

**CHAPTER 1327
RESIDENTIAL PROPERTY MAINTENANCE CODE**

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CROSS REFERENCE

Duty to keep sidewalks clean and in repair - see
GEN. OFF. 521.06
Deposit of refuse - see GEN. OFF. 521.08
Weeds - see GEN. OFF. 521.10
Harboring Rats, Abatement of Nuisance - 521.11
Nuisances and Unsafe Buildings - Ch 1311
Inoperable or unlicensed vehicles - 521.12

1327.01 PURPOSE.

Within the scope of this Property Maintenance Code as hereinafter defined, the purpose of this code is to establish minimum standards necessary to make all dwelling structures and vacant property safe, sanitary, free from fire and health hazards, fit for human habitation and beneficial to the public welfare; to establish what will constitute a blighting or deteriorating influence on the neighborhood and community; to fix responsibilities for owners and occupants of dwelling structures with respect to sanitation, repair and maintenance; to establish additional standards for duplexes and multiple dwellings; to authorize external inspection of dwelling structures; to establish enforcement procedures; to authorize the vacation or condemnation of dwelling structures unsafe or unfit for human habitation and to fix penalties for violations.

1327.02 GENERAL SCOPE.

- a. The provisions of this code shall be supplementary to all other provisions of the City ordinances relating to the repair and maintenance of residential buildings and shall apply to all buildings or portions thereof. This chapter shall be enforced using good judgment at all times.
- b. In the event of conflict between any provision of this code, including any rules and regulations adopted pursuant to this code, and any provisions of the ordinances of the City, including rules and regulations adopted pursuant to such ordinances, the more restrictive provision shall prevail.
- c. Sections and subsections of this code and several parts and provisions thereof are declared to be independent sections, subsections, parts and provisions and the holding of any section, subsection, part or provision thereof to be unconstitutional, void or ineffective for any cause shall not affect nor render invalid any other section, subsection, part or provision thereof.

1327.03 EXISTING BUILDINGS.

Existing buildings or portions thereof presently used for residential purposes may continue to be occupied for residential purposes as follow:

- a. The building complies with the provisions of this code, except as to any variance heretofore specifically granted by the City; and
- b. The use and occupancy of the building is not in violation of any City ordinance and applicable statues of the State, including any rules and regulations adopted pursuant to such ordinances or statutes.

1327.04 CONFLICT.

In the event of conflict between any provisions of this code, including any rules or regulations adopted pursuant to this code, any City ordinances, including any rules and regulations adopted pursuant to such ordinances, the provisions of which establish the highest standard for the protection of health, safety and welfare, shall prevail and nothing in this chapter shall be construed to supersede, limit, modify or replace any of the powers or duties of the Board of Health, Fire Chief, Building Inspector, or Safety-Service Director.

1327.05 DEFINITIONS.

The following definitions shall apply in the interpretation and enforcement of this chapter:

- a. Accessory building means a secondary or appurtenant building, the use of which is incidental or accessory to that of the main building, and which is attached thereto or located on the same premises.
- b. Code means the Property Maintenance Code being Chapter 1327 of the Codified Ordinances of the City.
- c. Building Administrator means the Safety-Service Director or his authorized representative.
- d. Duplex means a building consisting of two dwelling units.
- e. Dwelling means a building designed for and occupied exclusively for residential use including one-family, two-family and multi-family dwellings, but not including hotels, motels, boarding houses, tourist homes, tents or camping trailers.
- f. Foundation means construction primarily below grade which provides support for exterior walls or other structural parts of a building or structure.
- g. Litter means trash, wastepaper, garbage or an untidy accumulation of objects.
- h. Lot with structure means any lot within the City upon which a structure is located.
- i. Private garage means a building or part thereof accessory to a main building providing for the storage of passenger vehicles and in which no occupation, business or service for profit is carried on.
- j. Multiple family dwelling means a building or portion thereof consisting of three or more dwelling units. It includes apartment houses, town houses, flats, or row houses.
- k. Apartment building means a multi-family dwelling comprised of two or more dwelling units, i.e. apartments, and each having a separate entrance or entrances.

1327.06 REFUSE, RUBBISH AND GARBAGE DISPOSAL.

Effective January 1, 1999, all refuse, rubbish and garbage receptacles having a capacity of 2 cubic yards or greater shall be enclosed to obstruct view from all sides.

1327.07 MAINTENANCE RESPONSIBILITIES.

- a. Owner. The owner of every single family, duplex and multi-family dwelling as defined herein shall be responsible for the exterior building maintenance thereof in good repair, safe condition and sanitary as required by the terms of this code. The owner shall also be responsible for maintaining a clean and sanitary condition, the shared or common areas of the premises which are to be available to the tenant at all reasonable times.
- b. Occupant. The occupant of any dwelling structure shall be responsible for maintaining in a clean and sanitary condition that part of the outside premises which he occupies and controls.

