

Village of Spencerville - Property Maintenance Codes

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CHAPTER 400

DEFINITIONS

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400.1 DEFINITION RULES

Scope: Unless otherwise expressly stated, the following terms shall, for the purposes of this Property Maintenance Code (PMC), have the meanings shown in this chapter.

Interchangeability: Words stated in the present tense include the future; words stated in masculine gender include the feminine and the neuter; the singular number includes the plural and the plural the singular.

Terms Defined in Other Parts: Where terms are not defined in this chapter and are defined in other chapters of this PMC, or are defined in any of the building, plumbing and mechanical codes listed in Chapter 408, such terms shall have the meanings ascribed to them in those chapters or codes. In the event there is a conflict between the definition of a term in any code listed in Chapter 408 and the definition listed in any section or chapter of this PMC, then the definition in this PMC shall prevail.

Terms Not Defined: Where terms are not defined in this PMC, or in any of the building, plumbing and mechanical codes listed in Chapter 408, such terms shall have ordinarily accepted meanings such as the context implies.

Terms to Include “Or Any Part Thereof”: Whenever the words “dwelling unit,” “dwelling,” “premises,” “building,” “rooming house,” “rooming unit,” “story” and “structure” are used in this PMC, they shall be construed as though they were followed by the words “or any part thereof.”

400.2 DEFINITIONS

As used in this PMC, the following words and terms shall have the meanings respectively ascribed them herein:

Approved: Approved by the Code Official.

Basement: That portion of a structure which is partly or completely below ground.

Building: Any structure occupied or intended for supporting or sheltering any occupancy, or any vacant structure.

Building Code: The Building Code officially adopted by the legislative body of this jurisdiction, or other such codes officially designated by the legislative body of this jurisdiction for the regulation of construction, alteration, addition, repair, removal, demolition or location of the buildings or structures.

Code Official: The Property Maintenance Code (PMC) Administrator or any person duly authorized by him/her to administer the provisions of the PMC.

Condemn: To determine as unfit for occupancy.

Construction documents: All the written, graphic, or pictorial documents prepared or assembled for describing the design, location and physical characteristics of the elements of a project necessary for obtaining a building permit. The construction drawings shall be drawn to an appropriate scale.

Dormitory: A space in a building where group sleeping accommodations are provided in one room, or in a series of closely associated rooms, for persons not members of the same family group.

Dwelling: Any type of structure occupied or intended for occupancy by any person for purposes of living or sleeping therein, such as a dormitory, dwelling unit, hotel, one-family dwelling, rooming house, rooming unit, apartment house, or complex, condominium, duplex or two family dwelling.

Dwelling unit: A single unit providing complete, independent living facilities for one or more persons including provisions for living, sleeping, eating, cooking and sanitation.

Exterior property area: The open or unoccupied land of a premises, and any adjoining property under control of owners or operators of such premises.

Extermination: The control and elimination of insects, rats or other pests by eliminating their harborage places; by removing or making inaccessible materials that serve as their food; by poison spraying, fumigating or trapping; or by any other approved pest elimination methods.

Family: An individual or married couple and the children thereof with not more than two other persons related directly to the individual or married couple by blood or marriage; or a group of not more than five unrelated persons, living together as a single housekeeping unit in a dwelling unit.

Garbage: Waste resulting from the handling, preparation, cooking and consumption of food or food products.

Habitable space: Space in a structure for living, sleeping, eating, or cooking. Bathrooms, toilet compartments, closets, halls, storage or utility spaces, and similar areas, are not considered habitable spaces.

Infestation: The presence, within or contiguous to a structure or premises, of insects, rats, vermin, or other pests.

Junk: Any worn out, cast-off or discarded article, or material which is ready for disposal or destruction, or which has been collected or stored for salvage or conversion to some other use. Any article or material which, unaltered or unchanged and without further reconditioning can be used for its original purpose as readily as when new, shall not be considered junk. Portions of junk motor vehicles, such as hoods, fenders, radiators, rims, motors, etc., not being utilized for the repair of a motor vehicle, shall be considered junk.

Let for occupancy or let: To permit possession or occupancy of a dwelling, building or structure by a person who is not the legal owner of record thereof, pursuant to a written or unwritten lease, agreement or license, or pursuant to a recorded or unrecorded agreement or contract for the land of sale.

Occupancy: The purpose for which a structure or portion thereof is utilized or occupied.

Occupant: Any person living or sleeping in a dwelling, building or structure, or having possession of a space therein.

One-family dwelling: A building containing one dwelling unit.

Openable area: That part of a window or door which is available for unobstructed ventilation and which opens directly to the outdoor.

Operator: Any person who has charge, care or control of a structure or premises which is let or offered for occupancy.

Owner: Any person, agent, operator, firm, corporation or other legal entity having a legal or equitable interest in the property, or recorded in the official records of the state, county or municipality as holding legal title to the property, or otherwise having control of the property, including the guardian of the estate of any such person, a trustee, or receiver if ordered to take possession or control of real property by a court.

Person: An individual , corporation, firm, partnership, trustee, receiver, joint venture or any other group or entity.

PMC Administrator: That person appointed by the Village of Spencerville, Allen County, Ohio, to administer all provisions of the PMC, to include, but not limited to, making necessary inspections, issue notices, and keeping the official documents and records required by, and or associated with, the administration of the PMC.

