

ORDINANCE NO. 2019 - 13

AN ORDINANCE ADOPTING THE 2018 EDITION OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE

WHEREAS, in 2014, the Village of Golf Manor did adopt the 2012 Edition of the International Property Maintenance Code regulating and governing the conditions and maintenance of all property, buildings and structures within the Village; and

WHEREAS, Council does desire to adopt the 2018 Edition of the International Property Maintenance Code to empower the Administration to properly police and maintain all property, buildings and structures within the Village to assure a safe and vibrant Village for the benefit of our residents, businesses and guests.

NOW THEREFORE, Be It Ordained by the Council of the Village of Golf Manor, Hamilton County, Ohio, that:

SECTION I.

Except as may be further amended in Section II hereof, Council does hereby adopt and approve as the Property Maintenance Code for the Village of Golf Manor the 2018 Edition of the *International Property Maintenance Code* as copyrighted and published by the International Code Council, three copies of which shall remain on file with the office of the Village Administrator and are adopted herein by reference as if made a part hereof and fully set forth within the Ordinance. This Code shall govern the condition and maintenance of all property, buildings and structures within the Village by providing the standards for the maintenance and occupancy of such structures and property essential to insure that such structures are safe, sanitary and fit for occupation and use. This Code also shall provide the enforcement methods necessary to properly secure such properties, and if necessary to condemn such properties as unfit for human occupancy and use, and to further provide for the abatement of such unsafe conditions including condemnation and demolition of such properties, as necessary, to enforce such Code.

SECTION II.

Amendments to the 2018 International Property Maintenance Code to conform to the terms and conditions of such Code as applicable to the Village of Golf Manor are as follows:

- A. Section 102.3 of the International Property Maintenance Code – 2018 Edition (“2018 IPMC”) is modified to read as follows:

102.3 Application of Other Codes

Repairs, additions or alternations to a structure or changes of occupancy shall be done in accordance with the procedures and provisions of the appropriate Building, and related Plumbing and Electrical Codes, Fire Code and Zoning Code. Nothing in this Code

shall be construed to cancel, modify or set aside any provisions of any other Code.

- B. Section 103.5 of the 2018 IPMC shall be deleted as there shall be no separate fee nor charge for inspection or permitting under the Code except as otherwise provided herein.
- C. Section 106.3 of the 2018 IPMC shall be amended to read as follows:

106.3 Prosecution of Violation

Any person failing to comply with a Notice of Violation or other Order served in accordance with this Code shall be charged with a misdemeanor as provided herein. If the Notice of Violation is not complied with, the Code Official may institute the appropriate proceedings 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 the Order or direction made pursuant thereto. Any corrective action taken by the authority having jurisdiction over such premises or structure shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate as provided herein.

- D. Section 106.4 2018 IPMC is hereby amended as follows:

106.4 Violation Penalties

Any person who shall violate a provision of this Code or fail to comply therewith, or with any of the requirements thereof, shall be charged with a misdemeanor violation. Each day that a violation continues after appropriate Notice has been served shall be deemed a separate offense. The first violation and conviction shall be a Minor Misdemeanor punishable by a fine of up to One Hundred Fifty Dollars (\$150). If within one year of the offense the offender previously has been convicted of or pleaded guilty to a same or similar violation of this Code, the person shall be guilty of a Misdemeanor of the Fourth Degree. If within one year of the offense the offender previously has been convicted of or pleaded guilty to a third offense of this Code, the person shall be guilty of a Misdemeanor of the Third Degree. If within one year of the offense the offender previously has been convicted of or pleaded guilty to a fourth offense of this Code, the person shall be guilty of a Misdemeanor of the Second Degree. If within one year of the offense the offender previously has been convicted of or pleaded guilty to a fifth or more offense of this Code, the person shall be guilty of a Misdemeanor of the First Degree.

- E. Sections 107.1, 107.2 and 107.3 of the 2018 IPMC shall be deleted and replaced as follows:

107.1 Notice of Violation

- A. Whenever the Code Official determines that there has been a violation of this Code or a condition exists which would be a violation of this Code, the Code Official shall serve a Notice of Violation (“Notice” or “Notice of Violation”) on all persons, firms or corporations, or the agent or property manager of a person, firm or corporation identified as the owner or occupant of such property found to be in conflict with or in violation of any of the provisions of this Code.

B. Form of Notice of Violation

When 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 in accordance with the following:

- (1) The Notice shall be in writing;
- (2) The Notice shall be sent to or directed to the person, firm or corporation listed by the Hamilton County Auditor’s office as the owner of the property or the person, firm or corporation identified as the occupant of such property. Such Notice may also be sent or directed to the agent or property manager of a person, firm or corporation identified as the owner or occupant of such property;
- (3) The Notice shall include a description of the property that is sufficient for identification purposes;
- (4) The Notice shall include a statement of the violation(s) determined to exist on the property with specific references to the section or sections of this Code alleged to have been violated;
- (5) The Notice shall include a description of the corrective action which must be taken to bring the property into compliance with the provisions of this Code;
- (6) The Notice shall include a deadline by which time the person receiving the Notice shall be required to take the necessary corrective action required to bring

the property into compliance with the provisions of this Code; and

- (7) The Notice shall inform the person or entity to whom addressed of the right to appeal such Notice of Violation.

