

**ORDINANCE NO. 68-2020**

**AN ORDINANCE TO AMEND CHAPTER 1711 NUISANCE AND PROPERTY  
MAINTENANCE OF THE CODIFIED ORDINANCES  
OF THE CITY OF REYNOLDSBURG**

**WHEREAS**, the Council of the City of Reynoldsburg recognizes properties often fall into conditions of disrepair and in violation of established Codes, including the Property Maintenance Code, and pose a threat to the health, safety, and welfare of the City and can constitute a public nuisance; and

**WHEREAS**, the City finds it necessary to create additional enforcement mechanisms to assist in protecting the health, safety, and welfare threatened by deteriorating buildings and premises.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF REYNOLDSBURG:**

**SECTION 1.** That Chapter 1711 of the Codified Ordinances of the City of Reynoldsburg is hereby amended as outlined in the attached Exhibit A.

**SECTION 2.** That upon adoption by Council, this Ordinance shall be in effect thirty days following signature by the Mayor.

**PASSED** this 28<sup>th</sup> day of September, 2020.

*Leanora Jenkins*

Leanora Jenkins, Council President

ATTEST:

*Mollie Frasher*  
Mollie Frasher, Clerk of Council

APPROVED:

*Joe Begeny*  
Joe Begeny, Mayor

DATE: *9-29-2020*

**EXHIBIT A**

**CHAPTER 1711**

**PROPERTY MAINTENANCE CODE**

**§ 1711.01 International Property Maintenance Code.**

**§ 1711.02 Amendments, deletions and modifications to the International Property Maintenance Code.**

**§ 1711.03 Enforcement Procedure**

**§ 1711.98 Civil Penalties**

**§ 1711.99 Penalty**

**§ 1711.01 INTERNATIONAL PROPERTY MAINTENANCE CODE.**

- (a) In accordance with Section 4.12(a) of the City Charter, there is hereby adopted, and incorporated by reference as if set out at length herein, for the purpose of establishing rules and regulations for the maintenance, regulations, provisions, penalties, conditions and terms of the 2018 International Property Maintenance Code with the amendments, deletions and modifications prescribed in this chapter.
- (b) In accordance with Section 4.12(b) of the City Charter, the Director shall file a copy of this code with the Clerk of Council, and shall file all revised versions of this code whenever it is revised or amended.

**§ 1711.02 AMENDMENTS, DELETIONS AND MODIFICATIONS TO THE INTERNATIONAL PROPERTY MAINTENANCE CODE.**

The International Property Maintenance Code is amended and revised as follows. All section numbers correspond to the International Property Maintenance Code, 2018 Edition.

Chapter 1

**101.1 Title.**

These regulations shall be known as the *Property Maintenance Code of the City of Reynoldsburg* hereinafter referred to as "this code."

### **102.3 Application of other codes.**

Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the current Building Code. Nothing in this code shall be construed to cancel, modify or set aside any provision of Part 11 of the Codified Ordinances of the City of Reynoldsburg.

## **SECTION 103 DEPARTMENT OF PROPERTY MAINTENANCE INSPECTION CODE OFFICIAL**

### **01.1 Title.**

These regulations shall be known as the *Property Maintenance Code of the City of Reynoldsburg* hereinafter referred to as "this code."

### **102.3 Application of other codes.**

Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the *current Building Code*. Nothing in this code shall be construed to cancel, modify or set aside any provision of the *current Planning & Zoning Code*.

## **SECTION 103 CODE OFFICIAL**

### **103.1 General.**

The Director of Public Service shall be charged with enforcing this Code. All references to the Code Official shall be considered to apply to the director or their designee.

### **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 subject to the penalty provisions set forth in Reynoldsburg City Ordinance Sections 1711.98 and 1711.99.

### **106.5 Abatement of violation.**

The imposition of the penalties herein prescribed shall not preclude the legal officer of the jurisdiction from instituting appropriate action to restrain, correct or abate a violation, or to prevent illegal occupancy of a building, structure or premises, or to stop an illegal act, conduct, business or utilization of the building, structure or premises.

