



PROPERTY MAINTENANCE CODE

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ARTICLE 1 GENERAL PROVISIONS

100 TITLE

This ordinance shall be known as the "Village of Bethel Property Maintenance Code."

110 PURPOSE

The purpose of this code is to promote the life, health, safety, aesthetic, economic, and general welfare of the citizens of the Village and protect neighborhoods against nuisances, blight, and deterioration by establishing minimum requirements for the occupancy and maintenance of all residential and non-residential buildings, whether vacant or occupied, and the maintenance of all land, whether improved or unimproved.

120 CONFLICT OF ORDINANCES

The operation of this code shall in no way change or diminish the effect of other ordinances in the Ohio Building Code dealing with like or similar matters. In any case where a provision of this code is found to be in conflict with a provision of any zoning, building, fire safety, health ordinance, or section of the Ohio Building Code, the provision which establishes the higher standard for the promotion and protection of health and safety shall prevail. It is not intended by the code to repeal, abrogate, annul or in any way impair or interfere with existing provisions of other laws or ordinances or with private restrictions placed upon property by covenant, deed, or other private agreement except those specifically repealed at the time of adoption of this Property Maintenance Code. In cases where two or more provisions of this code conflict, the most stringent and restrictive shall prevail.

130 APPLICATION

This code shall apply to all existing residential and nonresidential buildings, structures, and lands and portions thereof without regard to the use, date of construction, improvement, or alteration.

140 EXISTING BUILDINGS

Buildings and portions thereof in existence at the time of the adoption of this code, "Village of Bethel Property Maintenance Code," may have their existing use or occupancy continued if the use or occupancy was legal at the time of the original design and provided continued use is not dangerous to life, health, and safety.

150 HISTORIC BUILDINGS

This code does not apply to existing buildings, structures, or premises designated as historic and listed on the National Register of Historic Places, or when such buildings, structures, or premises are judged by the building official to be safe and do not contain unhealthful conditions.

160 MAINTENANCE

All equipment, devices, systems, and safeguards required by this code or previously adopted codes under which the structures or premises were constructed, altered, or repaired shall be maintained in good working order.

170 UNSAFE BUILDINGS AND STRUCTURES

Buildings, structures, or portions thereof determined to be unsafe shall be abated in accordance with the provisions of the State adopted building code in effect at the time. This determination shall be made by a qualified individual as appointed by the Village, and may include the Zoning Administrator, Village Administrator, Fire Chief, Police Chief, Village Engineer, Water or Sewer Department Representative, Building Inspector, or Health Department Official, or other Village appointed representative with necessary expertise.

ARTICLE 2 DEFINITIONS

DEFINITIONS

For the purpose of this chapter, all terms used herein are intended to have standard definitions, meanings and connotations, and are intended to be consistent with the meaning ascribed to them in other chapters of the Ohio Building Code as limited in scope as specified below:

Abandoned Nuisance: Within the scope of this chapter means those conditions and activities defined as abandoned nuisances in the Ohio Building Code.

Abandoned Nuisance Activity: As defined within the scope of this chapter means:

1. Instances of unlawful breaking and entering or occupancy by unauthorized persons;
2. Presence of graffiti, debris, litter, garbage, rubble, abandoned materials, Inoperable vehicles, or junk appliances; and/or
3. The presence of unsanitary conditions or hazardous materials.

Abandoned Vehicle: see Vehicles

Accumulation of Inoperable Vehicles: see Vehicles

Alteration: Any construction or renovation to an existing structure other than repair.

Animal: Any type of domestic or wild animal, male or female, singular or plural.

Architectural Pool: A constructed or excavated exterior area designed to contain a regular supply of water other than a swimming pool or spa.

Approved: Approved, as to materials, types of construction, equipment and systems, as the result of investigation(s) and test(s) conducted by the Village appointed qualified representative, or by reason of accepted principles or tests by recognized authorities, technical or scientific organization.

Blight or Blighted: Unsightly conditions, including but not limited to: the accumulation of debris; fences characterized by holes, breaks, rot, crumbling, cracking, peeling, or rusting; landscaping that is dead, characterized by uncontrolled growth or lack of maintenance, or is damaged; and the exterior visible use or display of tarps, plastic sheeting, or similar materials as flexible or inflexible screening, fencing, or wall covering upon a residential lot, regardless of the condition of other properties in the neighborhood.

Building Code: The code adopted by the State of Ohio and enforced through the Clermont County Building Department that regulates the design, construction, and quality of materials, use and occupancy; as well as, the Zoning Code as adopted by the Village of Bethel which regulates location, siting, and maintenance of all buildings and structures within the Village.

Congregate Residence: Any building or portion thereof which contains facilities for living, sleeping, and sanitation, as required by this code, and may include facilities for eating, cooking, or for occupancy. A congregate residence may be a shelter, convent, monastery, dormitory, and fraternity or sorority house, but does not include jails, hospitals, nursing homes, hotels, or lodging houses.

Chronic Nuisance: When three or more nuisance activities exist or have occurred during any thirty (30) day period on a property.

Dangerous Structure or Conditions: A structure or condition that may cause injury to or endanger the health, life, property, or safety of the general public or the occupants, if any, of the real property on which the structure or condition is located. The term includes, without limitation, a structure or condition that:

1. Does not meet the requirements of a code or regulation adopted pursuant to the Ohio Building Code with respect to minimum levels of health or safety; or
2. Violates an ordinance, rule, or regulation regulating health and safety enacted, adopted, or passed by the Village Council, the violation of which is designated as a nuisance in the ordinance, rule, or regulation.

