

RECORD OF ORDINANCES

Ordinance No. 19-07 Passed August 14, 2019

**AN ORDINANCE ESTABLISHING PROPERTY MAINTENANCE
REGULATIONS FOR VILLAGE OF BEVERLY.**

WHEREAS, the Council of the Village of Beverly wishes to promote the health, safety, and general welfare of the citizens of Beverly by preventing blight, protecting property values and neighborhood integrity by avoiding the creation and maintenance of nuisances, and ensuring the safe and sanitary maintenance of dwellings; and

WHEREAS, it is the desire of the Village of Beverly Council to enact an ordinance establishing Property Maintenance Regulations in the Village of Beverly,

NOW THEREFORE, be it ordained by the Council of the Village of Beverly, County of Washington, State of Ohio, as follows:

SECTION 1: The purpose of this ordinance is to promote the health, safety, and general welfare of the citizens of Beverly by preventing blight, protecting property values and neighborhood integrity by avoiding the creation and maintenance of nuisances, and ensuring the safe and sanitary maintenance of dwellings.

SECTION 2: The following provisions for the care and maintenance of property shall apply to all buildings and property within the village.

1. **Scope.** The provisions of this chapter shall govern the minimum conditions and responsibilities of persons for maintenance of structures, equipment and exterior property.
2. **Responsibility.** The owner of the premises shall maintain the structures and exterior property in compliance with these requirements except as otherwise provided in this ordinance. A person shall not occupy as owner-occupant or permit another person to occupy premises which are not in a sanitary and safe condition and which do not comply with requirements of this ordinance. Occupants of a dwelling unit, rooming unit or housekeeping unit are responsible for keeping, in a clean, sanitary and safe condition, that portion of the dwelling unit, rooming unit, housekeeping unit or premises which they occupy and control.
3. **Vacant structures and land.** All vacant structures and premises thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a menace, affliction, nuisance, or blight problem or adversely affect the public health or safety.
4. **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 and sanitary condition.
5. **Grading and drainage.** All premises shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water thereon, or within any structure located thereon.
6. **Sidewalks and driveways.** All sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in proper state of repair, and maintained free from hazardous conditions.
7. **Weeds.** All residential, business, and commercial exterior property shall be maintained free from weeds or grass growth in excess of eight (8) inches in height. All noxious weeds shall be prohibited. Noxious weeds shall be defined as invasive, harmful, toxic, poisonous, overgrown, and undesirable weeds. This term shall not include trees, shrubs, cultivated flowers and gardens.
8. **Infestation.**
 - a. All structures and exterior property shall be kept free from rodent harborage and infestation. Where rodents are found, they shall be promptly exterminated by approved processes which will not be injurious to human health. After

extermination, proper precautions shall be taken to eliminate rodent harborage and prevent re-infestation.

- b. All structures shall be kept free from infestation of insects such as, but not limited to, bed bugs, cockroaches, termites, ants, mosquitoes, spiders, silverfish, stink bugs, and mites. All structures in which insects are found shall be promptly exterminated by approved processes that will not be injurious to human health. After extermination, proper precautions shall be taken to prevent re-infestation. The owner of any structure shall be responsible for extermination within the structure and precautions taken to prevent re-infestation.
9. **Accessory structures.** All accessory structures, including detached garages, sheds, fences, and walls shall be maintained in a structurally sound manner and kept in good repair.
10. **Motor vehicles.** No person shall park, store, abandon or consent to the parking, storage, or abandonment of any unlicensed, inoperative, or partially dismantled vehicle upon private or public property within the corporation limits of the Village of Beverly except when parked or stored in an enclosed building or garage.
11. **Defacement of property.** No person shall willfully or wantonly damage, mutilate, or deface any exterior surface of any structure or building or any private or public property by placing thereon any marking, carving or graffiti. It shall be the responsibility of the owner to restore said surface to an approved state of maintenance and repair.
12. **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 to be 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. *Excessive* peeling, flaking and chipped paint shall be eliminated and surfaces repainted. All siding and masonry joints as well as those between the building envelope and 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. Excessive oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement. 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.
13. **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 where possible. These numbers shall contrast with their background.
14. **Foundation walls and structural members.** 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 rodents and other pests.
15. **Exterior walls.** All exterior walls shall be free from holes, breaks, and loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent deterioration.
16. **Roofs and drainage.** The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in village waste water system or in a manner that creates a public nuisance.
17. **Overhang extensions.** All overhanging extensions including, but not limited to canopies, marquees, signs, metal awnings, fire escapes, stand pipes and exhaust ducts shall be maintained in good repair and be properly anchored so as to be kept in a sound condition.
18. **Stairways, decks, porches and balconies.**
 - a. Every exterior stairway, deck, porch, balcony and all appurtenances attached thereto, shall be maintained in a structurally sound manner, maintained in good repair with proper anchorage, and capable of supporting the imposed loads.
 - b. Every handrail and guard shall be firmly fastened, capable of supporting normally imposed loads, and shall be maintained in good condition.
19. **Windows, skylight, doors and door frames.**