Upon the performance of any labor to abate a violation under the provisions of this code, a report of the cost thereof shall be provided to the owner or person having charge or management of the premises, who shall have fourteen (14) days in which to pay the City for such labor. Cost assessments shall be based on the following: labor and material for abatement of the violation, mailing fees; inspection and administrative duties of the Code Official and city staff, with costs being adjusted to current wages.

If the costs are not paid, the Director shall report the outstanding costs to Council. Upon receipt of this report and approval thereof by Council, the Clerk of Council shall make a return in writing to the County Auditor of such charges which shall be entered upon the tax duplicate of the County, in accordance with Ohio R.C. 731.54.

#### **111.1 Application for appeal.**

Any person directly affected by a decision of the Code Official or a notice or order issued under this code or any other section of the Codified Ordinances for which no administrative appeal procedure exists, shall have the right to appeal to the Board of Zoning and Building Appeals, provided that a written application for appeal is filed within fourteen (14) days after the day the decision, notice or order was served. An application for appeal shall be based on 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, or the requirements of this code are adequately satisfied by other means.

#### **111.2 Membership of board.**

Membership of the Board shall be consistent with Section 7.02 of the City Charter.

#### **111.4 Open hearing.**

All hearings before the Board shall be open to the public. The appellant, the appellant's representative, the Code Official and any person whose interests are affected shall be given an opportunity to be heard.

#### **111.8 Stays of enforcement.**

Appeals of notice and orders (other than Imminent Danger notices) shall stay the enforcement of the notice and order until the appeal is heard by the Board of Zoning and Building Appeals. Upon the issuance of a decision to sustain a Notice of Violation, such stay shall be lifted.

#### **112.4 Failure to comply.**

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 subject to the general penalties of this Code.

## **Chapter 3**

### **302.4 Weeds.**

All premises and exterior property shall be maintained free from weeds or plant growth in excess of six inches (6IN) in height for improved lots and twelve inches (12IN) in height for unimproved lots. All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens. On lots or parcels determined to be vacant or abandoned, the term shall also include shrubs and undergrowth arranged in a way that provides an unobservable location for unauthorized human habitation.

If the Code Officer determines, after an inspection, that the lot or parcel of land is vacant or abandoned, then he shall not be required to serve the notice of violation.

Only one notice of violation per calendar year is required to be served by the Code Official for a lot or parcel. If, after one notice of violation has been served, the Code Official determines that one or more subsequent violations has occurred on that lot or parcel during that calendar year, service of an additional notice of violation shall not be required and the City may proceed to immediately abate such violations as set forth in Section 106.03.

### **302.8 Motor vehicles.**

Except as provided for in other regulations, no inoperative or unlicensed 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. Painting of vehicles is prohibited unless conducted inside an approved spray booth.

Exception: A vehicle of any type is permitted to undergo major overhaul, including body work, provided that such work is performed inside a structure or similarly enclosed area designed and approved for such purposes.

- (a) No automobile, motorcycle or other motor vehicle or trailer shall be parked or remain on any non-parking or non-driveway portion of the yard of any residential or multi-family zoned lot. All motorized vehicles and or trailers shall be parked/kept only on an improved hard surface such as concrete or asphalt. Such surfaces shall encompass the entire vehicle or trailer. All vehicles or trailers parked in parking areas or driveways shall bear the current registration or license plates as required by the Ohio Revised Code.
- (b) This section shall not apply during times of emergency due to acts of nature; or during the time that a resident is in the process of moving in or out of the premises.

### **303.2 Enclosures.**

Private swimming pools, hot tubs and spas, capable of containing water more than 24 inches (610 mm) in depth shall be completely surrounded by a fence or barrier at least 48 inches (1219 mm) in height above the finished ground level measured on the side of the barrier away from the pool. Gates and doors in such barriers shall be self-closing and self-latching. Where the self-latching device is less than 54 inches (1372 mm) above the bottom of the gate, the release mechanism shall be located on the pool side of the gate. Self-closing and self-latching gates shall be maintained such that the gate will positively close and latch when released from an open position of 6 inches (152 mm) from the gatepost. No existing pool enclosure shall be removed, replaced or changed in a manner that reduces its effectiveness as a safety barrier. *Also see Section 1105.13(C) and Chapter 1363 of the Codified Ordinances.*

**Exception:** Hot tubs and spas may be exempt from the fence or barrier requirements if they are secured by a fully lockable lid.

