

## Chapter 523 Property Maintenance Code

### 523.01 Title

These regulations and guidelines shall be known as the Property Maintenance Code of the City of St. Clairsville, Ohio, hereinafter referred to as “this code”.

### 523.02 Scope

The provisions of this code shall apply to all existing residential and non-residential structures and all existing premises and comprise minimum requirements and standards for premises, structures, equipment and facilities for light, ventilation, space, heating, sanitation, protection from the elements, life safety, safety from fire and other hazards, and for safe and sanitary maintenance. The responsibility for the aforementioned items is the responsibility of the owners of the structures and properties. This code shall also apply to the property surrounding such structures as well as vacant properties and also applies to administration, enforcement and penalties.

### 523.03 Intent

The intent of this code is to ensure the public health, safety and welfare insofar as they are affected by the continued occupancy and maintenance of structures and premises. Existing structures that do not comply with these provisions shall be altered or repaired to provide a minimum level of health and safety as required herein. It is not the intent of this code to repeal, abrogate, annul, impair, or interfere with any existing easements, covenants, deed restrictions, agreements, ordinances, rules, regulations, or permits previously adopted or issued pursuant to law. Where two or more provisions apply the higher standard shall prevail.

### 523.04 Severability

If a section, subsection, sentence, clause or phrase of this code is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this code.

### 523.05 General Applicability

The provisions of this code shall apply to all matters affecting or relating to the exterior of structures, premises and property. Where, in a specific case, different sections of this code specify different requirements, the most restrictive shall govern.

### 523.06 Maintenance

The owner or the owner’s designated agent shall be responsible for the maintenance of buildings, structures, premises and property. Equipment, systems, devices, and safeguards required by this code or a previous regulations or code under which the structure or premises was constructed, altered, or repaired shall be maintained in good working order. No owner, operator, or occupant shall cause any service, facility, equipment, or utility which is required under this section to be removed or shut off from

or discontinued for any occupied dwelling, except for such temporary interruption as necessary while repairs or alterations are in progress. The requirements of this code are not intended to provide the basis for removal or abrogation of fire protection and safety systems and devices in existing structures.

#### 523.07 Work to be completed

Repairs, maintenance work, alterations or installations which are caused directly or indirectly by the enforcement of this code shall be executed and installed in accordance with the regulations of the Codified Ordinances and any other section of this code.

#### 523.08 Workmanship

Repairs, maintenance work, alterations or installations which are caused directly or indirectly by the enforcement of this code shall be executed and installed in a workmanlike manner and installed in accordance with the manufacturer's installation instructions.

#### 523.09 Requirements Not Covered by Code

Requirements necessary for the strength, stability or proper operation of an existing fixture, structure or equipment, or for the public safety, health, and general welfare, not specifically covered by this code, shall be determined by the code official.

#### 523.10 Nuisance Structures and Properties - General

When the exterior of a structure, accessory structure or property is found by the City to be unsafe, unsanitary, filled with garbage or trash, not kept up, paint peeling, masonry in bad repair or structure in overall bad shape, the violation must be rectified or the property must be cleaned up and brought into conformance.

#### 523.11 Nuisance Structure

A nuisance structure is one that is found to be dangerous to the public health, safety and welfare or is so damaged, decayed, dilapidated, structurally unsafe, or such faulty construction or unstable foundation, that partial or complete collapse is possible.

#### 523.12 Structure unfit for human occupancy

A structure is unfit whenever the City finds that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is unsanitary, vermin or rat infested, contains filth and contamination.

#### 523.13 General Maintenance - General

It is the purpose of this ordinance to govern the minimum conditions and responsibilities of persons owning property in the City in regard to maintenance of structures and property. The owner of a structure or property shall maintain such in compliance with these requirements.

#### 523.14 Sanitation

All exterior property and premises shall be maintained in a clean, safe and sanitary condition. The property owner shall keep that part of the exterior property in a clean and sanitary condition.

#### 523.15 Accessory structures

All accessory structures, including detached garages, sheds and any other accessory structures, shall be maintained in a structurally sound manner and in good repair.