Debris: Materials which may be present in accumulations including, but not limited to: deteriorated lumber; old newspapers; furniture parts; stoves; sinks; cabinets; household fixtures; refrigerators; car parts; abandoned, broken, or neglected equipment; or the scattered remains of items.

Deterioration: A lowering in quality of the condition or appearance of a building, structure or premises or parts thereof characterized by holes, breaks, rot, crumbling, cracking, peeling, rusting, or any other evidence of physical decay, damage, neglect, or lack of maintenance.

Dwelling: A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.

Dwelling Unit: A single unit providing complete and independent living facilities for one or more persons including provisions for living, sleeping, eating, cooking, and sanitation.

Enforcement: Diligent effort to secure compliance, including review of plans and permit applications, response to complaints, citation of violations, and other legal processes. Except as otherwise provided in this part, "enforcement" may include inspections of existing land, buildings, and structures.

Efficiency Dwelling Unit: A dwelling unit containing only one habitable room and meeting the requirements for an exception to the minimum floor area requirements specified in this chapter.

Excavation: Walls, shafts, basements, cesspools, septic tanks, swimming pools, fishponds, and other similar conditions resulting in a hole, storm water run-off, or erosion.

Exterior opening: Any open or closed window, door, or passage between interior and exterior spaces.

Facilities/Building Service and Equipment: Plumbing, piping, and/or fixtures that convey water or dispose liquid waste, electric wiring, components, mechanical heating and cooling equipment or ductwork.

Fences, screen walls and/or retaining walls: Self-standing structures designed to provide semi-private security or cut/slope retention between grade separations.

Garbage: Swill, offal, and any accumulation of spoiled, partially or fully decomposed, rotting, or discarded animal, vegetable, or other matter that attends the preparation, handling, consumption, storage, or decay of plant and animal matter including meats, fish, fowl, buds, fruits, vegetable, or dairy products and their waste wrappers or containers.

Graffiti: Any unauthorized inscription, word, figure, or design that is marked, etched, scratched, drawn, or painted on public or private property, real or personal, of another, which defaces such property.

Hazardous Waste: Any chemical, compound, mixture, substance or article which is identified or listed in the United States Environmental Protection Agency or appropriate agency of the State to be "Hazardous Waste," except that, for the purposes of this Code, hazardous waste shall include household waste.

Health Hazard: The presence of any item(s) or condition(s) that adversely impact or jeopardize the health of an individual. Such items or conditions include, but are not limited to: evidence of occupancy without adequate water and sanitation facilities or may be inclusive of human or animal waste, medical or biological waste, syringes, gaseous or combustible materials, mold, dangerous or corrosive chemicals or liquids, flammable or explosive materials, friable asbestos, offal, and decay matter.

Health Officer: Representative of the Clermont County Health Department who is authorized to enforce health regulations in the Village of Bethel.

Hot Water: Water supplied to a plumbing fixture at a temperature of not less than 110°F (43°C.).

Imminent Hazard: Any condition associated with real property that places a person's life, health, or property in high risk of peril when such condition is immediate, impending, or on the point of happening or menacing.

Improved Area: An area having a surface of asphalt, concrete, crushed rock, gravel, masonry, or wood, maintained free of all vegetation and contained within a permanent curb or border, constructed of asphalt, concrete, masonry, metal, wood, or other approved permanent material secured to or embedded in the ground, delineating the improved area from the remainder of the yard area.

Infestation: The apparent presence of unpleasant, damaging, or unhealthful insects, rodents, reptiles, or pests.

Inoperative Vehicle: see Vehicle

Litter: Decaying or non-decaying solid and semi-solid wastes, including but not limited to: both combustible and non-combustible wastes such as paper, trash, cardboard, water material, cans, yard clippings, wood, glass, bedding, debris, scrap paving material, discarded appliances, discarded furniture, dry vegetation, weeds, dead trees and branches, and overgrown vegetation and trees which may harbor insect or rodent infestations or may become a fire hazard, piles of earth mixed with any of the above or any foreign objects.

Lodging House: Any building or portion thereof containing not more than five guest rooms where rent is paid in money, goods, labor, services, or otherwise.

Mechanical Code: The code adopted by the State of Ohio and enforced by Clermont County Building Inspection Department that regulates the design, construction, installation, quality of materials, location, operation and maintenance, or use of heating, ventilating, cooling, refrigeration systems, incinerators, and other miscellaneous heat-producing appliances within the Village.

Minor Repair Work: see Vehicle

Nuisance: see Public Nuisance or Nuisance Activity

Occupant: A person, persons, or legal entity that, through rights of ownership or tenancy, has possession or the use and enjoyment of the subject real property.

Ongoing Restoration Project: A project involving not more than two (2) vehicles or machinery.

Owner: A person, persons, or legal entity listed as current titleholder as recorded in the official records of the Clermont County Auditor's office.

Person: Any individual, firm, association, organization, partnership, business trust, corporation, or company.

Plumbing Code: The code adopted by the State of Ohio and enforced by Clermont County Building Inspection Department that regulates the erection, installation, alteration, repair, relocation, replacement, addition to, use or maintenance of plumbing systems, and equipment with the Village.

Pond: A body of water that is less than eighteen (18) inches deep. The definition does not apply to Village-approved detention basins or other like facilities.

Private Property: Any real property within the Village that is not owned by the Village of Bethel, Clermont County, Local School District, the State of Ohio, the United States, or any division or department thereof.