### **304.2 Protective treatment.**

All exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. Once a protective treatment has been applied to decay resistant woods it must be maintained. All siding and masonry joints as well as those between the building envelope and the perimeter of windows, doors, and skylights shall be maintained weather resistant and water tight. All metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion and all surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.

### **304.3 Premises identification.**

Buildings shall have approved address numbers placed in a position to be plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be a minimum of 4 inches (102 mm) high with a minimum stroke width of 0.5 inch (12.7 mm). *Also see Chapter 1355 of the Codified Ordinances.*

### **304.14 Insect screens.**

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 swinging door 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. Screens shall not be required on residential properties between November 1st and March 25st of the following calendar year.

### **308.2 Disposal of rubbish.**

Every occupant of a structure shall dispose of all rubbish in a clean and sanitary manner by placing such rubbish in approved containers. *Also see Chapter 975 of the Codified Ordinances.*

#### **308.2.2 Refrigerators.**

Refrigerators and similar equipment not in operation shall not be discarded, abandoned or stored on premises without first removing the doors. *Also see Section 521.01 of the Codified Ordinances.*

#### **308.2.3 Interior Furniture.**

Upholstered furniture, mattresses, materials and other similar products not designed, built and manufactured for outdoor use shall not be discarded, abandoned, stored or placed on a porch, balcony, roof, or in a yard unless the porch or balcony is completely enclosed.

## Chapter 4

### **401.3 Alternative devices.**

In lieu of the means for natural light and ventilation herein prescribed, artificial light or mechanical ventilation complying with the current Building Code shall be permitted.

## Chapter 5

### **505.1 General.**

Every sink, lavatory, bathtub or shower, drinking fountain, water closet or other plumbing fixture shall be properly connected to either a public water system or to an approved private water system. All kitchen sinks, lavatories, laundry facilities, bathtubs and showers shall be supplied with hot or tempered and cold running water in accordance with the *Ohio Plumbing Code.*

### **507.1 General.**

Drainage of roofs and paved areas, yards and courts, and other open areas on the premises shall not be discharged in a manner that creates a public nuisance. *Also see Section 941.06 of the Codified Ordinances.*

## Chapter 6

### **602.1 Facilities required.**

Heating facilities shall be provided in structures as required by this section. *Also see Section 521.02 of the Codified Ordinances.*

### **602.3 Heat supply.**

Every owner and operator of any building who rents, leases or lets one or more dwelling unit, rooming unit, dormitory or guestroom on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat to maintain a temperature of not less than 68°F (20°C) in all habitable rooms, bathrooms, and toilet rooms.

### **604.2 Service.**

The size and usage of appliances and equipment shall serve as a basis for determining the need for additional facilities in accordance with the current Electrical Code. Dwelling units shall be served by a three-wire, 120/240 volt, single-phase electrical service having a rating of not less than 60 amperes.

## Chapter 7

### **702.1 General.**

A safe, continuous and unobstructed path of travel shall be provided from any point in a building or structure to the public way. Means of egress shall comply with the current Building Code.

### **702.2 Aisles.**

The required width of aisles in accordance with the current Building Code shall be unobstructed.

### **702.3 Locked doors.**

All means of egress doors shall be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort, except where the door hardware conforms to that permitted by the current Building Code.

### **704.1 General.**

All systems, devices and equipment to detect a fire, actuate an alarm, or suppress or control a fire or any combination thereof shall be maintained in an operable condition at all times in accordance with the *current Building Code*.



**704.2 Smoke alarms.**

Single or multiple-station smoke alarms shall be installed and maintained in all residential dwelling units load at all of the following locations:

1. On the ceiling or wall outside of each separate sleeping area in the immediate vicinity of bedrooms.
2. In each room used for sleeping purposes.
2. In each story within a dwelling unit, including basements and cellars but not including crawl spaces and uninhabitable attics. In dwellings or dwelling units with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level.

Single or multiple-station smoke alarms shall be installed in other groups in accordance with the current Building Code.