#### 523.16 Exterior Maintenance of a Structure

- a) All buildings and structures exterior surfaces, including but not limited to walls, siding, doors, door and window frames, cornices and other decorative features, trim, balconies, decks, fences, stairways, overhang extensions, and porches shall be maintained in good repair structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare. All exterior surfaces shall be free of holes, breaks, loose or rotting materials, decay, dilapidation, or partial destruction and shall be maintained weatherproof and surface coated to prevent deterioration.
- b) All chimneys and exterior and foundation walls shall be maintained in good repair, structurally sound and safe.
- c) All exterior wall surfaces shall be free of rot, damaged or missing pieces, loose or damaged bricks and shall provide complete weather protection.
- d) Roofs and flashing, shall be sound, tight and not have defects that admit rain.
- e) Every stairway, sidewalk, deck, porch and all other appurtenances shall be maintained in a structurally sound manner and in good repair.
- f) All windows and doors shall be kept structurally sound and in good repair. No window shall be left with broken glass or in bad condition. No door shall be in a state of disrepair.
- g) All gutters and downspouts shall be maintained in property working condition.
- h) Excessive peeling, flaking and chipped paint shall be eliminated and surfaces repainted.
- i) 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.
- j) 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.
- k) Swimming pools shall be maintained in good condition and free of stagnant water.
- l) Any structure in a state of deterioration that poses a threat to the public health, safety and welfare must either be repaired or demolished.
- m) All accessory structures including but not limited to garages, sheds, and outbuildings, shall be maintained structurally sound and in good repair at all times.

#### 523.17 Exterior Maintenance of Property

- a) All exterior property and premises shall be free from any accumulation of junk, rubbish and garbage. When a property has become cluttered with junk, rubbish or garbage the responsible property owner shall rectify the situation in a reasonable manner and amount of time. All rubbish and garbage shall be disposed of in a clean and sanitary manner by placing such rubbish and garbage in approved containers. Garbage shall be stored in leak proof containers provided with close fitting covers for the storage of such materials until removed from the premises for disposal.
- b) All fences, walls and railings shall be kept in good condition and must be properly maintained to ensure structural stability.
- c) All dead, dying, damaged or diseased trees must be removed if they pose a threat to the public health, safety or welfare.
- d) Grass shall be kept up in accordance with Chapter 953 of the City Code.
- e) Vehicles shall not be parked on the lawn or other part of a property not paved or graveled as a legal driveway.
- f) All premises shall be graded and maintained to prevent erosion of soil and to prevent the accumulation of stagnant water thereon, or within any structure located thereon. Approved retention and detention areas are excluded.
- g) All sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair, and maintained free from hazardous conditions.

#### 523.18 Responsibility - General

The owner of any property or structure shall be responsible for ensuring that the property or structure is maintained in a manner as outlined in this code.

#### 523.19 Definitions - Scope

Unless otherwise stated, the following terms shall, for the purposes of this code, have the meanings shown in this chapter.

#### 523.20 Interchangeability

Words stated in the present tense include the future; words stated in the masculine gender include the feminine and the neuter; the singular number includes the plural and the plural the singular.

#### 523.21 Similar definitions found in other sections of the Code

Where terms are not defined in this code, the definitions and regulations specified in any other section of the City Code or Webster's most current dictionary shall be used.

#### 523.22 Terms not defined

Where terms are not defined, as authorized by this section of the code, such terms shall have ordinarily accepted meanings such as the context implies.

### 523.23 Parts

Whenever the words structure, dwelling unit, dwelling, premises, building, apartment house, accessory structure, premises, property are stated in this code, they shall be construed as though they were followed by the words "or any part thereof".

### 523.24 Definitions

APPROVED – approved by the code official.

BASEMENT – that portion of a building which is partly or completely below grade.

CLEAN – free from excessive dirt, stain or impurities; unsoiled.

CONDEMN – to determine unfit for occupancy.

EXTERIOR PROPERTY – the open space on the premises and on adjoining property under the control of owners or operators of such premises.

EXTERMINATION – the control and elimination of insects, rats or other pests by eliminating their harborage places; by removing or making inaccessible materials that serve as their food; by poison spraying, fumigating trapping or by any other approved pest elimination methods

FILTH – a state characterized by foul or disgusting dirt, garbage and refuse or being covered with unclean things such as dirt, grime, soil, stain, grease and having a general state of foulness or nastiness.

GARBAGE – the animal or vegetable waste resulting from the handling, preparation, cooking and consumption of food.

