~

~~676.03~~ 1492.03 NONCOMPLIANCE.

Upon failure of any owner, lessee, agent or tenant OPERATOR OR OCCUPANT having charge of the lots and lands referred to in Sections ~~676.01~~ and ~~676.02~~ SUCH PREMISES to comply with the notice within the period of time stipulated, under the provisions of Section ~~676.02~~ 1492.02, the Mayor CODE OFFICIAL shall cause such

VEGETATION, weeds and/OR grass to be cut or destroyed by the direct employment of labor or authorize some person to cut the weeds and grass on behalf of the City OTHERWISE ABATED BY THE CITY.

~~676.04 1492.04 COSTS; RESPONSIBILITY OF LANDOWNER OR TENANT OWNER, OPERATOR OR OCCUPANT.~~

(A) Upon the performance of the labor under Section ~~676.03 1492.03~~, the Mayor CODE OFFICIAL shall ISSUE, BY REGULAR MAIL, A report OF the cost thereof to the owner, lessee, agent or tenant OPERATOR OR OCCUPANT having charge of each lot or parcel of land involved, and such person shall have fifteen days in which to pay the City for such labor plus the cost of investigation, handling of weed complaints and the cost of service and notification OF SUCH PREMISES. THE COST OF CUTTING, WHICH SHALL INCLUDE A CHARGE FOR THE USE OF EQUIPMENT, TRANSPORTATION, REMOVAL/HAULING, OPERATOR'S FEE AND/OR OTHER FEES INCURRED BY THE CITY FOR THE PERFORMANCE OF LABOR SHALL BE:

- (1) ALL DIRECT COSTS FOR THE CUTTING OF SUCH PREMISES; PLUS,
- (2) AN ADMINISTRATIVE FEE.

(B) IN THE EVENT THAT THE OWNER, OPERATOR OF OCCUPANT FAILS TO PAY SUCH EXPENSES WITHIN THIRTY (30) DAYS AFTER BEING NOTIFIED IN WRITING, BY REGULAR MAIL, OF THE AMOUNT THEREOF BY THE CODE OFFICIAL, THE EXPENSES SET FORTH IN SUBSECTION (A) MAY BE COLLECTED USING ONE OR MORE OF THE FOLLOWING METHODS, PROVIDED THAT THE EXPENSES MAY ONLY BE COLLECTED ONCE:

- (1) SUCH EXPENSES MAY BE CERTIFIED BY CITY COUNCIL TO THE COUNTY AUDITOR AND PLACED UPON THE TAX DUPLICATE FOR COLLECTION AS A SPECIAL ASSESSMENT; OR,
- (2) THE CITY ATTORNEY IS AUTHORIZED TO BRING SUIT AND TAKE OTHER NECESSARY LEGAL ACTION TO COLLECT ALL SUCH EXPENSES.

~~676.05 NONPAYMENT; REPORT TO COUNCIL.~~

~~If the costs are not paid as provided in Section 676.04, the Mayor shall report to Council the cost thereof with respect to each lot or parcel of land involved, including the cost of investigation, handling of weed complaints and the cost of service and notification.~~

~~676.06 CERTIFICATION TO COUNTY AUDITOR.~~

~~Upon receipt of the report provided for in Section 676.05 and approval thereof by Council, the Clerk of Council shall make a return in writing to the County Auditor of such charges which shall be entered upon the tax duplicate of the County, all in accordance with Ohio R.C. 731.54.~~

Section 5. That Chapter 676 of the Codified Ordinances of the City of Bexley is hereby repealed in its entirety.

Section 6. That this Ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed: December 9, 1997

  
\_\_\_\_\_  
President of Council

Attest: Richard A. Levin  
Clerk of Council

Approved: December 9, 1997

  
\_\_\_\_\_  
David H. Madison, Mayor

chap1490

9-23-97 first reading  
10-14-97 second reading  
tabled  
10-9-97 third reading  
passed