Premises: A lot, plot, parcel, or area of land, including the interior and exterior of any structures thereon.

Public nuisance: Includes any of the following, as may be determined by the Code Official:

- (a) The physical condition or occupancy of any premises regarded as a public nuisance at common law, or as determined by statute.
- (b) Any physical condition or occupancy of any premises or its appurtenances considered to be an attractive nuisance to children including, but not limited to, abandoned wells, shafts, basements, excavations, and unsafe fences or structures.
- (c) Any premise that has unsanitary sewerage or plumbing facilities.
- (d) Any premise that is determined to be unfit for human habitation.
- (e) Any premise that is manifestly capable of being a fire hazard, or is manifestly unsafe or unsecured so as to endanger life, limb or property.
- (f) Any premises from which the plumbing, heating, or facilities required by this PMC have been removed, or from which utilities have been disconnected, destroyed, removed or rendered ineffective, or for which the required precautions against trespassers have not been provided.
- (g) Any premises that is unsanitary, or that is littered with rubbish or garbage, or that has uncontrolled growth of weeds.
- (h) Any structure that is in a state of dilapidation, deterioration or decay; that has faulty construction; that is overcrowded; that is open, vacant or abandoned; that is damaged by fire to such an extent that it does not provide shelter; that is in danger of collapse or failure; or that is dangerous to anyone in or near the premises.

Refuse collection areas: Those areas used for the purpose of storing or keeping of containers, to include dumpsters, to hold rubbish and garbage for multi-dwelling units, businesses, organizations or institutions, and any other non single family dwelling unit.

Rubbish: paper, rags, cartons, boxes, rubber, tin cans, metals, mineral matter, glass, crockery, plastic and other similar materials.

Structure: That which has been, or is being, built or constructed, or a portion thereof.

Two-family dwelling: A building containing two dwelling units.

Unoccupied/abandoned (property): A property is considered unoccupied and/or abandoned when no structure is being used as a dwelling unit and no village utilities are have been utilized for a minimum of thirty (30) days.

Ventilation: The natural or mechanical process of supplying conditioned or unconditioned air to, or removing such air from, any space.

Weeds:

- (a) “Weeds” are all grasses, annual plants and vegetation, other than trees, shrubs and cultivated flowers and gardens.
- (b) “Noxious or harmful weeds or vines” means ragweeds, goldenrod, burdock, yellow dock, thistles, wild carrot, poison ivy and any other weed or vegetable which exhales offensive or noxious odors or from which there is carried by the wind injurious, offensive or annoying pollen, dust, down, seed or particle, or which may conceal filthy deposits.

Workmanlike: Executed in a generally acceptable and skilled manner, e.g. generally plumb, level, square, in line, undamaged and without marring adjacent work.

Yard: An open area of land on the same premises with a structure, or vacant premises.

CHAPTER 401

GENERAL PROVISION AND ADMINISTRATION

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401.1 TITLE

This Part Four of this PMC shall be known as the Property Maintenance Code of Spencerville, Ohio, hereinafter referred to as “this Code” or the “PMC”.

401.2 PURPOSES

The purposes of this Code are to protect the public health, safety and welfare in all existing structures, residential and nonresidential, and on all existing premises, by establishing minimum requirements and standards for premises, structures, equipment and facilities for light, ventilation, space, heating, sanitation, protection from the elements, life, safety, safety from fire and other hazards, and safe and sanitary maintenance; to fix the responsibility of owners, operators, and

occupants; to regulate the occupancy of existing structures and premises; and to provide for administration, enforcement and penalties.

401.3 INTENT

This Code shall be construed so as to secure its expressed intent, which is to ensure public health, safety and welfare insofar as they are affected by the continued occupancy and maintenance of structures and premises. Existing structures and premises that do not comply with this Code shall be altered or repaired to provide a minimum level of health and safety required herein.

401.4 REFERENCED STANDARDS

The standards referenced in this Code and listed in Chapter 408 shall be considered part of the requirements of this Code to the prescribed extent of each such reference. Where differences occur between provisions of this Code and the provisions of referenced standards, the provisions of this Code shall apply.

401.5 EXISTING REMEDIES

The provisions of this Code shall not be construed to abolish or impair existing remedies of the jurisdiction or its officers or agencies relating to the removal or demolition of any structure which is dangerous, unsafe or unsanitary.

401.6 WORKMANSHIP

All repairs, maintenance work, alterations and installations which are caused directly or indirectly by the enforcement of this Code shall be executed and installed in a workmanlike manner.

401.7 APPLICATION OF OTHER CODES

Any repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provision of the building, plumbing and mechanical codes listed in Chapter 408.

401.8 SEVERABILITY

If any section, subsection, paragraph, sentence clause or phrase of this Code shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this Code are hereby declared to be severable.

401.9 SAVING CLAUSE

This Code shall not affect violations of any other ordinance, code or regulation existing prior to the effective date hereof, and any such violation shall be removed and shall continue to be punishable to the full extent of the law under the provisions of those ordinances, codes or regulations in effect at the time the violation was committed.

401.10 MAINTENANCE REQUIRED

All equipment, systems, devices and safeguards required by this Code or a previous statute or code for a structure or premises when erected or altered shall be maintained in good working order. The requirements of this code are not intended to provide the basis for removal or abrogation of fire protection and safety systems and devices in existing structures.