GOOD REPAIR – the general condition of a property to be free from decay, dilapidation, or partial destruction. Providing a safe and sanitary place maintained free of hazardous conditions.

HABITABLE SPACE – space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces, and similar area are not considered habitable spaces.

HAZARDOUS CONDITION – a situation involving or causing danger or risk.

IMMINENT HAZARD/IMMINENT DANGER – a condition, which could cause serious or life-threatening injury or death at any time.

INFESTATION – the presence, within or contiguous to, a structure or premises of insects, rats, vermin or other pests.

INSANITARY – Unsanitary, unhealthful (not sanitary or healthful), Unhygienic – so unclean as to be a likely cause of disease. The opposite of sanitary.

**NUISANCE** – a use of property or course of conduct that interferes with the legal rights of others by causing damage, annoyance, or inconvenience.

**OCCUPANCY** – the purpose for which a building or portion thereof is utilized or occupied.

**OCCUPANT** – any individual living or sleeping in a building, or having possession of a space within a building.

**OPERATOR** – any person who has charge, care or control of a structure or premises which is let or offered for occupancy.

**OWNER** – any person, agent, operator, firm or corporation having a legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

**PERSON** – an individual, corporation, partnership or any other group acting as a unit.

**PREMISES** – a lot, plot or parcel of land including any structures thereon.

**PUBLIC NUISANCE** – any premises which has unsanitary sewerage; any premises designated as unsafe for human habitation or use; any premises capable of being a fire hazard, may endanger life, limb or property, any place which is unsanitary littered with rubbish or garbage any structure in a state of dilapidation, deterioration or decay vacant or abandoned, damaged by fire in danger of collapse or failure, any structure or building that provides harborage for rodents and or the infestation of insects or other pests.

**REPAIR** – to restore the structural integrity and the physical and aesthetic condition, of a building or portion(s) of buildings, after damage, dilapidation, deterioration or decay.

**RUBBISH** – combustible and noncombustible waste materials, except garbage: the term shall include the residue from the burning of wood, coal, coke and other combustible materials, paper, rags, cartons, boxes, wood, excelsior rubber, leather tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery and dust and other similar materials.

**SANITARY** – relating to health or the protection of health. Free from elements, such as filth or pathogens that endanger health and hygiene.

**STRUCTURE** – that which is built or constructed or a portion thereof.

**TENANT** – a person, corporation, partnership or group, whether or not the legal owner of record, occupying a building or portion thereof as a unit.

**UNSANITARY** – Insanitary, unhealthful (not sanitary or healthful). Unhygienic – so unclean to be a likely cause of disease. The opposite of sanitary.

VENTILATION – the natural or mechanical process of supplying conditioned or unconditioned air to, or removing such air from, any space.

WORKMANLIKE – executed in a skilled manner; for example, plumb, level square, in line undamaged and without marring the existing structure.

YARD – an open space on the same lot with a structure.

#### 523.25 Administration and Enforcement, Duties, Rule Making Authority, and Powers of City Officials

The Service Director or appointed representative of the City of St. Clairsville shall enforce the provisions of this Code and shall be known as the code official. The code official shall have authority as necessary in the interest of public health, safety and general welfare, to adopt and promulgate rules and procedures; to interpret and implement the provisions of this code; and, to secure the intent thereof. Such rules shall not have the effect of waiving any requirements specifically provided for in this code or the Codified Ordinances.

The code official shall make all of the required inspections, or shall accept reports of inspections by approved agencies or individuals. All reports of such inspections shall be in writing and be certified by a responsible officer of such approved agency or by the responsible individual. The code official is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise, subject to the approval of the appointing authority.

The code official is authorized to enter the structure or premises at reasonable times to inspect subject to constitutional restrictions on unreasonable searches and seizures. If entry is refused or not obtained, the code official is authorized to pursue recourse as provided by law.

#### 523.26 Required testing and materials and equipment reuse

Whenever there is insufficient evidence of compliance with the provisions of this code, or evidence that a material or method does not conform to the requirements of this code, or in order to substantiate claims for alternative materials or methods, the code official shall have the authority to require tests to be made as evidence of compliance at no expense to the City of St. Clairsville.

Test methods shall be as specified in this code or by other recognized test standards. In the absence of recognized and accepted test methods, the code official shall be permitted to approve appropriate testing procedures performed by an approved agency.