Public Area: An area that is owned and maintained by the Village and/or any other governmental agency for its use or the use of its citizens.

Public Nuisance or Nuisance Activity: All building structures, properties, and premises shall be maintained free of any public nuisance or nuisance activity as defined herein:

1. The presence of debris, litter, garbage, rubble, abandoned or inoperative, or discarded appliances;
2. Any violation of the Ohio Building code that is declared to be an imminent hazard to the public health, safety, and welfare of the residents of the Village;
3. Any violation of the Ohio Fire Code that is declared to be an imminent hazard to the public health, safety, and welfare of the residents of the Village;

4. Any body of water which by its nature, condition, and/or location constitutes an unhealthy or unsafe condition;
5. Any structure or object, which by its nature, location, and/or character would tend to attract and endanger the safety of any minor person, is an attractive nuisance;
6. Any structure declared by the Zoning Administrator to be in violation of the Ohio Building Code;
7. A dangerous structure or condition as defined herein;
8. Weeds and dead vegetation;
9. Refuse or waste allowed to accumulate on private property, as defined herein.

Residential Building and Structure: All buildings, congregate residences, lodging houses, dormitories, and fraternity houses intended for human habitation.

Responsible Party: An occupant, lesser, lessee, manager, licensee, or other person having control over a structure or parcel of land; and in the case where the demolition of a structure is proposed as a means of abatement, any lien holder whose lien interest is recorded in the official records of the Clermont County Recorder's Office.

Roof Panel: A distinct plane or side of the roof of a building.

Rubbish: Useless waste or rejected matter; something that is worthless.

Rubble: Broken, solid surface fragments usually resulting from the decay or deterioration of a building, miscellaneous mass of broken or apparently worthless materials.

Screened Area – Exterior: An area separated by a permanent non-flexible device to completely conceal one element of a property from other elements or from adjacent or contiguous property. Examples include, but are not limited to: fencing that is six (6) feet in height made from solid wood, brick, concrete block, or chain link with opaque slats.

Smoke Detector: An approved detector that senses visible or invisible particles of combustion.

Sound Condition: Any structure, building, or component that is in a condition to withstand designed or anticipated loads. This would include maintenance for weather protection, free of deterioration and damage.

Structure: That which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.

Swimming Pool: A permanently installed artificial body of water in excess of eighteen (18) inches in depth which includes all equipment necessary for its use.

Unregistered Operative Vehicle: see Vehicle

Unsecured Structure – Any structure that is vacant with a damaged or open door, window, or other opening not secured, in accordance with this code, to prevent unauthorized entry.

Vacant Structure: A structure that is unoccupied or occupied by unauthorized persons. Disconnection of electrical power or water service shall constitute prima facie evidence that a structure has been vacated. The date of discontinuance of electrical power and/or water service shall constitute the date at which such building was vacated.

Vegetation: Plant life of any kind, whether living or dead, characterized as grass, weeds, bushes, and trees.

Vehicle:

Abandoned vehicle – Any inoperable or unregistered vehicle that is on private property for a period of more than seventy-two hours or on public property for a period of more than forty-eight (48) hours is presumed to have been abandoned or discarded by that vehicle's owner.

Accumulation of inoperable vehicles – Two or more inoperable vehicles upon a residential lot or upon a commercial or industrial lot where the primary business does not involve the service of vehicles or the storage of inoperative vehicles.

Inoperable vehicle – A vehicle physically incapable of its intended operation or unable to be safely operated or a vehicle which exhibits one or more of the following conditions: wrecked; partially or fully dismantled; unregistered; stripped; substantially damaged; scrapped; having the status of a hulk or shell; discarded; unable to be safely operated; elevated on blocks or similar devices; deflated tires; or having the engine, wheels, or tires removed.

Minor repair work – Minor repair work includes, but is not limited to: maintenance items such as engine tune-ups, oil changes and transmission fluid replacements, joint lubrication, brake component replacement, tire changes, and shall not exceed 72 hours in duration. Minor repair work does not include such work as engine overhauls or replacement, transmission replacements, and bodywork including repair or replacement of damaged body parts.

Unregistered operative vehicle – A vehicle that is mechanically complete and physically capable of being operated safely, not missing major body components and complies with all applicable regulations pertaining to operable vehicles except for current registration.

Vehicle – A machine propelled by power other than human power designed to travel along the ground, water, or air to transport persons, property, or machinery and shall include, without limitation, automobiles, buses, truck trailers, motorcycles, motor scooters, tractors, campers, motor homes, boats, aircraft, or parts thereof. The term also includes camper shells (mounted or un-mounted), trailers, trailer mounted vehicles, trailer mounted air, water or land craft, trailer mounted equipment, and any other device that is intended to convey persons, property, or to be towed by motor vehicles and parts thereof.

Village Appointed Qualified Representative: The individual, including his or her duly authorized or designated representatives, that administers and enforces the various codes and standards that regulate the design, construction, use, occupancy, location, siting, and maintenance of buildings and structures in the Village.

Weeds: A useless and troublesome plant generally accepted as having no value and frequently of uncontrolled growth.

ARTICLE 3 ENFORCEMENT PROVISIONS

300 AUTHORITY OF ZONING ADMINISTRATOR

The Zoning Administrator is hereby authorized and directed to administer and enforce this code. The Zoning Administrator or his designee or Village Appointed Representative shall have the authority and powers necessary to determine whether a violation of this code exists and the authority to take appropriate action to gain compliance with the provisions of this code. These powers include the power to issue notices of violation, administrative and misdemeanor citations, notices and orders, the power to inspect public and private property, and use of the remedies available under this code.