401.11 APPROVED MATERIALS AND EQUIPMENT

All materials, equipment and devices approved by the Code Official shall be constructed and installed in accordance with such approval.

401.12 MODIFICATIONS

Where there are practical difficulties involved in carrying out structural or mechanical provisions of this Code, the Code Official shall have the right to vary or modify such provisions upon the application of the owner or the owner's representative, provided that the spirit and intent of the law is observed and that the public health, safety and welfare are assured.

401.13 RECORDS

All documentation pertaining to the application of the PMC shall be kept by the PMC Administrator and stored at such office location of the PMC Administrator. Such records shall be retained for a period of not less than two (2) years

401.14 AUTHORITY OF CODE OFFICIAL

- (a) A Code Official is authorized to administer all provisions of the PMC to include property inspections and to serve notices for non-compliance.
- (b) A Code Official may solicit the cooperation of:
 - (1) The Village Administrator for the purpose of work task to bring properties into compliance upon a written request from a Code Official.
 - (2) The Village Police Department to enforce non-compliance violations by means of a citation or summons.
- (c) Prior to accessing any occupied property for inspection, a Code Official shall attempt to obtain permission of the owner or tenant to inspect. If such permission is denied or cannot be obtained, a Code Official shall request the assistance of the Village Solicitor in securing a valid search warrant prior to entry.
- (d) If an unoccupied / abandoned property consist of any structure in noticeable violation of the PMC and the owner is not readily available to be contacted, a Code Official is authorized to access the property to make external inspections.

- (e) It is not the intent of this section to require a Code Official to seek permission to access properties for the purpose of contacting persons to discuss issues, serve notices, or make posting of notices, pertaining to the PMC.
- (f) A Code Official is exempt from criminal prosecution of trespassing, or similar ordinances, while acting within the official scope of his or her duties when attempting to make personal contact with any persons relating to the administration of the PMC.

401.15 IDENTIFICATION

The Code Official shall carry proper identification when inspecting structures or premises and otherwise when in the performance of duties under this Code.

401.16 RESTRICTION ON EMPLOYEES

An official or employee connected with the enforcement of this Code shall not engage in any work that creates a conflict of interest, conflicts with his or her official duties, or with the interests of the Spencerville Mayor's Office or Village.

401.17 RELIEF FROM PERSONAL RESPONSIBILITY

The Code Official, officer or employee charged with the enforcement of this Code, while acting for the jurisdiction, 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 any act required or permitted in the discharge of official duties. Any suit instituted against an 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 Code Official or any subordinate shall not be liable for costs in any action, suit or proceeding that is instituted pursuant to the provisions of this Code, and any officer of the PMC, acting in good faith and without malice, shall be free from liability for acts performed under any of its provisions or by reason of any act or omission in the performance of official duties in connection therewith.

401.18 NOTICE TO OWNER OR PERSON(S) RESPONSIBLE

Whenever the Code Official determines that there has been a violation of this code or has grounds to believe that a violation has occurred, notice shall be given to the owner or the person or persons responsible therefore in the manner prescribed in Sections 401.19 and 401.20. Notices for condemnation procedures shall also comply with Section 406.05.

401.19 FORM

The notice prescribed in Section 401.18 shall:

- (a) Be in writing;
- (b) Include a description of the real estate sufficient for identification;
- (c) Include a statement of the reason or reasons why the notice is being issued;
- (d) Include a correction order allowing a reasonable time for the repairs and improvements required to bring the dwelling unit, structure or premises into compliance with the provisions of this Code; and

401.20 METHOD OF SERVICE

The notice prescribed in Section 401.18 shall be served by one of the following methods:

- (a) by personal service upon the person to whom the notice is directed. If such person is not available at their usual place of residence at time of service, the notice may be left with another household member that is of eighteen (18) years of age or older, provided instructions are given for such person who is named on the notice, contact the Code Official to confirm receipt of said notice.
- (b) sent by regular U.S. Mail evidenced by a U.S. Postal Certificate of Mailing addressed to such person at the last known address. If the notice is returned showing that the letter was not delivered, then a copy of said notice shall be posted in a conspicuous place in or about the structure affected by such notice, and the notice shall be published once in the Spencerville News Journal. When such a notice is so published, any time periods referenced in the notice shall commence from the date of the publication.

401.21 FAILURE TO COMPLY AFTER NOTICE

If, upon re-inspection following the issuance of an Order to Comply, the condition has not been corrected, the Code Official shall proceed with one of the appropriate following actions:

- (a) Give notice to the Village Police Department for the purpose of issuing a citation or summons for any such violation(s).
 - (1) Persons cited are to appear in court at the time and location as noted on the citation or summons unless otherwise authorized by the Mayor.
 - (2) In the case of a contested charge, the Code Official shall notify the Village Solicitor and submit all documentation regarding such contested charge(s).
- (b) Abandoned properties in violation of sections 402.05, 402.07, 402.08 and section 405, the Code Official may have properties brought in to compliance in the following manner:

- (1) Written notice shall be given to the Village Administrator stating the property description and violation. The Village Administrator shall initiate a work order for the property to be brought in to compliance by the Village Street Department.
- (2) Expenses incurred to the Village as a result of having to bring a property in compliance, shall be billed to the property owner.
- (3) In the event that the owner or other appropriate persons fail to pay such bill for work performed by the Village relating to this section within thirty days after receipt of said bill, the Village Administrator may proceed in one of the following methods in order to collect such fees:
 - (a) The amount due may be certified by Council to the County Auditor to be added to the property tax for collection as a special assessment; or
 - (b) The Village Solicitor is authorized to bring suit and take other necessary legal action to collect all such expenses.