1327.08 GENERAL MAINTENANCE REQUIREMENTS.

- a. All dwelling structures and all exterior parts thereof shall be maintained in good repair and shall be capable of performing the function for which such structure or part of any feature thereof was designed or intended to be used.
- b. The requirements of sections of this code inclusive shall be considered in determining the compliance of a dwelling structure with this section; when it is determined by the Safety-Service Director or other designated official that there exists any other condition which is contrary to the intent and purpose of this section, he shall have the authority to enforce other sections of the code not covered in this chapter.

1327.09 MAINTENANCE OF FOUNDATIONS.

- a. All foundations of every dwelling unit shall be maintained in good repair and structurally sound, free from loose, missing or deteriorating mortar, damaged, loose or missing bricks, flaking tiles and other deteriorating foundation materials.
- b. All openings into the foundation of every dwelling structure shall be protected against the entrance of rodents.

1327.10 MAINTENANCE OF ROOFS, GUTTERS AND DOWN SPOUTS.

All roofs of every dwelling structure shall be maintained weathertight and shall be equipped with gutters and down spouts connected to a public storm sewer wherever possible.

1327.11 MAINTENANCE OF EXTERIOR BUILDING STRUCTURES AND ACCESSORY BUILDINGS.

- a. All exterior parts of every dwelling structure, including exterior walls, parapet walls, decorative additions, chimneys, and all other exterior structures, either above or below the roof line shall be maintained in a safe condition, weathertight and so as to resist decay or deterioration from any cause.
- b. Any dwelling structure or accessory building whose exterior surface is bare, deteriorated, ramshackle, tumbled down, decaying, disintegrating or in poor repair shall be repaired.
 1. All buckled, rusted, rotted or decayed walls, doors, windows, porches, floors, steps, railings, trim and their missing members, and broken glass and cut or damaged screening for windows and doors, and any other deteriorating conditions shall be replaced or restored to good condition.
 2. All replacements shall match and conform to the original design wherever possible or be replaced completely.
 3. All exterior wood or exterior unfinished surfaces, excluding those woods approved for use in their natural state, shall be sealed or painted and the surface covered with other approved protective coating or treated to prevent rot and decay, and shall conform and match wherever possible, the existing paint or surface covering and original design or replacement thereof. All existing walls and surfaces shall be properly protected against the weather where such are defective or lack weather protection, including lack of paint or surface covering, or have weathered due to lack of proper protective covering.

1327.12 PEST CONTROL.

All dwelling structures and the premises thereof shall be maintained free from sources of breeding, harborage and infestation by insects, vermin or rodents.

- a. Extermination means the control and elimination of insects, rodents or other pests by eliminating their harboring places, by removing or making inaccessible material that may serve as their food, by any recognized and legal pest elimination methods.
- b. Infestation means the presence within or around a dwelling, dwelling unit or rooming unit of any insects, rodents or other pests.

1327.13 EXTERIOR PROPERTY AREAS.

No owner, operator or resident agent of any premises shall maintain or permit to be maintained at or on the exterior property areas of such premises any condition which deteriorates or debases the appearance of the neighborhood, reduces property values in the neighborhood, adversely alters the appearance and general character of the neighborhood, creates a fire, safety or health hazard, or which is a public nuisance. Such conditions include but are not limited to the following:

- a. Accumulation of litter;
- b. Broken or dilapidated fences, walls or other structures;
- c. Out of use or nonusable appliances and machinery;
- d. Rugs, rags or other materials hung on lines or in other places on the premises, which materials are not being used for general household or housekeeping purposes;
- e. Broken, dilapidated or unusable furniture, mattresses or other household furniture, broken glass, plastic material, paints, miscellaneous coverings and/or any other materials, including those described in this section, placed at or on the premises in such a manner as to be patently unsightly, grotesque or offensive to the senses;
- f. Lawns and landscaping shall be so maintained so as not to constitute a blighting or deteriorating effect on the neighborhood;
- g. Lots with structures shall maintain grass, brush, briars, burrs, Russian and Canadian thistles at a height not to exceed ten inches.
- h. No building material or materials, earth, sand or dirt intended for use in landscaping, gardening or construction shall be left standing open or covered upon any premises for a period of time not to exceed one month without specific written authorization from the Safety-Service Director or other designated official.
- i. Drainage swales are to be maintained by the owners of the parcels on which they are located, and at no time will anyone plant shrubs and/or trees, or discharge, empty, or place any material, fill or waste into any swale so as to divert or impede drainage flow. Small swales can be mowed as part of the yard. Larger swales in meadow situations should be mowed less frequently in order to allow grasses to grow taller to retard runoff and prevent erosion. Swales in woodland areas should be left in their natural condition leaving the understory to retard runoff and prevent erosion.

1327.14 ACCESSORY BUILDINGS.

All accessory buildings shall be maintained in good repair. Health, accident and fire hazards shall be removed from the premises.