310 SUBSTANTIAL COMPLIANCE STANDARD

In the enforcement of specific provisions of this code, the Zoning Administrator is authorized to grant minor variations from the strict application of specific code provisions, where, in the opinion of the Administrator, the corrective work or compliance measures are in substantial compliance with the intent of this code.

320 AUTHORITY TO INSPECT

Whenever it is necessary to make an inspection to enforce any of the provisions of, or perform any duty imposed by, this code or other applicable law, or whenever the Zoning Administrator has reasonable cause to believe that there exists on any premises, on or in any building, structure, or dwelling unit, any violation of the provisions of this code, any other applicable law, or any condition which makes the premises, building, structure, or dwelling unit substandard, hazardous, unsafe, or dangerous, the Zoning Administrator is hereby authorized to:

1. Make any investigations, examinations, and surveys as may be necessary in the performance of the Administrator 's duties;
2. Enter the premises, building, structure, or dwelling unit at any reasonable time to conduct inspections and perform any duty imposed upon the Zoning Administrator by this code. This authority is subject to the following limitations:
 - a. If the premises are occupied, the Zoning Administrator shall first present proper credentials to the occupant and request entry, explaining his/her reasons; or

- b. If the premises are unoccupied, the Zoning Administrator shall first make a reasonable effort to locate the owner or other person having charge or control of the premises and request entry, explaining the reasons.

If entry is refused or if the owner or other person having charge or control of the building or premises cannot be found, the Zoning Administrator shall have recourse to every remedy provided by law to secure lawful entry and inspect the premises, including but not limited to, securing an inspection warrant. The Zoning Administrator shall provide notice that a warrant has been issued to both the owner and the occupant at least twenty-four (24) hours before the warrant is executed, unless the judge finds that immediate execution is reasonably necessary.

The authority granted pursuant to this section includes, but is not limited to: the taking of photographs, samples, and other physical evidence such as the use of a sound level or light measurement device to measure disturbances.

321 INDEMNIFICATION

The Zoning Administrator, charged with enforcement of this code, or his designee, while acting in good faith and without malice in the discharge of his or her duties, shall be indemnified and held harmless by the Village against any personal liability for any damage that may occur to persons or property as the result of any act or by reason of any act or omission in the discharge of his or her duties. Any suit brought against the Zoning Administrator because of an act or omission performed by the Director in the enforcement of any provision of this code shall be defended by legal counsel provided by the Village.

330 RESPONSIBILITIES OF OWNER AND RESPONSIBLE PARTY

Every Owner remains liable for violations imposed by this code even though an obligation is also imposed on the occupants of the owner's building, and even though the owner has, by agreement, imposed on the occupant the duty of furnishing required equipment or complying with this code. Every owner or responsible party, in addition to being responsible for maintaining the owner's building in a sound structural condition, shall be responsible for keeping that part of the building or premises which the owner occupies or controls in a clean, sanitary, and safe condition, including the shared or public areas of commercial buildings. Every owner, where required by this code by the ordinances of the Village or by the County Health Officer, shall furnish and maintain such approved sanitary facilities as are required and shall furnish and maintain approved devices, equipment, or facilities for the prevention of infestation by insects, rodents, and other vectors and pests. Where such infestation has taken place, every owner shall be responsible for the extermination of any insects, rodents, or other pests when such extermination is not specifically

made the responsibility of the occupant by law or by orders under this code. Every occupant of a dwelling unit, in addition to being responsible for keeping it in a clean, sanitary, and safe condition shall be responsible for that part of the dwelling, dwelling unit, or premises which he or she occupies and controls and shall dispose of all rubbish, garbage, and other organic waste in a manner required by the ordinances of the Village and the County Health Officer. Every occupant shall, where required by this code or, by the ordinances of the Village or by the County Health Officer, furnish and maintain approved devices, equipment, or facilities necessary to keep the premises safe and sanitary.

340 GENERAL VIOLATIONS

This section sets forth the procedures for the issuance of notices and orders by the Zoning Administrator for violations of this code not classified as abandoned nuisances or chronic nuisances as defined herein. When the Zoning Administrator or his designee has inspected or caused to be inspected buildings and improved or unimproved land and has found and determined that substandard conditions as defined herein or other violations of this code are in existence, the Zoning Administrator or his designee shall issue a notice of violation to the owner or the person or persons responsible therefore in the manner prescribed in this section.

341 GENERAL VIOLATION NOTICES

Notices shall be in writing. The following are procedures for giving notices:

1. Include a description of the real estate by address and Assessor's Parcel Number or other description sufficient for identification;
2. Include a statement of the violation or violations and why the notice is being issued;
3. When applicable, list the necessary corrections to bring the property into compliance with the provisions of this code;
4. Include a correction order allowing a reasonable time to make repairs or to abate violations required to bring the building, structure, or improved or unimproved land into compliance with the provisions of this code;
5. When applicable, specify a deadline or specific date to correct the violation listed in the notice of violation;
6. Advise the property owner that administrative fees may be assessed in the event the owner fails to voluntarily correct violations of this code;

7. Advise the property owner of the right to appeal the notice and order and the deadline for filing an appeal;
8. Advise the property owner that failure to file an appeal by the specified deadline will constitute a waiver of all administrative appeal rights regarding the notice and order; and
9. Advise the property owner of any available services to assist them in complying with the notice and order.