401.22 TRANSFER OF OWNERSHIP

No owner of any dwelling unit or structure who has received a compliance order or upon whom a notice of violation has been served shall sell, transfer, mortgage, lease or otherwise dispose of the unit or structure 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, 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.

401.23 ADMINISTRATIVE ACTION

The Code Official shall take immediate action in accordance with the decision of the Planning Commission.

401.24 RESPONSIBILITY OF OWNER

Unless otherwise specifically stated in this Code, the owner of a premises is ultimately responsible for any violation of this Code.

CHAPTER 402

GENERAL REQUIREMENTS FOR EXTERIOR PROPERTY AREAS

- 402.1 Sanitation**
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 - 402.3 Grading and drainage**
 - 402.4 Sidewalks and driveways**
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 - 402.6 Exhaust vents**
 - 402.7 Storage and accumulation of junk**
 - 402.8 Weeds**
 - 402.9 Tree and branches overhanging streets**
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402.1 SANITATION

All exterior property and premises shall be maintained in a clean, safe and sanitary condition. The occupant shall keep that part of the exterior property which such occupant occupies or controls in a clean, safe and sanitary condition. Nothing herein shall abrogate the ultimate responsibility of the owner, as set forth in Section 401.23.

402.2 INFESTATION

All structures and exterior property areas shall be kept free from rat, vermin, insect or other pest infestation. Where rats, vermin, insects or other pests are found, they shall be promptly removed or exterminated by approved processes which will not be injurious to human health. After removal or extermination, proper precautions shall be taken to prevent re-infestation.

402.3 GRADING AND DRAINAGE

All premises shall be graded and maintained to prevent the accumulation of stagnant water thereon, or within any structure located thereon. This section shall not apply to water retention areas and reservoirs approved by the Code Official.

402.4 SIDEWALKS AND DRIVEWAYS

All sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair and maintained free from hazardous conditions.

402.5 BARRICADES AND WARNING LIGHTS; ABANDONED EXCAVATIONS

- (a) No person shall abandon or permit to remain on public or private property, any excavation, well or cesspool, or a structure which is in the process of construction, reconstruction, repair or alteration, unless the same is adequately protected by suitable barricades and guarded by warning devices or lights at night so that the condition will not reasonably prove dangerous to life or limb.
- (c) No person shall destroy, remove, damage or extinguish any barricade or warning light that is placed for the protection of the public so as to prevent injury to life or limb.
- (d) No owner or person in control of a premises upon which a basement, cellar, well or cistern has been abandoned due to demolition, failure to build, or any other reason, shall fail to cause the same to be filled to the ground surface with rock, gravel, earth or other suitable material.
- (e) If the owner or person to whom a notice is directed requiring them to fill the basement, cellar, well or cistern, or other type of excavation fails to comply with the requirements of the notice, the Code Official may cause said basement, cellar, well or cistern, or other type of excavation to be filled, and may employ the necessary labor to perform such task.
- (f) The remedies provided in this section shall be in addition to any fines or cost resulting from a citation or summons.

402.6 EXHAUST VENTS

Pipes, ducts, conductors, fans and blowers shall not discharge gases, smoke, obnoxious odors or other gaseous or particulate wastes directly upon abutting or adjacent public or private property or that of another tenant.

402.7 STORAGE AND ACCUMULATION OF JUNK AND MATERIALS

- (a) No person shall cause or permit garbage, rubbish, tree or bush branches or trimmings, brush, cast-off or discarded articles, litter, inoperative machinery or items, machinery equipment or parts, vehicle parts and accessories, household items, lawn equipment, structural components (window, doors, etc.) or materials which are ready for destruction or disposal, or which have

been collected for salvage or conversion to some other use, to be stored, kept or placed outside any structure, or on any premises, except where permitted by zoning ordinances. This section does not apply to agricultural machinery on properties stated in section 12.11.

- (b) In residentially zoned districts, if not concealed by means of a privacy fence, equipment, buckets, containers, crates, trash cans, lumber, ladders, saw horses, large hand tools and portable cooking devices, are to be kept near the rear of any structure, out of view from the public roadways or within an enclosed structure if available. For properties located on a corner lot, with the exception of portable cooking devices, items must be stored within an enclosed structure if not otherwise concealed from view from the public roadways by a privacy fence.
- (c) Tarps are prohibited as a means of covering items for storage, animal pens, or vehicles unless in compliance with sub-section (b) above. Tarps are permitted for temporary use to protect unfinished construction projects, construction materials, tables and items related to garage sales from in climate weather.
- (d) Building / construction materials shall not be stored or kept outside any structure except within the designated storage area of a business which sells such material or at a location where construction or remodeling is currently being conducted.
- (e) Firewood kept on any premises shall be stacked to the rear of the residence or other structure or to the rear of the property.
- (f) Storage of junk or garbage in a trailer or truck is prohibited – either on private property or public right of way.