C. Method of Service

The Notice of Violation shall be deemed to be properly served if a copy thereof is:

- (1) Delivered personally;
- (2) Sent by certified or First Class Mail addressed to the occupant of such property or to the owner of the property at the address listed as the owner's tax mailing address by the Hamilton County Auditor. If the address for the owner appearing on the tax list of the Auditor's office is that of a lending institution or other person or entity clearly recognizable as not being the owner of such property, then written Notice shall be mailed to such institution, person or entity at the listed address and to the named owner(s) at the street address of the property;
- (3) Sent by certified or U.S. Mail addressed to the owner's last known address; or
- (4) Posted in a conspicuous place in or about the structure affected by such Notice.

D. Extension of Compliance Deadline

The Code Official may, at his/her sole discretion, extend the deadline previously stated in the Notice of Violation for corrective action to bring a property into compliance in cases where good cause is demonstrated. In the event such an extension is granted, the Code Official shall notify the property owner, occupant or agent of the extension in the same form and pursuant to the same method of service required in Division C of this section. Any such Notice of Extension shall specifically state the revised deadline by which time the person or entity receiving the extension shall be required to take the necessary corrective action to bring the property into compliance with the provisions of this Code.

- F. Section 108.3 of the 2018 IPMC shall be amended to recognize the method of service of Notice and the appropriate form of Notice consistent with Section 107.1 of this amended Code.
- G. Section 111, *Means of Appeal*, of the 2018 IPMC is hereby deleted and replaced with the following:

111.1 Application for Appeal

Any person directly affected by a decision of the Code Official shall have the following rights of appeal:

(a) Appeal of an Emergency Order

Any person ordered to take emergency measures under Section 109 upon a determination of *Imminent Danger* by the Code Official shall comply with such Order within the time allowed by the Code Official unless such Notice is appealed to the Village Administrator within three days of the date of Notice from the Code Official. The Village Administrator may modify or reverse the decision of the Code Official or may refer the appeal to the Planning Commission acting as the Board of Zoning Appeals for a hearing. If the matter is referred by the Village Administrator to the Planning Commission for hearing, such hearing shall be held consistent with the provisions of this Section 111 of the Code and the emergency Order shall be stayed until such hearing has been completed.

(b) Application for Appeal to the Planning Commission

Unless another timeline or process is set forth herein, any person affected by a decision of the Code Official or a Notice or Order issued under this Code shall have the right to appeal to the Planning Commission acting as the Board of Zoning Appeals, provided that a written application for appeal is filed within twenty days of the date of the Notice, Decision or Order from the Code Official. Thereafter, the Planning Commission shall hold a hearing at its next regularly scheduled meeting. Provided, however, the Commission Chair may call a special meeting if circumstances are appropriate to hold a hearing before the next regularly scheduled meeting. An application for an appeal shall be based upon a claim that the true intent of this Code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this Code do not fully apply, requirements of this Code are adequately satisfied by other means, or the strict application of any requirement of this

Code would cause undue hardship. A meeting of the Planning Commission to hear such appeal shall be a public meeting. No advanced Notice to surrounding property owners nor advance Notice by publication to property owners is required prior to such appeal hearing. The Planning Commission may affirm, modify or reverse the decision of the Code Official only by a concurring vote of a majority of the total number of appointing members to the Commission.

- (c) The Code Official shall take immediate action in accordance with the decision of the Commission.
- (d) Appeals of a Notice or Order (other than a Notice of *Imminent Danger*) shall stay enforcement of the Notice or Order until the appeal is heard by the Commission.

H. Section 112.4 of the 2018 IPMC is hereby amended as follows:

112.4 Failure to Comply

Any person who shall continue any work after being 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 charged with a Minor Misdemeanor and may be fined upon conviction in an amount up to One Hundred Fifty Dollars (\$150). If within one year of the offense the offender previously has been convicted of or pleaded guilty to a same or similar violation of this Code, the person shall be guilty of a Misdemeanor of the Fourth Degree. If within one year of the offense the offender previously has been convicted of or pleaded guilty to a third offense of this Code, the person shall be guilty of a Misdemeanor of the Third Degree. If within one year of the offense the offender previously has been convicted of or pleaded guilty to a fourth offense of this Code, the person shall be guilty of a Misdemeanor of the Second Degree. If within one year of the offense the offender previously has been convicted of or pleaded guilty to a fifth or more offense of this Code, the person shall be guilty of a Misdemeanor of the First Degree.

- I. Section 302.4 of the 2018 IPMC shall be deleted as *Weeds* are governed by the Village Nuisance Code.
- J. Section 304.14 of the 2018 IPMC shall be amended to insert April 1 through October 31 as the appropriate dates.
- K. Sections 602.3 and 602.4 of the 2018 IPMC shall be amended to insert November 1 through March 31 as the appropriate dates.

SECTION III.

The Administration from time to time shall ascertain and present to Village Council a schedule for the internal costs associated with enforcement and abatement action under this Code. Council by motion shall approve such internal costs which shall be deemed to be reasonable and necessary expenses incurred for abatement of any Code violation. Such cost as appropriate shall be charged as a lien against the real estate as permitted under Chapter 715 of the Ohio Revised Code.

SECTION IV.

All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed.

SECTION V.

All sections, subsections, parts and provisions of this Ordinance are hereby declared to be independent sections, subsections, parts and provisions, and the holding of any section, subsection, part or provision to be unconstitutional, void or ineffective for any reason shall not affect or render invalid any other section, subsection, part or provision of this Ordinance.

SECTION VI.

This Ordinance shall take effect the earliest opportunity as allowable by law.

PASSED this 9th day of September, 2019.



Mayor Greg Schwartzberg

ATTEST:



Anna Gedeon, Assistant Clerk

APPROVED AS TO FORM:



Terrence M. Donnellon, Solicitor