342 METHOD OF SERVICE

Such notice shall be deemed properly served if a copy thereof is:

1. Personally served to the owner or responsible party with the notice and returning an affidavit of service to be filed with the Village Administrator's office;
2. Sent by U.S. Postal Service to the owner of the property as shown in the records of the Clermont County Auditor; or
3. If the notice is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the building, structure, lot, or premise. It shall be unlawful for any person to remove, alter, deface, tamper with, or alter the visibility of any notice or order posted at the premises pursuant to this code.
4. A Certification of Notice of Violation Posting shall be completed by the Code Enforcement Division stating the name of the Code Enforcement Officer posting the notice of violation, the date and time the notice of violation was posted on the property, the address of the property where the notice of violation was posted, and a brief description of the location on the property where the notice of violation was posted.

350 RE-INSPECTIONS

The Zoning Administrator shall re-inspect the premises, building, structure or dwelling unit within five (5) days or as soon thereafter as possible, but no later than fifteen (15) days, of the compliance date specified in the notice or order, and again within five (5) days or as soon thereafter as possible, but no later than fifteen (15) days, of any extended compliance dates. If re-inspections do not occur within the timeframes specified in this section, it does not remove the obligation of the owner or person in charge or control of the premises to comply with any notices and orders.

351 RE-INSPECTION FEES

If a notice or order to comply is issued and the violation continues to exist on a date after the notice or order expires, the Zoning Administrator is authorized to impose a re-inspection fee in the amount as determined within Article 1300 of the Village of Bethel Zoning Code. Re-inspection fees may be charged in advance for the third inspection and any subsequent inspection until compliance is attained.

360 TIME LIMIT FOR ABATEMENT

Unless an appeal is perfected in compliance with this Chapter, the owner or responsible party must abate a public nuisance within the time period set forth in the notice of violation.

In the event the decision or appeal requires abatement of the public nuisance, the owner or responsible party must abate the nuisance within ten (10) days after the decision or within such other time period as the decision may direct.

361 EXTENSIONS

If the violation has not been corrected by the compliance date but significant progress has been completed, the Zoning Administrator may grant an extension of time, not to exceed thirty (30) days. The Zoning Administrator may grant additional extensions of time provided substantial compliance progress continues to be made. In cases of extreme hardship, the Zoning Administrator may grant an extension of time without progress towards substantial compliance. The extensions permitted by this section are not automatic. In determining whether to grant any extension, the Zoning Administrator shall consider the nature of the violation and its impact on the safety of the public and building occupants, as well as any history of similar past violations on the same property and the degree of cooperation received from the property owner in complying with past notices and orders.

370 TRANSFER OF OWNERSHIP

It shall be unlawful for the owner of any building, structure, lot, or parcel of land who has received a compliance order or upon whom a notice of violation has been served to sell, transfer, mortgage, lease, or otherwise dispose of such building, structure, lot, or parcel of land to another until the provisions of the compliance order or notice of violation have been met. Alternatively, such owner shall first furnish the grantee, transferee, mortgagee, or lessee a true copy of any compliance order or notice of violation issued by the Zoning Administrator; and a signed and notarized statement from the grantee, transferee, mortgagee, or lessee acknowledging such compliance order or notice of

violation and fully accepting the responsibility without condition for making the corrections or repairs required by such compliance order or notice of violation.

380 BUILDING OR STRUCTURE UNFIT FOR HUMAN OCCUPANCY

A building or structure is unfit for human occupancy whenever the Zoning Administrator finds that substandard conditions as defined in Article 10 exist to such an extent that the building or structure is unsafe, unlawful, or unsanitary because of the degree to which the structure is in disrepair or lacks maintenance, vermin or rat infested, contains filth and contamination, or lacks ventilation, illumination, sanitary, heating facilities, or other essential equipment required by this code or because the location of the structure constitute a hazard to the occupants of the structure or to the public. Health related issues may need to be inspected, verified, or documented by the County Health Department.

The Zoning Administrator is authorized to order any substandard building or structure unfit for human occupancy to be vacated by placing a notice in a conspicuous place in or about the structure and serving said notice on the owner or person responsible for the structure and the occupants of the structure. Thereafter, the occupants shall vacate the building or structure as specified in the notice. The building or structure shall remain vacated until such time as all required repairs have been made or substandard conditions corrected and the Zoning Administrator has issued written approval to reoccupy the building or structure. Failure to vacate a building or structure as specified in the notice and order of the Zoning Administrator or to reoccupy a building or structure which has been ordered vacated prior to the issuance of written re-occupancy approval by the Zoning Administrator shall constitute a violation of this code. It shall be unlawful for any person to remove or deface a notice and order posted on a building or structure by the Zoning Administrator.

ARTICLE 4 APPEALS BOARD

Appeal to the Board of Appeals; Scope of Authority of Board of Appeals.

400 PROCEDURES AND POWERS OF BOARD OF APPEALS

The Board of Appeals shall conduct a hearing to determine whether to uphold, modify or reverse the decision of the Zoning Administrator or Village Appointed Representative when a written request for such a hearing has been properly filed pursuant to the procedures set forth herein. Any member of the Board of Appeals has the power to issue subpoenas for attendance of witnesses at the hearing, or for production of records or other tangible or intangible things either prior to or at such hearing, and may issue such subpoenas at the request of any party to such proceeding or upon the request or action of any Board member. Enforcement of obedience to any duly issued subpoena shall rest with the Bethel Municipal Court. The Board of Appeals may, if deemed appropriate, continue a hearing upon cause where justice requires.