402.8 WEEDS & GRASS

- (a) The owner or occupant of any premises shall maintain such premises and exterior property free from grass and/or weeds in excess of eight inches.
- (b) The owner or occupant of any premises shall maintain such premises and exterior property free from all noxious or harmful weeds or vines. In excess of eight inches.
- (c) Fields used for the purpose of agricultural use as described in section 12.11, are exempt from subsection (a) of this section. This exemption does not apply to the yards of such properties.
- (d) Due to extenuating circumstances that would prohibit or hamper the ability of such persons to come into compliance as described in section, (i.e. – continuous days of rain after notice), such time frame shall be extended two (2) days after such conditions no long exist.

402.9 TREE BRANCHES OVERHANGING STREETS

The branches of all shade or ornamental trees located on private property within the Village limits shall not be allowed to grow nearer than sixteen feet to the line of the established grade of the street or within sixteen feet from the surface of the earth upon any street upon which a grade has not been established. The branches of trees extending downward to a point nearer than sixteen feet to the surface of the earth upon any street where there is no established grade, are hereby declared to be a nuisance and the owners of the abutting lot or land shall cause the same to be removed or such nuisance shall be abated according to law.

- (a) All debris from trimming trees, brush or bushes shall not be allowed to accumulate on any premises.

402.10 OUTDOOR USE/STORAGE OF FURNITURE AND APPLIANCES

Furniture that is not specifically constructed or intended for outdoor use, or appliances to include, but not limited to, washers, dryers, refrigerators or freezers shall not be kept or stored outdoors on any premises.

402.11 COMPLIANCE

If an Order to Comply is issued for any violation(s) of this section, the person(s) mentioned in the notice, and/or any person responsible for such property, shall bring such violations into compliance within three (3) days, unless otherwise stated.

CHAPTER 403

GENERAL REQUIREMENTS FOR EXTERIOR STRUCTURE

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403.1 GENERAL

The exterior structure shall be maintained in good repair, structurally sound and sanitary, so as not to pose a threat to the public, health, safety or welfare.

403.2 STREET NUMBERS

Each structure to which a street number has been assigned shall have such a number displayed in a position easily observed and readable from the public right-of-way. All numbers shall be at least three inches high and one-half inch stroke.

403.3 STRUCTURAL MEMBERS

All structural members shall be maintained free from deterioration, and shall be capable of safely supporting the imposed dead and live loads.

403.4 FOUNDATION WALLS

All foundation walls shall be maintained plumb and free from open cracks and breaks and shall be kept in such condition so as to prevent the entry of rats, pests or other animals.

403.5 EXTERIOR WALLS

- (a) All exterior walls shall be free from holes, breaks, loose or rotting materials and shall be properly surface-coated, if applicable, to prevent deterioration.
 - (1) “Properly surface-coated” refers to painted or a manufactured siding products.
 - (2) House wrap, tarpaper, OSB board, paneling or similar type of materials are not an acceptable means to meet the term of “properly surface-coated”.
- (b) All exterior walls shall be free of peeling paint.
- (c) Openings in walls, which have been boarded-up or secured by means other than conventional methods used in the design of the building or by methods permitted for new construction of similar type by repairing or replacing such openings, shall be repaired and such items used to board-up or secured such openings be removed within thirty (30) days.

403.6 ROOFS, FASCIA AND DRAINAGE.

- (a) The roof and flashing shall be sound, tight and not have defects to admit rain.
- (b) Gutters and downspouts shall be used to collect roof water drainage and shall be maintained in a tight, leak proof condition adequate to prevent dampness and deterioration in the foundation, walls, or interior portion of the structure.
- (c) Roof water drainage shall not be discharged in a manner that creates a public or private nuisance.
- (d) Metal roofs shall be free from peeling paint and be properly surface-coated to prevent rust.
- (e) Fascia boards shall be properly surface-coated and free of peeling paint or rot.

403.7 DECORATIVE FEATURES

All cornices, belt courses, corbels, terra cotta trim, wall facing and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.

403.8 OVERHANG EXTENSIONS

All canopies, marquees, signs, metal awnings, stairways, fire escapes, standpipes, exhaust ducts and similar overhang extensions shall be maintained in good repair and be properly anchored so as to be kept in a safe and sound condition. When required, 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.

.403.9 CHIMNEYS AND TOWERS

All chimneys, cooling towers, smokestacks 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 applications of weather-coating materials, such as paint or similar surface treatment.

403.10 HANDRAILS, GUARDS, RAILINGS AND SUPPORT POST

Every handrail, guards, railing and support post shall be firmly fastened and capable of supporting normally imposed loads, shall be maintained in good condition, free of peeling paint or rust, and properly surface-coated.

403.11 WINDOWS AND DOORS

- (a) Every window, door and frame shall be kept in sound condition, good repair and weather-tight.
- (b) All windows and door frames shall be properly surface-coated to prevent deterioration and free of peeling paint.
- (c) For any non-vacated dwelling or structure, any window or door which becomes boarded-up or secured by means other than conventional methods of repairing or replacing such door or window, shall be repaired or replaced within thirty (30) days and any such materials used to previously secure the window or door be removed.

403.12 INSECT SCREENS

Screens shall be in good condition, free of holes and tears.

403.13 BASEMENT HATCHWAYS

Every basement hatchway shall be maintained to prevent the entrance of rats, pests or other animals, rain and surface drainage water.

