

# VILLAGE OF OTTAWA HILLS, OHIO

## ORDINANCE No. 2006-01

AMENDING SECTION 660.14 OF THE CODIFIED ORDINANCES OF THE VILLAGE OF OTTAWA HILLS; REPEALING ORDINANCE NOS. 2000-3 AND 2001-5.

WHEREAS, Proper maintenance of property in the Village of Ottawa Hills is an important aspect of the quality of life enjoyed by all residents of the Village, and

WHEREAS, The Village Council wishes to encourage efforts by property owners to properly maintain and improve the housing stock in Ottawa Hills, and

WHEREAS, Proper maintenance is also important in maintaining property values, avoiding blighting and deteriorating influences on neighborhoods and providing for the health, safety and welfare of occupants of properties.

NOW, THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF OTTAWA HILLS, THAT:

SECTION 1. That Chapter 660.14 of the Codified Ordinances of the Village of Ottawa Hills as enacted by Ordinance No. 2000-3 and as amended by Ordinance No. 2001-5 is hereby amended in its entirety as follows:

### 660.14 Property Maintenance

In order to (1) prevent hazards to the health, safety and welfare of occupants or public or; (2) avoid a blighting or deteriorating influence on neighboring properties; and (3) to prevent conditions which might impair or adversely affect the value of neighboring properties, the owner, occupant or agent having charge of any property in the Village of Ottawa Hills shall:

a. Premises and structures

Shall keep the exterior of all premises and all structures thereon including but not limited to the walls, roof, cornices, chimneys, drains, towers, porches, landings, fire escapes, stairs, windows, doors, gutters, downspouts and awnings in good repair and all surfaces thereof shall be kept painted or protected with other approved coatings or materials where necessary. All surfaces shall be maintained free of broken glass, loose shingles, crumbling stone, crumbling brick, crumbling or missing mortar, peeling paint, graffiti or other conditions reflective of deterioration or inadequate maintenance, to the end that the property itself may be preserved safely, fire hazards eliminated and adjoining properties and the neighborhood protected from blighting influence and the diminution of property values.

b. (1) Yards or lots

Shall keep all yards or lots free from unsightly materials not appropriate to the area and debris, which may cause a fire hazard or may act as a breeding place for vermin or insects or constitute a public nuisance or have a blighting or deteriorating influence on the neighborhood. Unsightly materials not appropriate to the area shall include, but not be limited to, utility trailers, inoperable or unlicensed motor vehicles including motorized bicycles and motorcycles, motor vehicle parts, construction materials, brush piles, miscellaneous debris, out of use appliances, inoperable or unlicensed boats or watercraft, snowmobiles, recreational vehicles, or trailers, piles or stacks of kindling wood or similar combustible materials larger than three (3) cords.

(2) Pavement

Keep all sidewalks, paved areas, walkways, stairs, steps, driveways, parking spaces and similar areas in a proper state of repair and maintenance, and free from hazardous conditions.

(3) Vegetation

Trim or remove, as the case may require, every dead, decayed or broken tree, plant or shrubbery, or any kind of foliage or vegetation, or part thereof, so that the same shall not fall to or impede the street, sidewalk, public right-of-way or land belonging to another.

- c. Keep the illumination and lighting of all exterior yards or lots in such a manner so as not to cause a glare, light or reflection of light that will create hazards, or annoyance on the public streets, highways, sidewalks or right-of-ways or to the occupants of neighboring properties.
- d. The provision of paragraph a. and the provisions of paragraph b. pertaining to construction materials of this section shall not apply to the following:
  - (i) The owner, occupant or agent having charge of any property in the Village Ottawa Hills who has been issued a zoning or building permit for the construction, reconstruction, maintenance, upkeep or repair of the property.
  - (ii) The owner, occupant or agent having charge of any property in the Village of Ottawa Hills who has engaged a contractor or has undertaken work on his or her own behalf for the construction, reconstruction, maintenance, upkeep or repair of the property and the project will be completed within thirty (30) days after commencement of the work.
- e. There is hereby created a Citizens Property Maintenance Commission of five members consisting of the Mayor of Ottawa Hills, one member of the Council of Ottawa Hills to be elected by the Council for the duration of his/her term as a member of Council and three citizens of the community to be appointed by the Mayor for terms of six years each except that the term of one of the members of the first commission shall be for four years and one for two years. In the event of a vacancy, the Mayor shall appoint a qualified person to serve the unexpired term.

The Citizens Property Maintenance Commission shall have all the powers now or hereafter authorized by law to be delegated to any administrative board with respect to any property maintenance ordinance or regulation.

The Citizens Property Maintenance Commission may adopt its own rules of procedure not inconsistent with the terms of this ordinance and shall keep a record of its proceedings. The presence of three members shall be necessary to constitute a quorum and no action shall be taken or decision made by the Citizens Property Maintenance Commission except by a vote of at least three of its members. The Citizens Property Maintenance Commission shall meet at the Municipal Building, Richards Rd., the Village of Ottawa Hills or another agreed upon location, upon call of the Mayor or majority of the members of the Commission and all meetings shall comply with the open meetings statutes of the State of Ohio.

