

**ORDINANCE NO. 18, 2010**

**ADOPTING THE *INTERNATIONAL PROPERTY MAINTENANCE CODE***

**EFFECTIVE January 10, 2011**

**Section 1.** That a certain document, three (3) copies of which are on file in the office of the Clerk of the Village of Cleves, being marked and designated as the *International Property Maintenance Code*, 2009 edition, as published by the International Code Council, be and is hereby adopted as the Property Maintenance Code of the Village of Cleves, in the State of Ohio for regulating and governing the conditions and maintenance of all property, buildings and structures; and providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and providing standards for the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such existing structures as herein provided; and providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said Property Maintenance Code on file in the office of the Village of Cleves are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions and changes, if any, prescribed in Section 2 of this ordinance.

**Section 2.** The following sections of the *International Property Maintenance Code* are hereby amended to read as follows:

**101.1 Title.** These regulations shall be known as the *Village of Cleves Property Maintenance Code*, hereinafter referred to as “this code”.

**103.5 Fees.** The fees for activities and services performed by the department in carrying out its responsibilities under this code shall be as indicated in the following schedule.

**103.5.1 Violation Penalties.** Any person or entity who is charged with a civil citation for violation of a provision of this code shall be fined the following amounts:

1. In the amount of one hundred dollars (\$100.00) on the first offense;
2. In the amount of two hundred-fifty dollars (\$250.00) for the second offense in any 12 month period;

3. In the amount of five hundred dollars (\$500.00) for the third offense in any 12 month period;
4. In the amount of seven hundred-fifty dollars (\$750.00) for the fourth offense in any 12 month period; and
5. In the amount of one thousand dollars (\$1,000.00) for each subsequent offense in any 12 month period.

**103.5.2 Administrative Fee.** In addition to the fine imposed by Section 116.1, The Village of Cleves will charge an administrative fee for the processing of all civil citations. The administrative fee shall be \$75.00.

**103.5.3 Continuing Violations.** Each day that a violation continues after due notice has been served shall be deemed a separate offense.

**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 shall have the right to appeal to the Village of Cleves Planning & Zoning Commission, provided that a written application for appeal is filed within 20 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.** The Planning & Zoning Commission shall consist of a minimum of five members who are qualified by experience and training to pass on matters pertaining to property maintenance. The code official shall be an ex-officio member but shall have no vote on any matter before the board. The members of the Planning Commission shall be appointed by the Village Mayor, and shall serve one year.

**111.2.1 Alternate members.** The Village Mayor shall appoint two or more alternate members who shall be called by the board chairman to hear appeals during the absence or disqualification of a member. Alternate members shall possess the qualifications required for board membership.

**111.2.2 Chairman.** The Commission shall annually select one of its members to serve as chairman.

**111.2.3 Disqualification of a member.** A member shall not hear an appeal in which that member has a personal, professional or financial interest.

**111.2.4 Secretary.** The Mayor shall designate a qualified person to serve as secretary to the board. The secretary shall file a detailed record of all proceedings in the office of the Mayor.

**111.2.5 Compensation of members.** Compensation of members shall be determined by Village Council.

**111.3 Notice of meeting.** The Commission shall meet upon notice from the chairman, within 20 days of the filing of an appeal, or at stated periodic meetings.

**111.4 Open hearing.** All hearings before the Commission 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. A quorum shall consist of not less than two-thirds of the Commission membership.

**111.4.1 Procedure.** The Commission shall adopt and make available to the public through the secretary procedures under which a hearing will be conducted. The procedures shall not require compliance with strict rules of evidence, but shall mandate that only relevant information be received.

**111.5 Postponed hearing.** When the full Commission is not present to hear an appeal, either the appellant or the appellant's representative shall have the right to request a postponement of the hearing.

**111.6 Board decision.** The Commission shall modify or reverse the decision of the code official only by a concurring vote of a majority of the total number of appointed Committee members.

**111.6.1 Records and copies.** The decision of the Commission shall be recorded. Copies shall be furnished to the appellant and to the code official.

**111.6.2 Administration.** The code official shall take immediate action in accordance with the decision of the Committee.

**111.7 Court review.** Any person, whether or not a previous party of the appeal, shall have the right to apply to the appropriate court for a writ of certiorari to correct errors of law. Application for review shall be made in the manner and time required by law following the filing of the decision in the office of the chief administrative officer.

**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 Commission.

**302.4 Weeds.** All premises and exterior property shall be maintained free from weeds or plant growth in excess of eight (8) inches. 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. Upon failure of the owner or agent having charge of a property to cut and destroy weeds after service of a notice of violation, they shall be subject to prosecution in accordance with Section 106 .3 and as prescribed by the code official. Upon failure to comply with the notice of violation, any duly authorized employee of the jurisdiction or contractor hired by the jurisdiction shall be authorized to enter upon the property in violation and cut and destroy the weeds growing thereon, and the costs of such removal shall be paid by the owner or agent responsible for the property.

**304.10 Stairways, decks, porches and balconies.** Every exterior stairway, deck, porch and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads. Said areas shall be kept clear of debris and hazards and shall not be used as storage areas.

**304.14 Insect screens.** During the period from March 1 through November 15, 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 screen door used for insect control 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.

**602.3 Heat supply.** Every owner and operator of any building who rents, leases or lets one or more dwelling units or sleeping units on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat during the period from October 1 to April 30 to maintain a temperature of not less than 68°F (20°C) in all habitable rooms, bathrooms, and toilet rooms.

**Exceptions:**

1. When the outdoor temperature is below the winter outdoor design temperature for the Village, maintenance of the minimum room temperature shall not be required provided that the heating system is operating at its full design capacity. The winter outdoor design temperature for the Village shall be indicated in Appendix D of the International Plumbing Code.
2. In areas where the average monthly temperature is above 30°F (-1°C) a minimum temperature of 65°F (18°C) shall be maintained.

**602.4 Occupiable work spaces.** Indoor occupiable work spaces shall be supplied with heat during the period from October 1 to April 30 to maintain a temperature of not less than 65°F (18°C) during the period the spaces are occupied.

**Exceptions:**

1. Processing, storage and operation areas that require cooling or special temperature conditions.
2. Areas in which persons are primarily engaged in vigorous physical activities.

**Section 3.** That all other provisions of the *International Property Maintenance Code*, 2009 edition, as published by the International Code Council are unchanged and shall be in effect in the Village of Cleves.

**Section 4.** That if any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The Village of Cleves hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

**Section 5.** That nothing in this ordinance or in the Property Maintenance Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.