403.14 GUARDS FOR BASEMENT WINDOWS

Every basement window that is openable shall be supplied with shields, storm windows or other approved protection against the entry of rats, pests or other animals.

403.15 ACCESSORY STRUCTURES

All accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in good repair and properly surface coated.

CHAPTER 404

GENERAL REQUIREMENTS FOR INTERIOR STRUCTURE

404.1 General

404.2 Compliance

404.3 Liability of non-compliance

404.1 GENERAL.

The interior of a structure and the equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. Every occupant shall keep that part of the structure which such occupant occupies or controls in a clean and sanitary condition. Every owner of a structure containing a rooming house, hotel, a dormitory, two or more dwelling units or two or more nonresidential occupancies, shall maintain, in a clean and sanitary condition, the shared or public areas of the structure and exterior property.

404.2 COMPLIANCE

Compliance for Fire Safety, Mechanical and Electrical, Plumbing and Light, Elevators and Escalators, Building Code, Ventilation and Occupancy requirements identified in sections or codes listed in section 409 of this ordinance, shall be the responsibility of the owner of any premises or structure.

404.3 LIABILITY FOR NON-COMPLIANCE

The Village or Code Official shall not be liable for any non-compliance of interior building codes of any structure, to include, but not limited to, those mentioned under Chapter 409 or this ordinance.

CHAPTER 405

RUBBISH AND GARBAGE

405.1 Accumulation of rubbish or garbage.

405.2 Disposal of rubbish and garbage

405.3 Owner's Responsibility

405.4 Storage – refuse collection areas

405.5 Compliance

405.1 ACCUMULATION OF RUBBISH OR GARBAGE.

The exterior of any premises, shall be free from accumulation of rubbish or garbage, to include bagged rubbish or garbage unless stored in trash containers.

405.2 DISPOSAL OF RUBBISH AND GARBAGE

- (a) The owner or primary tenant of any resident, or the operator of any establishment shall dispose of all rubbish in a clean and sanitary manner by placing such rubbish in appropriate trash containers.
- (b) The owner or primary tenant of any resident, or the operator of any establishment producing garbage shall dispose of garbage in a clean and sanitary manner by placing such garbage in leak proof containers provided with close-fitting covers for the storage of such materials until removed from the premises for disposal.
- (c) All rubbish, trash and garbage shall be collected at least once weekly.

405.3 OWNER'S RESPONSIBILITY

The owner of every occupied premises shall supply appropriate containers for rubbish and garbage, and the owner of the premises shall be responsible for the removal of such rubbish and garbage.

405.4 STORAGE - REFUSE COLLECTION AREAS

- (a) Containers used for disposal of rubbish and garbage, when kept outside the dwelling unit or other structure, shall be stored to the rear of a structure, out of sight from the main public streets, except during the time permitted for such containers to be placed within the right-of-way to be collected by the contracted refuse hauler;

- (b) The storage and collection of garbage and refuse within each district shall be conducted so as to create no health hazards, rodent harborage, insect breeding areas, fire hazards or air pollution.
- (c) In Mobile Home Parks, refuse collection areas shall be located no more than one-hundred-fifty (150) feet from any manufactured home lot;
- (d) In any zoned district, refuse collection areas or dumpsters shall be stored or kept out of view of any public right-of-way, to include all streets and alleyways. Such collection areas or dumpsters shall be enclosed by a solid wall and/or fence, at least six (6) feet in height, accessible by means of a gate or suitably landscaped and screened. Provisions shall be made for regular and adequate vehicular access to such areas for collection purposes as determined necessary by the Zoning Administrator.
- (e) The storage of hazardous or toxic materials or wastes shall not be permitted without documented approval of the Ohio Environmental Protection Agency; and,
- (f) Materials or wastes which might cause fumes or dust or otherwise constitute a fire hazard, or which may attract rodents or insects, shall be stored only in enclosed containers constructed of impervious materials.

405.5 COMPLIANCE

If an Order to Comply is issued for violation(s) of this section, to exclude section 405.4(d), the person(s) mentioned in the notice, and/or any person responsible for such property, shall bring such violations into compliance within two (2) days, unless otherwise stated.

CHAPTER 406

UNSAFE STRUCTURES AND EQUIPMENT

406.1 Closing of vacant structures

406.2 Notice

406.3 Placarding

406.4 Removal of placard

406.5 Prohibited occupancy

406.1 CLOSING OF VACANT STRUCTURES

- (a) If a structure is vacant and unsecured, and is not in danger of structural collapse, the Code Official is authorized to post a placard of condemnation on the premises and order the structure closed up so as not to be an attractive nuisance. Upon failure of the owner to close up the premises within the time specified in the order, the Code Official shall cause the premises to be closed by giving written request to the Village Administrator to seal the structure. The Village Administrator shall initiate a work order for the Village Street Department to comply with such request provided it is reasonable and within the abilities of the Street Department.

If the Village has to perform work as mentioned above, the same procedures shall be followed for reimbursement as outlined in section 401.21, sub-section (b).

