

ORDINANCE NO. 2010- 11

**AN ORDINANCE FOR ADOPTION OF THE
INTERNATIONAL PROPERTY MAINTENANCE CODE,
AS AMENDED, AS THE ADDYSTON PROPERTY MAINTENANCE CODE**

WHEREAS, Council of the Village of Addyston, Ohio, desires to adopt the 2009 edition of the *International Property Maintenance Code*, as amended herein, to regulate and govern the conditions and maintenance of all property, buildings, and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such existing structures in the Village of Addyston, Ohio, providing for the issuance of permits and collection of fees therefor; repealing all ordinances inconsistent with the foregoing and all other ordinances and parts of the ordinances in conflict therewith; now therefore.

BE IT ORDAINED by the Council of the Village of Addyston, State of Ohio as follows:

Section 1. That a certain document, three copies of which are on file in the office of the Clerk of the Village of Addyston, Ohio being marked and designated as the *International Property Maintenance Code*, 2009 edition, as published by the International Code Council, as amended herein, be and is hereby adopted as the Property Maintenance Code of the Village of Addyston, Ohio, for regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such existing structures as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions, and terms of said Property Maintenance Code as amended on file in the office of the Village of Addyston, Ohio are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions, and changes, if any, prescribed in Section 2 of this ordinance.

Section 2. The following sections are hereby revised, amended, or changed in whole or in part and the following language shall be added or modifies the 2009 edition of the *International Property Maintenance Code* :

Section 101. These regulations shall be known as the Addyston Property Maintenance Code of the Village of Addyston, hereinafter referred to as "this code."

Section 103. **Deputies.** In accordance with the prescribed procedures of the Village of Addyston and with the concurrence of the Mayor and Village Council, additional code officials may be appointed. Such additional code officials shall have the same duties as delegated to the code official.

Section 103.5. **Fees.** The fees for activities and services performed by the department in carrying out its responsibilities under this code shall be as determined by Addyston Village Council. All fees currently in effect as set by Village Council shall remain in full force and effect until changed by Village Council.

Section 106.3. **Prosecution of violation.** Any person failing to comply with a notice of violation or order served in accordance with Section 107 of the code as determined by a court of law shall be deemed guilty of a minor misdemeanor or minor misdemeanor or civil infraction and the infraction shall be deemed a *strict liability offense*. If the notice of violation is not complied with, the code official shall institute the appropriate proceeding at law or in equity to restrain, correct, or abate such violation, or to require the removal or termination of the unlawful occupancy of the structure in violation of the provisions of this code or of the order or direction made pursuant thereto. Any action taken by the authority having jurisdiction on such premises shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

Section 107.5. **Penalties.** Penalties for noncompliance with orders and notices are set forth herein.

Section 108.7. **Record.** The code official shall cause a report to be filed on an unsafe condition with the Mayor, police department, fire department, and with Village Council. The report shall state the occupancy of the structure and the nature of the unsafe condition.

Section 109.4. **Emergency repairs.** For the purposes of this section, the code official, with the consent of the Mayor, shall employ the necessary labor and materials to perform the required work as expeditiously as possible.

Section 112.4. **Insert:** Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of not less than One Thousand Dollars or a jail term not to exceed one hundred eighty days.

Section 302.4. **Weeds.** Delete the first sentence and replace with the following: All premises and exterior property shall be maintained free from weeds or plant growth in excess of ten (10) inches.

Section 302.99. **Penalty.** Whoever violates sections 302.1 through 302.6 and 302.8

through 302.9 of the Addyston Property Maintenance Code, as amended, shall be fined not more than One Hundred Fifty Dollars. A violation foregoing sections of the Addyston Property Maintenance Code, as amended, shall be classified as a minor misdemeanor. Whoever violates sections 302.7 of the Addyston Property Maintenance Code, as amended, shall be fined not more than Two Hundred Fifty Dollars or a jail term not to exceed thirty (30) days. A violation of the foregoing section shall be classified as a fourth degree misdemeanor.

Section 303.99. **Penalty.** Whoever violates sections 303.1 through 303.2 of the Addyston Property Maintenance Code, as amended, shall be fined not more than One Hundred Fifty Dollars. A violation foregoing sections of the Addyston Property Maintenance Code, as amended, shall be classified as a minor misdemeanor.

Section 304.14. **Insect screens.** During the period from March 1 through November 30, every door, window, and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas, or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged, or stored shall be supplied with approved tightly fitting screens of not less than 16 mesh per inch (16 mesh per 25 mm), and every screen door used fo insect control shall have a self-closing device in good working condition.

Exception: Screens shall not be required where other approved means, such as air curtains or insect repellent fans, are employed.