410 APPEAL APPLICATION

Any person directly affected by a decision of the Zoning Administrator or Village Appointed Representative concerning a notice or order issued or in combination with an alleged nuisance violation under this code, shall have the right to appeal to the board of appeals, provided that a written application for appeal is filed with ten (10) calendar 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 hereunder 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.

411 NOTICE OF MEETING

The board of appeals shall meet upon notice from the chairman no later than fourteen (14) days after the filing of an appeal.

412 DISQUALIFICATION OF BOARD MEMBER

Any member of an appeal board shall not participate in an appeal of any matter wherein a conflict of interest is present.

Whenever an appeal board member has a personal or business interest in the outcome of a case before such appeal board, such member shall voluntarily reclude himself or she from participation in the hearing of such case, and shall not communicate with any other board member hearing the matter.

Exception: If a board member has personal knowledge of information pertinent to a case before the board to the extent that such member may testify as a percipient witness.

413 APPEALS BOARD DECISION

The appeal board shall affirm, modify, or reverse the decision of the Zoning Administrator or Village Appointed Representative only by a majority vote to affirm, modify, or reverse a decision. The Board is not authorized to grant modifications to building code standards.

414 STAY OF ENFORCEMENT

Appeals of notices and orders (other than imminent danger notices) shall stay the enforcement of the notice and order until the appeals board hears the appeal, issues its decision, and it is received by the owner or responsible party.

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ARTICLE 5 EMERGENCY MEASURES

500 CONDITION POSING IMMINENT THREAT

Where the Zoning Administrator or his designee determines that a condition or violation constitutes an exigent circumstance because it poses a present, imminent, extreme, and immediate hazard or danger to life or limb, health, or safety, the Zoning Administrator shall order abatement of the condition or violation so as to reduce the hazard or danger within the time period specified by the Zoning Administrator. No extensions of time shall be granted. Within 24 hours after the time to abate the condition or violation, the Zoning Administrator shall conduct a re-inspection of the premises, building, structure, or dwelling unit to determine compliance with the notice or order.

501 IMMINENT DANGER

When, in the opinion of the Zoning Administrator, or his designee, there is imminent danger of failure or collapse of a building or structure which endangers life, or when any structure or part of a structure has fallen and life is endangered by the occupation of the structure, or when there is actual or potential danger to the building occupants or those in the proximity of any structure or due to the presence of explosives, explosive fumes or vapors, or the presence of toxic fumes, gases, or materials, or operation of defective or dangerous equipment, the Zoning Administrator or his designee is hereby authorized and empowered to order and require the occupants to vacate the premises forthwith. The Zoning Administrator shall cause to be posted at each entrance to such structure a notice reading as follows: "THIS STRUCTURE IS UNSAFE AND ITS OCCUPANCY IS PROHIBITED." It shall thereafter be unlawful for any person to enter such structure except for the purpose of securing the structure, making the required repairs, removing hazardous conditions, or demolishing the same.

510 TEMPORARY SAFEGUARDS

Notwithstanding other provisions of this code, whenever, in the opinion of the Zoning Administrator, there is imminent danger due to an unsafe condition, the Zoning Administrator shall order the necessary work to be done, including the boarding up of openings to render such structure temporarily safe whether or not the legal procedure herein described as been instituted; and shall cause such other action to be taken as deemed necessary to meet such emergency.

520 EMERGENCY REPAIRS

For the purposes of this section, the Zoning Administrator may secure the necessary labor, materials, and other resources required to perform the required work as expeditiously as possible.

521 COST OF EMERGENCY REPAIRS

Costs incurred in the performance of emergency work performed by the Village shall be recovered from the owner of the premises where the unsafe structure is or was located. Such costs may be recovered by a special assessment against the property upon which the nuisance is or was located or occurring, pursuant to Ohio Building Code, in addition to any other reasonable means authorized by law or a court of competent jurisdiction.

530 VIOLATIONS AND REMEDIES

The remedies herein are cumulative and the Village may proceed under one or more such remedies.

531 ADMINISTRATIVE REMEDY

Any person failing to comply with a notice of violation or order served in accordance with this code shall be subject to the abatement notices, appeal procedures, and lien or civil action provision of this section in instances where the Zoning Administrator has determined an administrative remedy is the appropriate method of securing compliance.

540 NOTIFICATION OF VIOLATION

When the Zoning Administrator has inspected buildings, improved or unimproved land, and has determined that substandard conditions as defined in Article 10 or other violations of this code are in existence, the Zoning Administrator shall issue a notice of violation to the owner or the person or persons responsible therefore in accordance with the provisions of this code as applicable.

541 RECORDING OF NOTIFICATION OF VIOLATION

The following procedures shall govern the recording of notices of violations:

A. Procedures for Recording Notices of Violation

Once the Zoning Administrator has issued a notice of violation to the owner, responsible party, firm, or corporation and the property remains in violation after the deadline established in the notice of violation, the Zoning Administrator may record the notice of violation in the official records of Clermont County. Before recording, the Zoning Administrator shall provide to the responsible individual, owner, firm or corporation and all owners of record a notice of intent to record stating that the notice of violation will be recorded if the violation is not corrected within ten (10) calendar days from the date of the notice of intent to record. Any costs associated with recording the notice of violation will be assessed against the property.