1327.15 SWIMMING POOL FENCING REQUIRED.

No person shall locate, construct, use, operate, repair or maintain any swimming pool or permit or suffer water to accumulate in any swimming pool to a depth of 18 inches at any point,

unless there is constructed immediately surrounding and completely enclosing such swimming pool fencing as follows:

- a. In-Ground Pool. Fencing shall be a minimum 36 inches and not exceed 72 inches in height as measured from grade along the line of the fence installed.
- b. Above-Ground Pool. Fencing shall be a minimum 36 inches and not exceed 72 inches in height as measured from grade along the line of the fence installed. If the sides of the pool are 42 inches or more above the minimum adjacent grade and the pool is equipped with a removable ladder or a ladder that folds up and locks in an upright position when the pool is not in use, then additional fencing shall not be required. A 36 inch minimum guardrail conforming to the Wayne County Building Code is required for any porch, balcony or raised floor surface located more than 30 inches above the floor grade below.
- c. All gates within fencing surrounding swimming pools shall be equipped with a key or combination lock.
- d. Fencing shall be designed to prevent unauthorized entrance of children and animals into any pool.

1327.16 RESPONSIBILITY FOR COMPLIANCE.

The owner as defined in this code shall be responsible for compliance with all provisions of this code.

1327.17 INSPECTION, RIGHT OF ENTRY, AND ENFORCEMENT OF ORDERS AUTHORIZED.

- a. The Safety-Service Director or other designated official is authorized to make or cause to be made external inspections of all structures or premises used for dwelling purposes, and all secondary or appurtenant structures, to determine whether such structures or premises conform to the provisions of the code. The Safety-Service Director or other designated official is also authorized to perform, or cause to be performed, whatever work is necessary to bring nonconforming property into conformity to the provisions of the code and recoup the costs therefrom pursuant to Section 1327.18 of this code.
- b. When a property owner denies the Safety-Service Director or other designated official entry onto his property for the purposes of making an exterior inspection, and/or if a property owner refuses to comply with an order of the Safety-Service Director or other designated official, the Safety-Service Director or other designated official may apply for and obtain a search warrant and/or court order from any court of competent jurisdiction to gain access to such property for the purposes of inspection and/or enforcing an order of the Safety-Service Director or other designated official.
- c. Nothing contained in this section shall limit the right of immediate entry by the Safety-Service Director or other designated official onto any property in the City when he determines that an emergency exists.

1327.18 COSTS CERTIFIED TO THE COUNTY AUDITOR.

The Safety-Service Director or other designated official shall make a written account and take all steps necessary to certify all costs to the County Auditor including a proper description of the premises involved. Such amounts shall be entered upon the tax duplicate and be a lien upon the lots or land from and after the entry and be collected as other taxes and returned to the General Fund of the City.

1327.19 NOTICE OF VIOLATION; LEGAL SERVICE.

- a. Whenever the Safety-Service Director or other designated official finds any dwelling structure or premises, or any part thereof, to be in violation of the provisions of this code, the Safety-Service Director or other designated official shall give or cause to be given or mailed to the owner, agent or occupant of such structure or premises a

written notice stating the violation. Such notice shall order the owner, agent or occupant within a stated reasonable time, but not less than ten days, to repair or improve the structure or premises concerned. Upon receipt of a written objection within the stated time period, the Safety-Service Director or other designated official may extend the time for compliance until such objection has been considered. If the owner, agent, or occupant fails to correct the violation, it shall be a minor misdemeanor as provided in Section 1327.99. Furthermore, the Safety-Service Director or other designated official may take all necessary steps as authorized in this code to obtain access to the property to bring the property into conformity with the code, and may recoup the costs therefrom pursuant to Section 1327.18 of the code.

- b. Service of Notice. The notice may be served by delivering it personally to an owner, leaving it at the owner's usual place of business or residence, posting it in a conspicuous place on such real estate, mailing it to the owner at his last known address by certified mail, or by publishing it once in a newspaper of general circulation within the City, if it cannot be served in any of the other ways abovementioned.

1327.20 COST OF CITY REMOVAL.

If the Safety-Service Director finds it necessary to enforce this code as provided in Section 1327.17 and Section 1327.19, a statement of the costs thereof shall be mailed to the owner of such land by certified mail, return receipt requested. Such statement of cost may include the following:

- a. Administration and supervision;
- b. Transportation of equipment;
- c. Equipment rental;
- d. Equipment operator;
- e. Incidental labor; and
- f. Contractor labor.

The minimum fee to be charged shall be in no case less than seventy-five dollars (\$75.00) for the first hour or portion thereof and fifty dollars (\$50.00) for each additional hour or portion thereafter.

1327.21 PENALTY DOES NOT PRECLUDE OTHER REMEDIAL ACTION.

The imposition of any penalty shall not preclude the Law Director from instituting an appropriate action or proceeding in a court of proper jurisdiction to prevent an unlawful repair or maintenance; to restrain, correct or abate a violation; to prevent the occupancy of a building, structure or premises; or to require compliance with the provisions of this code or other applicable laws, ordinances, rules or regulations, or orders or determinations of the Safety-Service Director or other designated official.

1327.99 PENALTY.

Whoever violates any provisions of this code, or any rules or regulation promulgated thereunder, or fails to comply therewith, or with any written notice, or order issued thereunder, or whoever interferes with, obstructs or hinders the Safety-Service Director or other designated official while attempting to make exterior inspections, is guilty of a minor misdemeanor as defined by the Ohio Revised Code. Each day such violation occurs or continues shall constitute a separate offense.