Section 304.99. **Penalty.** Whoever violates sections 304. 3, 304.14, 304.16, 304.17, or 304.18 of the Addyston Property Maintenance Code, as amended, shall be fined not more than One Hundred Fifty Dollars. A violation foregoing sections of the Addyston Property Maintenance Code, as amended, shall be classified as a minor misdemeanor. Whoever violates sections 304.1, 304.2, 304.4, 304.5, 304.6, 304.7, 304.8, 304.9, 304.10, 304.11, 304.12, 304.13, and 304.15 of the Addyston Property Maintenance Code, as amended, shall be fined not more than Two Hundred Fifty Dollars or a jail term not to exceed thirty (30) days.

Section 305.99. **Penalty.** Whoever violates section 304. 3, 304.14, 304.16, 304.17, or 304.18 of the Addyston Property Maintenance Code, as amended, shall be fined not more than One Hundred Fifty Dollars. A violation foregoing sections of the Addyston Property Maintenance Code, as amended, shall be classified as a minor misdemeanor. Whoever violates sections 304.1, 304.2, 304.4, 304.5, 304.6, 304.7, 304.8, 304.9, 304.10, 304.11, 304.12, 304.13, and 304.15 of the Addyston Property Maintenance Code, as amended, shall be fined not more than Two Hundred Fifty Dollars or a jail term not to exceed thirty (30) days.

Section 306.99. **Penalty.** Whoever violates any section of section 306 of the Addyston

Property Maintenance Code, as amended, shall be fined not more than Two Hundred Fifty Dollars or a jail term not to exceed thirty (30) days.

Section 307.99. **Penalty.** Whoever violates any section of section 307 of the Addyston Property Maintenance Code, as amended, shall be fined not more than One Hundred Fifty Dollars..

Section 308.99. **Penalty.** Whoever violates any section of section 308 of the Addyston Property Maintenance Code, as amended, shall be fined not more than One Hundred Fifty Dollars.

Section 309.99. **Penalty.** Whoever violates any section of section 309 of the Addyston Property Maintenance Code, as amended, shall be fined not more than One Hundred Fifty Dollars.

Section 404.99. **Penalty.** Whoever violates any section of section 402, 403, or 404 of the Addyston Property Maintenance Code, as amended, shall be fined not more than One Hundred Fifty Dollars.

Section 507.99. **Penalty.** Whoever violates any section of section 502, 503, 504, 505, 506, or 507 of the Addyston Property Maintenance Code, as amended, shall be fined not more than One Hundred Fifty Dollars.

Section 602.3. **Heat Supply.** Add the following: Heat shall be supplied from October 1 through and including April 30 by the owner and operator of any building rented, leased, or otherwise where the owner is not the occupant.

Section 602.4. **Occupiable Work Areas..** Add the following: All indoor occupiable work areas shall be supplied heat from October 1 through and including April 30 by the owner and operator of any building rented, leased, or otherwise where the owner is not the occupant.

Section 607.99. **Penalty.** Whoever violates any section of section 602, 603, 605, 606, or 607 of the Addyston Property Maintenance Code, as amended, shall be fined not more than One Hundred Fifty Dollars. Whoever violates any section of section 604 of the Addyston Property Maintenance Code, as amended, shall be fined not more than Two Hundred Fifty Dollars or a jail term not to exceed thirty (30) days.

Section 704.99. **Penalty.** Whoever violates any section of section 702, 703, or 704 of the Addyston Property Maintenance Code, as amended, shall be fined not more than One Hundred Fifty Dollars or a jail term not to exceed thirty (30) days.

Section 3. That if any section, subsection, sentence, clause, or phrase of this

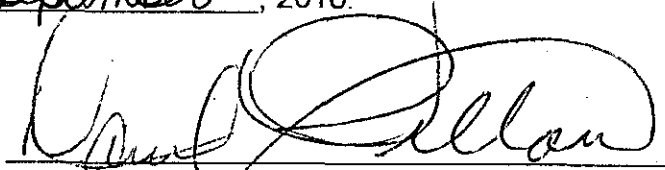
ordinance is, for any reason, held to be unconstitutional such decision shall not affect the validity of the remaining portions of this ordinance. The Council of the Village of Addyston, State of Ohio, hereby declares that it would have passed this ordinance, and each section, subsection, clause, or phrase thereof. irrespective of the fact that anyone or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

Section 4. That nothing in this ordinance or in the Property Maintenance Code, as amended, hereby adopted shall be construed to affect any suit or proceeding impending in any court. or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in Section 3 of this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

Section 5. The Village Clerk shall submit a copy of this ordinance to the Hamilton County Law Library and make the necessary postings within the Village or publish the ordinance as required by law.

Section 6. This ordinance is hereby declared to be an emergency ordinance and a measure necessary for the immediate preservation of the public peace, health, safety and general welfare and shall go into effect forthwith. The reason for said emergency is the necessity to provide and maintain the housing in the Village of Addyston.

ADOPTED this 20 day of September, 2010.



Honorable Daniel Pillow
Mayor

ATTEST:


Margaret Ann Dozier, Village Clerk



(This Ordinance was prepared by Robert G. Kelly, Village Clerk)