Chapter 8

City	City of Reynoldsburg 7232 E. Main Street Reynoldsburg, OH 43068	
Standard Referenced Number	Title	Referenced in Code Section Number
COR	Codified Ordinances of Reynoldsburg	102.3, 106.4, 201.3, 111.1, 111.2, 307.4
COR-PZ	Reynoldsburg Planning & Zoning Code	102.3, 201.3
OBBS	Ohio Board of Building Standards 6606 Tussing Road Reynoldsburg, Ohio 43068	
Standard Referenced Number	Title	Referenced in Code Section Number
OBC-2011	Ohio Building Code	102.3, 201.3
OFC-2011	Ohio Fire Code	102.3, 201.3
OMC-2011	Ohio Mechanical Code	102.3, 201.3
OPC-2011	Ohio Plumbing Code	102.3, 201.3
ORC-1999	Ohio Residential Code for One, Two & Three Family Dwellings	102.3, 201.3

NFPA	National Fire Protection Association One Batterymarch Park Quincy, Massachusetts 02269	
Standard Referenced Number	Title	Referenced in Code Section Number
NEC	National Electric Code	102.3, 201.3

### **§1711.03 ENFORCEMENT PROCEDURES**

#### **(A) Notice of Violation.**

(1) Whenever the director, or her or his designee, determines there are reasonable grounds to believe that there exists a condition that violates any provisions or requirements set forth in the Chapter 1711, the director may issues a notice setting forth the alleged violations and advising the owner or person having a charge that such violations must be corrected.

#### **(2) Content of Notice of Violation.**

- a. All notices of violation, except emergency orders, shall be in writing and shall be served on the owner, operator, occupant, or any person from whom action, forbearance, or compliance is required.
- b. All notices of violation shall identify the sections of Chapter 1711 and the International Property Maintenance Code to which the order applies.
- c. All notices of violation shall provide a description of the property, dwelling, dwelling unit, multiple dwelling, business building or premises where the violations are alleged to exist or to have been committed; and/ or a description of the public nuisance and the premises where the said public nuisance is alleged to exist. Such description may include, but is not limited to, the address where the violation exists.
- d. All notices of violation shall specify a reasonable time for compliance with the order. Such reasonable time may vary depending upon the nature of the violation.
- e. All notices of violation shall advise the owner or person having charge of the right to appeal to the Board of Zoning and Building Appeals within fourteen (14) days of receipt of the notice of violation.
- f. All notices of violation shall advise the owner or person having charge that if the order is not complied with by the specified date of compliance the director may initiate a civil and/or criminal complaint against the owner or person having charge; and/ or the director may, by city personnel or private contractor, cause the violations to be corrected with the cost of such correction to be charged as a lien upon the real estate.

(3) Service of Notice of Violation. A notice of violation shall be served upon the owner, operator, occupant, or any person from whom action, forbearance, or compliance is required. Such notice shall be served by any one (1) of the following methods:

- a. Personal service; or
- b. Certified mail; or
- c. Residence service; or
- d. If the methods prescribed by Section 1711.03(A)(3)(a-c) are ineffective, service may be effectuated by publication in a newspaper of general circulation in the City; or
- e. If service pursuant to Section 1711.03(A)(3)(b) is returned marked as having been refused or unclaimed, service may be effectuated by regular mail service to an address that is reasonably believed to be:
  - i. A place of residence of the owner, or
  - ii. A Location at which the owner regularly receives mail; or
- f. Posting the notice of violation on the property, except that if a structure or premise is vacant, then the notice shall be posted on the structure or premise and one (1) of the above methods of service shall also be used.
- g. For any owner, operator, or occupant that is a business registered with the Ohio Secretary of State, service may, in addition to the above, be effectuated by Certified Mail service on the statutory agent of the business.

(4) When the notice of violation has been properly serviced, the order shall be effective as to anyone having any interest in the premises whether recorded or not at the time the order was issued and shall be effective against any subsequent owner of the premises as long as the violation exists and there remains a city record of the order in a public file maintained by the director.

(5) Written or oral acknowledgment by the owner of a receipt of a notice of violation shall be evidence that the owner received the notice of violation. An appeal of the notice of violation to the Board of Zoning and Building Appeals by the owner pursuant shall constitute evidence of written acknowledgment by the owner of service of notice of violation.