- a. Every window, skylight, door and frame shall be kept in sound condition and good repair, and be weather tight.
 - b. All exterior doors, door assemblies and hardware shall be maintained in good condition. Locks at all entrances to dwelling units, rooming units and guestrooms shall tightly secure the door.
20. **Basement hatchways.** Every basement hatchway shall be maintained to prevent the entrance of rodents, rain and surface drainage water
21. **General.** The interior of a structure and equipment therein shall be maintained in good repair, be structurally sound and in sanitary condition. Every owner of a structure containing a rooming house, housekeeping units, a hotel/motel, a 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.
22. **Rubbish or garbage.**
- a. All exterior property and premises and the interior of every structure, shall be free from any accumulation of rubbish or garbage.
 - b. Every occupant of a structure shall dispose of all rubbish in a clean and sanitary manner.
 - c. Refrigerators, household appliances and similar equipment not in operation shall not be discarded, abandoned or stored on the premises except when stored in an enclosed building or garage.
 - d. Every occupant of a structure shall dispose of garbage in a clean and sanitary manner.
23. **Water Source.** Every sink, lavatory, bathtub or shower, drinking fountain, water closet or other plumbing fixture shall be properly connected to the public water system.
24. **Waste Water.** All plumbing fixtures shall be properly connected to Beverly's public sewer system.
- a. Every plumbing stack, vent, waste and sewer line shall function properly and be kept free from obstructions, leaks and defects.
 - b. Drainage off roofs and paved areas, yards and courts, and other open areas on the premises shall not be discharged in the village waste water system.
25. **Swimming pools.**
- a. Swimming pools shall be maintained in a clean and sanitary condition and in good repair.
 - b. Enclosures. Private swimming pools, 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 (152 mm) above the bottom of the gate, the release mechanism shall be located only 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 enclosures shall be removed replaced or changed in a manner that reduces its effectiveness as a safety barrier.

SECTION 3: Procedure when owner fails to comply.

- 1. If the owner, lessee, agent or tenant having charge of lands fails to comply with a notice to remedy a violation of this ordinance, the Village Council may cause the violation to be corrected or removed and may employ the necessary labor to perform the task. All expenses incurred shall, when approved by the Village Council, be paid out by the village, then billed to the property owner.

SECTION 4: A written return to County Auditor amount as a lien on property.

- 1. If the property owner fails to pay the village's statement, the Village Council shall make a written return to the County Auditor of their action with a statement of charges for their services, the amount paid for labor, the fees of the officers serving the notices, and proper description of the premises. These amounts shall be entered upon the tax duplicate and a lien shall be placed upon such lands from and after the date of entry and be collected as other taxes and shall be returned to the village and placed in the General Fund.

SECTION 5: General Penalty

1. Any act which is prohibited or is made to be unlawful under this Ordinance shall constitute a minor misdemeanor and shall be punishable by fine plus court cost.
2. A separate offense shall be deemed committed each day during or on which a violation continues or occurs.

SECTION 6: Enforcement and Appeal.

1. Enforcement begins with a complaint from public or obvious non-compliance viewed by Village of Beverly Police Department during patrol.
2. The chief enforcement officer of this Ordinance shall be the Village of Beverly Chief of Police or designee.
3. Any appeal from the decision of the enforcement officer or request for variance from the terms of this Ordinance shall be heard and determined by the Village of Beverly Council.

SECTION 7: This Ordinance shall take effect and be in full force at the earliest period allowed by law.

First Reading	<u>May 8, 2019</u>
Second Reading	<u>July 10, 2019 (as amended)</u>
Third Reading	<u>August 14, 2019 (as amended)</u>

Passed this 14th day of August, 2019.

Mayor

President of Council

Attest:

Fiscal Officer

CERTIFICATES:

I, Pamela I. Jackson, Fiscal Officer of the Village of Beverly, Ohio, do hereby certify that the foregoing Ordinance #19-07 was duly posted in not less than five of the most public places in the Village of Beverly, as determined by the Council of the Village of Beverly, for a period of not less than fifteen (15) days.

Fiscal Officer

I, Pamela L. Jackson, Fiscal Officer of the Village of Beverly, Ohio, do hereby certify that the foregoing is a true and correct copy of an Ordinance passed by Council at a meeting held August 14, 2019.

Fiscal Officer