Materials, equipment, and devices shall not be reused unless such elements are in good repair or have been reconditioned and tested when necessary, placed in good and proper working condition and approved.

### 523.27 Notices and Orders

If any violations of this Code are found as a result of an inspection a notice outlining such violation shall be sent to the property owner. The code official shall issue all necessary notices or orders to ensure compliance with this Code.

### 523.28 Violations - General

It shall be unlawful for a person, owner, firm or corporation to be in conflict with or in violation of any of the provisions of this Code. In the case of leased or rental property, the owner shall be responsible for the entire property's compliance with this Code.

### 523.29 Notice of Violation

The code official shall serve a notice of violation or order to the property owner. Such notice of violation shall:

- a) be put in writing and sent to the owner of the offending property by first class mail;
- b) identify the property, including pictures when possible;
- c) include the list of violations referring to the section or sections violated and outlining the action needed to be taken to effect compliance;
- d) specify a time within which to comply; and,
- e) outline the appeal process.

### 523.30 Prosecution or violation

If the notice is not complied with, the City shall initiate the appropriate legal proceedings to correct the violation. The City may also correct or abate such violation or 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. The cost of any action taken by the City to correct or abate shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

### 523.31 Penalties

Any person who violates a provision of this code or fails to comply is guilty of a misdemeanor of the fourth degree, upon the first offence, and shall be fined not more than two hundred and fifty dollars (\$250.00) and subject to imprisonment for up to thirty days or both. Each violation of this Code shall be a separate offence, and each day that the violation continues after due notice has been served shall be deemed a separate punishable offense.

### 523.32 Appeal Application

A person affected by a decision of the City or a notice issued under this Code shall have the right to appeal to City Council provided that a written application for appeal is filed with the code official within 30 days of the date of the notice. An application for appeal shall be based on the claim that the intent of this Code or the rules adopted have been incorrectly interpreted, the provisions do not fully apply or the requirements of this Code are adequately satisfied by other means. Appeals of notices and orders other than

Imminent Danger notices shall stay the enforcement of the notice or order until the appeal is heard by City Council.

### 523.33 Appeals Process

City Council is hereby designated as the appeals board. Every appeal shall be made to the appeals board in writing. The procedure of appeals shall be as follows:

- a) A written appeal shall be filed with the code official by the party aggrieved by any order or decision of the City of St. Clairsville. Any additional correspondence should be attached.
- b) Every appeal shall be made within thirty (30) days from the date on the letter mailed to anyone outlining the violation.
- c) Any communication purporting to be an appeal shall be regarded as mere notice to seek relief and shall not be considered by City Council until it is made in the form required.
- d) If the applicant fails to file an appeal properly and fails to supply the required data within thirty (30) days from the date of letter the case shall be dismissed for lack of prosecution.
- e) The appeal shall be accompanied by a fee of \$500, which amount shall be used to defray the cost incurred by the City.
- f) All property owners as listed with the County Auditor within 200 feet of the offending property shall be notified by first class mail of the public hearing.
- g) At the public hearing of the case before the City Council, the appellant shall appear in his own behalf or be represented by counsel or agent. The appellant's side of the case shall be heard first followed by the comments of others. To maintain orderly procedure, each side shall proceed without interruption by the other.
- h) Every person before the rostrum shall abide by the order and direction of the Council President. Discourteous, disorderly, or contemptuous conduct shall be regarded as a breach of the privileges of Council and shall be dealt with, as the President deems proper.
- i) Following the public hearing, City Council may affirm, amend, modify or withdraw any notice or order and notify the appellant or such decision. Following the decision of City Council, all parties shall be notified of the decision by first class mail delivered to the address as listed on the County Auditor's records or the address provided by the party.
- j) Any party to the hearing, including the City, may seek judicial review by filing a petition in the County District Court within thirty (30) days after the issuance of the decision by City Council.

### Section 523.34 Transfer of ownership

If a dwelling unit or structure which has received a notice of violation is sold, transferred, mortgaged, leased or otherwise disposed of, the notice of violation does not expire. The grantee, transferee, mortgagee, or lessee shall be responsible for compliance with the order or notice of violation. It is the responsibility of the seller, transferor, mortgagor, or leaser to ensure that property notification is given to the grantee, transferee, mortgagee, or lessee.