- (b) In the event the Code Official determines that a vacant and unsecured structure poses an immediate danger to the safety or well being of the public or any person, then the Code Official is authorized to immediately cause said structure to be closed and secured, without prior notice to the owner or other appropriate person. The expense therefore shall be the responsibility of the owner of the premises.
- (c) No structure which has been closed or otherwise boarded-up under this section, shall remain closed or boarded-up for a period longer than three (3) months after notice to repair has been received. Openings shall be repaired or replaced by conventional methods used in the design of the building or by methods permitted for new construction of similar type.

406.2 NOTICE

Whenever the Code Official has condemned a structure or equipment under the provisions of this chapter, notice shall be posted in a conspicuous place in or about the structure affected by such notice and served on the owner or the person or persons responsible for the structure or equipment in accordance with Section 401.20. The notice shall be in the form prescribed in Section 401.19.

406.3 PLACARDING

Upon failure of the owner or person responsible to comply with the notice provisions within the time given, the Code Official shall post on the premises a placard bearing the word “condemned” and a statement of the penalties provided for occupying the premises, operating the equipment or removing the placard.

406.4 REMOVAL OF PLACARD

The Code Official shall remove the condemnation placard whenever the defect or defects upon which the condemnation and placarding action were based have been eliminated. No person shall deface or removes a condemnation placard without the approval of the Code

406.5 PROHIBITED OCCUPANCY

Any person who shall occupy a placarded premises and any owner or any person responsible for the premises who shall let anyone occupy a placarded premises or operate placarded equipment, shall be subject to the penalties provided in this Code.

CHAPTER 407

GENERAL REQUIREMENTS FOR PLUMBING

- 407.1 Scope**
 - 407.2 Responsibility of owner**
 - 407.3 Required facilities; dwelling units**
 - 407.4 Sanitary drainage system in**
 - 407.5 Maintenance of sanitary system**
 - 407.6 Storm drainage in general**
-

407.1 SCOPE

The provisions of this chapter shall govern the minimum plumbing facilities and plumbing fixtures to be provided in any premises.

407.2 RESPONSIBILITY OF OWNER

The owner of a structure shall provide and maintain plumbing facilities and plumbing fixtures in compliance with this Code. A person shall not occupy as owner-occupant, or permit another person to occupy, any structure or premises that do not comply with requirements of this chapter.

407.3 REQUIRED FACILITIES; DWELLING UNITS

Every dwelling unit shall contain its own bathtub or shower, lavatory, toilet and kitchen sink, which shall be maintained in a sanitary, safe working condition. The lavatory shall be placed in the same room as the toilet or located in close proximity to the door leading directly into the room in which such toilet is located.

407.4 SANITARY DRAINAGE SYSTEM IN GENERAL

All plumbing drains shall be properly connected to a public sewer system.

407.5 MAINTENANCE OF SANITARY DRAINAGE SYSTEM

Every plumbing stack, vent, waste and sewer line shall function properly and be kept free from obstructions, leaks, and defects.

407.6 STORM DRAINAGE IN GENERAL

Drainage of roofs, paved areas, yards, courts and other open areas on any premises shall not be discharged in a manner that creates a public nuisance.

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CHAPTER 408
MOTOR VEHICLES

408.1 Motor Vehicles

408.2 Parking vehicles and trailers

408.2 Prohibition against junk motor vehicles; exceptions.

408.1 MOTOR VEHICLES.

(a) Except as provided for in the Zoning Ordinance for the Village of Spencerville, not more than one currently unregistered or uninspected motor vehicle shall be parked, kept or stored on any premises, and no vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled.

(b) No motor vehicle shall be parked, kept, or stored on any non-paved or non-asphalted or non-stoned portion of the front or side yard of any premises.

(c) This section shall not apply to a vehicle under major mechanical repair or overhaul, including body work, provided that such work is performed inside a structure which is appropriate to be used for such purposes in accordance with zoning, building, fire, or other applicable codes.

408.2 PARKING OF VEHICLES AND TRAILERS CONTAINING JUNK.

No person shall place, park, stop or stand, in or upon any highway, street, alley or private property within the Village, any vehicle or trailer upon or in which is deposited, collected, stored or maintained any junk, except when the person in charge or control of such vehicle or trailer is in the actual and immediate act of loading or unloading junk upon, in or from the vehicle or trailer. As used in this section, “vehicle” and “trailer” shall have the same definitions as provided in the Zoning Ordinance for the Village of Spencerville.

408.3 PROHIBITION AGAINST JUNK MOTOR VEHICLES; EXCEPTIONS.

(a) For the purpose of this section, the following definitions shall apply:

(1) “Junk motor vehicle” means any motor vehicle meeting any three of the following criteria:

A. Five years or older

- B. Partially dismantled.
- C. Inoperable.
- D. Fair market value of less than three hundred dollars (\$300.00).
- E. Unlicensed or improperly licensed.

(2) “Partially dismantled” means, but is not limited to the following:

- A. Missing engine.
- B. Missing battery.
- C. Missing transmission.
- D. Missing door, fenders, or hood.
- E. Missing wheels or on blocks.
- F. Missing tires or deflated tires.
- G. Missing or broken windshield or windows.

(3) “Inoperable” means any motor vehicle incapable of being propelled under its own power. Any motor vehicle that has not been moved for thirty (30) consecutive days shall be presumed inoperable.

(4) “Collector’s vehicle” means any motor vehicle or agricultural tractor or traction engine of special interest having a fair market value of five hundred dollars (\$500.00) or more, whether operable or not, that is owned, operated, collected, preserved, restored, maintained, or used essentially as a collector’s item, leisure pursuit, or investment, but not as the owner’s principal means of transportation.