B. Procedure to Request Administrative Hearing on Recordation

A request for administrative hearing on the Zoning Administrators notice of intent to record the notice of violation shall be filed within ten (10) calendar days after the notice was served. Upon receiving a written request for an administrative hearing, the Zoning Administrator shall schedule a hearing. The purpose of the hearing is for the responsible person to state any reasons why the notice of violation should not be recorded. The failure of any person to file a request for administrative hearing in accordance with these provisions shall constitute a waiver of the right to an administrative hearing and shall not affect the validity of the recorded notice of violation.

C. Administrative Hearing; Recording of Notice

At the administrative hearing, the hearing officer shall only consider evidence that is consistent with the rules and procedures for administrative hearings set forth in this code, and that is relevant to the following issues:

1. Whether the conditions listed in the notice of violation constitutes a violation of this code; and
2. Whether the Zoning Administrator afforded the responsible person, owner, firm, or corporation due process by adhering to the notification procedures specified in this code.

If the hearing officer affirms the Zoning Administrator's decision, the Zoning Administrator may proceed to record the notice of violation. If the hearing officer determines that recording the notice of violation is improper, the hearing officer shall invalidate the Zoning Administrator's decision to record the notice of violation.

D. Notice of Compliance; Removal Procedures. When the violation(s) listed on the notice of violation have been corrected, the responsible person, owner, firm, or corporation may file with the Zoning Administrator a written request for a notice of compliance on a form provided by the Zoning Administrator. Once the Zoning Administrator receives a request for a notice of compliance, the Zoning Administrator shall confirm the violation(s) have been corrected or abated, and said confirmation may include the re-inspection of the property. The Zoning Administrator shall provide a notice of compliance to the responsible person, owner, firm, or corporation if the Zoning Administrator determines that:

1. All violations listed in the recorded notice of violation have been corrected;
2. All necessary permits have been issued and finalized;
3. All administrative fines have been paid; and
4. The party requesting the issuance of the notice of compliance has paid all administrative fees due the Village.

The Zoning Administrator shall record or cause to be recorded the notice of compliance at the official records of Clermont County. The recording of the notice of compliance shall have the effect of canceling the notice of violation.

If the Zoning Administrator denies a request to issue a notice of compliance, the Zoning Administrator shall serve the responsible person, owner, firm, or corporation with a written explanation setting forth the reasons for denial.

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ARTICLE 6 ABATEMENT

600 ABATEMENT REMEDY

Any condition caused, maintained, or permitted to exist in violation of any provisions of this code may be abated by the Village pursuant to the procedures set forth in this Section.

601 CODE ENFORCEMENT ABATEMENT REVOLVING FUND

The Code Enforcement Abatement Revolving Fund is hereby established to fund the abatement of violations of this code. All penalties and fines collected in conjunction with the enforcement of this code shall be deposited in this fund to be used by Code Enforcement to assist in the abatement of violations of this code.

610 GENERAL PROCEDURES

Whenever the Zoning Administrator determines that public or private property or any portion of public or private property is in violation of any section of this code, a notice to abate may be issued to the responsible person, firm, or corporation to abate the violation. If the notice pertains to events occurring on or the status or condition of property, the notice shall also be served on all property owners of record. The notice to abate shall include the following:

- A. Identification of the owner of the property and any responsible person, party, or firm;
- B. A description of the property in general terms reasonably sufficient to identify the location of the property;
- C. The specific conditions that constitute violations of this code along with the section of this code applicable to the violation(s);
- D. A description of the action required to abate the violation which may include, but is not limited to: corrections, repairs, demolition, removal, obtaining the necessary permits, vacation of tenants or occupants, or other appropriate action to be performed within a specific time frame by which each action must occur;
- E. A re-inspection date deemed appropriate;

- F. An address and telephone number of an authorized official to contact regarding the violation;
- G. A description of consequences should the owner, responsible person, party, or firm fail to comply with the terms of the notice;
- H. A statement on how the Village intends to recover the cost for labor and materials to abate the nuisance should the owner, responsible person, party, or firm fail or refuse to abate the nuisance; and
- I. A statement that the owner, responsible person, party, or firm may request an administrative hearing on the notice to abate in accordance with this code.

A notice to abate shall be served on the responsible owner, firm, or corporation, by certified mail, return receipt requested, as set forth in this code. The failure of the responsible person, firm, or corporation to accept the certified mailing does not affect the validity of any proceedings taken under this code.

620 ABATEMENT BY THE VILLAGE

Once the Zoning Administrator follows the procedures set forth in this code and the time for compliance has lapsed without abatement being fully completed by the responsible person, firm or corporation, the conditions may be abated by Village personnel or by a private contractor hired by the Village for that purpose. Village personnel or a private contractor can enter upon private property in a reasonable manner to abate the conditions as specified in the notice to abate or administrative order.

630 ABATEMENT REPORT

The Village or outside contractor ordered to perform the abatement shall file an original report detailing the work performed, time, manpower, and an itemized accounting of the total equipment and abatement costs incurred to abate the violation with the Zoning Administrator within 30 days of the completion of the work. The report shall contain the names and addresses of the responsible person, firm, or corporation, the name and address of the property owner if different from the responsible person, firm, or corporation, and the assessor's parcel number and legal description of the property.

631 ABATEMENT REPORT HEARING

Upon receipt of the report the Zoning Administrator shall schedule a confirmation of cost hearing before the Village Council, unless waived in writing by all responsible person, owner, firm, or corporation. All administrative fees, fines, and actual costs incurred by the Village in abating the violations may be assessed and recovered against the responsible person, owner, firm, or corporation pursuant to the provisions of this code.