#### (B) Emergencies

(1) Whenever the director finds that an emergency exists which requires immediate action to protect the health and safety of any person, he or she may issue an oral or written order reciting the existence of such an emergency and requiring that such action as he or she deems necessary to be taken to meet the emergency. Notwithstanding the other provisions of this code, such order shall be effective immediately and complied with immediately.

- (2) If necessary to protect the health and safety of any person where an emergency exists in an occupied building, the director shall order that the premises be vacated forthwith and further that it shall not be reoccupied until the conditions causing the emergency to exist have been abated and approved by the director.
- (3) In cases where it reasonably appears that there is imminent danger to the health and safety of any person unless the emergency condition is immediately corrected and if after reasonable attempts to notify the owner it appears that the owner will not or cannot immediately correct the condition, the director may cause the immediate abatement, including building demolition, of such emergency condition. The director shall further cause the cost of such abatement to be charged against the land on which the building exists as a municipal lien or to be recovered in a civil suit against the owner.

### **§1711.98 CIVIL PENALTIES**

- (A) In addition to any other remedy or penalty provided in this Section, any owner of property who fails to comply with a Notice of Violation issued under Chapter 1711 by the date specified in the notice shall incur a civil penalty of \$1,000.00 for each calendar day thereafter that an owner, operator, or occupant fails to comply with the Notice of Violation.
- (B) The Director shall provide notice to the owner prior to the assessment of a civil penalty. Such notice shall state the date on which the assessment of a civil penalty will commence and shall be served on the owner as provided in Section 1711.03(A)(3).
- (C) The Director must document the non-compliance for each day for which a civil penalty is to be assessed against an owner under this Section. Such documentation may include periodic, but not necessarily daily, photographic evidence of non-compliance demonstrating the continued existence of the condition of the premises for which the Notice of Violation was issued.
- (D) The Director shall also document that prior to the issuance of the notice of civil penalty that the Director personally conferred or attempted to confer with the owner of the premises in an effort to establish a reasonable period of time for the owner to comply.
- (E) The Director may file a civil action in a court of competent jurisdiction seeking a court order to recover any accumulated civil penalties.
- (F) Any accumulation of civil penalties under this Section shall be stayed pending an appeal of the Notice of Violation issued under Chapter 1711 to the Board of Zoning

and Building Appeals until the Board of Zoning and Building Appeals issues its decision on the appeal.

(G) This section shall not apply to any residential property that is occupied by the owner of the property unless such property contains multiple residential units that are marketed for rent.

(H) This section shall apply to any Condominium Association organized under Chapter 5311 of the Ohio Revised Code as the owner and/or operator of common areas under the control of the Condominium Association.

**§1711.99 PENALTY.**

- (a) Any owner, operator, or occupant of a premises found in violation of this Chapter who fails to comply with the written Notice of Violation as provided in this Chapter is guilty of an unclassified misdemeanor, which is punishable by a fine of up to one thousand dollars (\$1,000.00) each calendar day the offender fails to comply with the notice of violation. It shall not be necessary for a separate complaint to be filed for each calendar day such violation persists.
- (b) On a second or subsequent offense occurring within a two (2) years of a prior offense, any owner, operator, or occupant of a premises found in violation of this Chapter who fails to comply with the written notice provided in Section 107 is guilty of an unclassified misdemeanor punishable by up to sixty (60) days in jail and a fine of up to one thousand dollars (\$1,000.00) each calendar day the offender fails to comply with the notice of violation.
- (c) Strict liability is intended to be imposed for any violation of Chapter 1711.
- (d) In addition to any criminal penalties a court may impose on an owner, an owner who fails to comply with a Notice of Violation shall incur a civil forfeiture of two hundred dollars (\$100.00) for each calendar day that an owner fails to comply. The Director may file a civil action styled "Complaint for Civil Forfeiture" in a court of competent jurisdiction. For violations occurring in Franklin County, such action shall be commenced in the Franklin County Municipal Court, Environmental Division.
- (e) Nothing in this Section shall be construed to prohibit the Director from pursuing the enforcement of any provision of Title 11 and Chapter 1701 of the Codified Ordinances of the City of Reynoldsburg.