(b) No vehicle owner or person in charge or control of any premises within the Village, whether as owner, tenant, lessee, occupant, or otherwise, shall allow any junk motor vehicle to remain upon any premises longer than ten (10) days after receipt of written notice to remove the junk motor vehicle from such premises. The written notice shall be issued to the property owner and/or owner of such vehicle by an officer of the Police Department or by the Code Official. Such written notice shall contain:

- (1) The name of the property owner.
- (2) The property address at which the junk motor vehicle is located.
- (3) The make and model of the vehicle.

- (4) The license plate number, if any.
 - (5) The vehicle identification number (VIN), if available.
 - (6) A description of the condition of said vehicle.
 - (7) A statement to the effect that the person in charge or in control of the private property upon which such a vehicle is located and the titled owner of such vehicle are jointly and severally liable for all costs incurred by the Village for the removal, storage, and disposal of such vehicle, plus an administrative fee of one hundred dollars (\$100.00), per vehicle.
 - (8) A notice of any right to appeal.
- (c) Such a written notice shall be served in the manner prescribed by Section 401.
- (d) If the owner, lessee, agent, or person having charge of the land, or the title owner of the motor vehicle, served with the notice fails to remove such junk motor vehicle, and officer of the Police Department or the Code Official approved by the Chief of Police is authorized to remove and impound any junk motor vehicle remaining at any place within the Village in violation of this section. Such junk motor vehicle shall be impounded until lawfully claimed or disposed of in accordance with Ohio R.C. 4513.63. Upon impounding of a junk motor vehicle a photograph shall be taken.
- (e) All expenses related to the removal and impoundment of such junk motor vehicle by the Village shall be paid out of funds appropriated by Council upon vouchers approved by the Mayor. The expenses shall consist of the following:
- (1) All direct costs for the removal and impoundment of the vehicle; plus,
 - (2) The costs for preparing and serving all notices; plus,
 - (3) An administrative fee of one hundred dollars (\$100.00) per vehicle.
- (f) In the event that the owner or other appropriate person fails to pay such expenses within thirty (30) days after being notified in writing, by regular U.S. 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 however the expenses may only be collected once:
- (1) Such expenses may be certified by Council to the County Auditor and placed upon the tax duplicate for collection as a special assessment and thereupon shall be collected as other taxes and assessments; or,
 - (2) The Village Solicitor is authorized to bring suit and take other necessary legal action to collect all such expenses.

(g) The owner, lessee, agent, tenant, or person otherwise having charge or control of such premises, and the titled owner of such vehicle, are jointly and severally liable for all expenses of the Village as set forth in subsection (e) hereof.

(h) The movement of a vehicle in violation of this section to any other location within the Village limits that does not abate the violation under this section shall not constitute compliance with this section.

(i) The provisions of this section shall not apply to the deposit, parking, storage, maintenance, or collection of junk motor vehicles in an enclosed building in a regularly established junk yard in any area of the Village in which the same is permitted under the Zoning Ordinance, or to a collector's vehicle as described in subsection (a) of this section.

(j) Any person in charge or control of any premises within the Village, whether as owner, tenant, lessee, occupant, or otherwise, shall completely conceal any collector's vehicle stored on the property by means of storage inside buildings or fences which comply with all building and zoning ordinances and all building codes.

(k) Except as allowed in subsections (b) and (i) hereof, the deposit, parking, storage, maintenance, or collection of junk motor vehicles on private property is hereby declared to be a public nuisance and offensive to public health, welfare, and safety of the residents of the Village.

(1) Any person who has received a notice to remove a junk vehicle may appeal to the Board of Appeals. An appeal must be filed within five (5) days after service of the notice, excluding Saturdays, Sundays, and holidays, together with a fee of twenty-five dollars (\$25.00) for the cost of the appeal. The twenty-five dollars (\$25.00) will be refunded if the appeal is successful. The scope of the appeal shall be limited to determining whether the person requesting such appeal is in charge or control of the private property involved, or is the titled owner of said vehicle, and whether such vehicle is a junk motor vehicle as charged. At such appeal the appellant must appear in person, and the Village and the appellant may introduce such witnesses and evidence as each party deems necessary. The appeal provision provided herein shall be the exclusive method of appeal of notices in violations of this section, notwithstanding the method of appeal set forth in Section 401.

(m) The remedies provided in this section shall be in addition to the remedies available in Section 401 and the penalty provided in Section 401.

CHAPTER 409

REFERENCE STANDARDS

This section lists the standards that are referenced in various sections of this Code. The standards are listed herein by the promulgating agency of the standard, the standard identification, the effective date, the title, and the section or sections of this Code that reference the standard. The application of the referenced standards shall be as specified in Section 401.4. In the event the village has not adopted the versions of the standards listed below, then the last version of the standard adopted by the village shall be considered to be the standard to which reference may be made.

National Fire Protection Association

National Electrical Code NFPA 70

BOCA National Building Code NBC-93

BOCA National Mechanical Code NMC-93

BOCA National Plumbing Code NPC-93

BOCA National Fire Prevention Code NFPC-93

Safety Code for Elevators and Escalators A17.1-90

Building Officials and Code Administrators International, Inc. (BOCA)