Appeal from a ruling or decision of the Village Manager or designee related to the Property Maintenance Ordinances or regulations of the Village of Ottawa Hills may be taken to the Citizens Property Maintenance Commission within ten days of receipt of notice by the affected property owner or agent or person having control of the property. Such an appeal shall be filed with the Village Manager or designee in writing, specifying the order appealed from. The Village Manager or designee shall forthwith transmit to the Citizens Property Maintenance Commission all papers constituting the record upon which or order appealed from was taken. Within 30 days of receipt of the appeal, notice of the time of the hearing upon such appeal shall be given to the property appealing and to the Village of Ottawa Hills property owners within two-hundred feet of the property which is the subject of the appeal.

The Citizens Property Maintenance Commission shall establish procedures for hearing such an appeal and may reverse, affirm, affirm wholly or partly, or modify the order, requirement decision or determination appealed from and may make such order, requirement, decision or determination is ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken.

Except for emergency circumstances during pendency of such properly and timely filed appeal, no further enforcement action will be taken by the Village nor will legal proceedings in Municipal or Common Pleas Court be initiated.

- f. Public Nuisance Prohibited; Penalty; Cash Bond or Lien.
- (i) No person shall cause, permit, allow maintain or fail to abate a public nuisance on his or her property.
  - (ii) For purposes of this Section 660.14 "Public nuisance" means any fence, wall, shed, deck, house, residence, garage, building, structure or any part of any of the aforesaid on any lot, land, yard, premises or location which in its entirety, or in any part thereof, by reason of the condition in which the same is found or permitted to be or remain, shall or may endanger the health, safety, life, limb or property, or cause any hurt, harm, inconvenience, discomfort, damage or injury to any one or more individuals in the Village, in any one or more of the following particulars:
    - (1) By reason of being a menace, threat and/or hazard to the general health of the community.
    - (2) By reason of being a fire hazard.
    - (3) By reason of being unsafe for occupancy, or use on, in upon, about or around the aforesaid premises.
    - (4) By reason of constituting a violation of Sections a, b, or c of this Section 660.14.
    - (5) By reason of lack of sufficient or adequate maintenance of the structure, location and/or premises, and/or being vacant, any of which depreciates the enjoyment and use of property in the immediate vicinity to such an extent that it is harmful to the community in which such structure, location or premises is situated or such condition exists.
    - (6) By reason of improperly or without written authorization from a governmental entity, releasing, dumping or storing in the environment (i.e. air, soil, land or water) any hazardous, infectious or other type of waste or chemical product.
  - (iii) No person shall refuse, fail or neglect to obey and/or abide with an order issued by the Village Manager or his or her designated representatives pursuant to this Section 660.14.
  - (iv) Whoever refuses, fails, or neglects to obey and/or abide with an order issued by the Village Manager or his or her designated representative pursuant to this Section 660.14 is guilty of a misdemeanor of the fourth degree and shall be subject to the penalty provided in Section 698.02 for each offense. It shall be a misdemeanor of the fourth degree and shall be subject to the penalty provided in Section 698.02 for each offense. It shall be a misdemeanor of the second degree, however, if such person has been convicted of a prior violation under this Section for the same property and such person shall then be subject to the penalty provided in Section 698.02 for each offense.
  - (v) The Village may petition the Toledo Municipal Court Housing Division Court or any other of competent jurisdiction to order the property owner on which a public nuisance is found to:
    - (1) Abate the nuisance and/or

- (2) Post with the Court a cash bond totaling the estimated abatement cost after a preliminary hearing on the matter. The cash bond shall be paid to the Village if the Village abates the public nuisance or returned to the property owner on which the public nuisance is found if the property owner abates the public nuisance.
- (3) Allow the Village to proceed to take action to abate the public nuisance. Upon abatement of the public nuisance, the Village shall, file a written statement of all costs and expenses incurred by the Village related to the abatement of the public nuisance with the Court and, submit a copy to the property owner. The property owner shall pay to the Village such amount of the costs and expenses of the written statement as approved by the Court within thirty (30) days after Court approval. If the property owner fails or refuses to pay the Village such amount as approved by the Court, then such amount shall be entered by the Village upon the tax duplicate and shall be a lien upon such property from the date of entry and shall be collected as other taxes and returned to the General Fund of the Village.
- (vi) Any person who transfers his or her property to another after the property has been declared a public nuisance without first abating the nuisance is guilty of a misdemeanor of the first degree and shall be liable for any and all costs incurred by the Village in abating the nuisance.”

SECTION 2. Section 660.14 of Ordinance No. 2000-3 as amended by Ordinance No. 2001-5, as the same is presently written, be, and the same hereby is repealed.

SECTION 3. It is hereby found and determined that all formal actions of this Council and any of its committees concerning and relating to the passage of this Resolution were adopted in open meetings, in compliance with all legal requirements, including Section 121.22 of the Revised Code of Ohio.

SECTION 4. This Ordinance will be in full force and effect from and after the earliest period allowed by law.

Vote on emergency measure: Yeas \_\_\_\_\_ Nays \_\_\_\_\_

Passed as an emergency measure: Yeas \_\_\_\_\_ Nays \_\_\_\_\_

\_\_\_\_\_  
Date of passage

Attest:

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

\_\_\_\_\_  
Clerk of Council