A. Hearing Proceedings.

1. At the hearing, the Village Council shall either approve or disapprove the report submitted, or as modified or corrected by the Village Council. In the event the Village Council approves the report as submitted, modified, or corrected, the following actions may be ordered:
 - a. Personal Obligation of Property Owner. If the Village Council orders that the cost of abating the public nuisance, violation, or chronic nuisance shall be a personal obligation of the property owner, the Village Council shall direct the Village Solicitor to collect the costs of abating the nuisance or violation by use of all reasonable means or recovery.
 - b. Special Assessment Against Property. If the Village Council orders that the costs of abating the violation, public nuisance, or chronic nuisance shall be assessed against the property, the Village Council shall confirm the assessment and direct the Village Administrator to file the assessment with the County Auditor's Office and mail a copy in accordance with subsection (B) of this section. Thereafter, the special assessment shall constitute a lien against the property which may be collected at the same time and same manner as ordinary county taxes are collected, and is subject to the same penalties and the same procedure and sale in case of delinquency as provided for ordinary county taxes are applicable to the special assessment.

B. Status of Special Assessment

1. The special assessment shall be perfected when the Village Administrator has:
 - a. Filed with the County Auditor a statement of the amount of the expenses incurred and unpaid with the description of the property subject to the assessment, and
 - b. Sent by certified mail, return receipt requested, a Notice of Special Assessment, separately prepared for each lot affected, and addressed to the

owner of the property at his last known address as determined by the records of the Clermont County Auditor's Office.

2. The Special Assessment shall be treated as:
 - a. Co-equal with the latest lien on the property to secure the payment of county taxes;
 - b. Not subject to extinguishment by the sale of the property for nonpayment of county taxes; and
 - c. Proper and superior to all other liens, claims, and encumbrances on the property other than the lien for county taxes.

640 PROCEDURES FOR RECORDING CODE ENFORCEMENT LIEN

The Zoning Administrator may record a code enforcement lien with the Clermont County Auditor's Office to collect all administrative fees, administrative fines, abatement costs, and other costs provided for in this code.

Before recording a code enforcement lien, the Zoning Administrator shall provide to the owner, responsible person, firm or corporation and all owners of record a notice of intent to record stating that a code enforcement lien will be recorded unless payment of all monies due is paid in full on or before the date listed therein.

The code enforcement lien shall include the name of the property owner, the assessors parcel number, the street address, the parcel's legal description, the contractor(s) final invoice and release, and a copy of the latest amounts due the Village. Any costs associated with recording the code enforcement lien or removal thereof may be assessed against the property as provided for in this Section.

641 SERVICE OF CODE ENFORCEMENT LIEN

A copy of the recorded lien shall be mailed to the owner, responsible person, firm, or corporation and all property owners of record and/or any other persons who have requested copies of such notices.

642 CANCELLATION OF CODE ENFORCEMENT LIEN

Once payment in full is received for the outstanding administrative fees and administrative fines, or the amount is deemed satisfied pursuant to a subsequent administrative order, the Zoning Administrator shall, within ten (10) business days from the date payment is made or decision is final, record a notice of satisfaction with Clermont County Auditor's Office. The notice of satisfaction shall include the same information as provided in the original lien. The notice of satisfaction shall cancel the lien.

ARTICLE 7 ADMINISTRATIVE HEARING

700 PROCEDURES

This section establishes the procedures for the use of hearing officers and the procedures governing administrative hearings for general nuisance violations of this ordinance.

710 DESIGNATION OF HEARING OFFICER

The Village Council designates hearing officers to hear appeals by owners or responsible parties from a Notice of General Violation and administrative determinations made in conjunction with the enforcement of this code. There is no appeal from a Notice of Non-Compliance as not being ripe for appeal.

711 DISQUALIFICATION OF HEARING OFFICER

Any person designated to serve as a hearing officer is subject to disqualification for bias, prejudice, conflict of interest, as amended from time to time, or for any other reason for which a judge may be disqualified in a court of law.

720 POWERS OF HEARING OFFICER

The hearing officer shall preside over administrative hearings limited in scope to allegations of nuisance violations of this Code.

Exception: if the same property upon which a nuisance violation is alleged also is charged with an alleged violation of standards for buildings and structures, the Board of Appeals is exclusively authorized to hear such combined matters and the hearing officer has no jurisdiction to hear them. The hearing officer may continue a hearing based on good cause shown by one of the parties to the hearing or if the hearing officer independently determines that due process has not been adequately afforded. The hearing officer, upon receipt of a written request which is submitted a minimum of five (5) business days before the hearing, may issue a subpoena for witnesses, documents, and other evidence where the attendance of the witness or the admission of evidence is deemed necessary to decide the issues at the hearing. All costs related to the subpoena, including witness and mileage fees shall be borne by the party requesting the subpoena. The

hearing officer has continuing jurisdiction over the subject matter of an administrative hearing for the purposes of granting a continuance, ensuring compliance with an administrative order, modifying an administrative order, or where extraordinary circumstances exist, granting a new hearing.

730 FAILURE TO OBEY SUBPOENA

It is unlawful for any person to refuse to obey a subpoena by a hearing officer. Failure to obey a subpoena constitutes contempt and may be prosecuted as a misdemeanor.

740 PROCEDURES & FEES FOR REQUESTING AN ADMINISTRATIVE HEARING

An owner, responsible person, firm, or corporation served with one of the following documents, may file a request for an administrative hearing within ten (10) calendar days from the date of the notice:

- A. A notice of violation issued pursuant to this code;
- B. A notice from the Zoning Administrator indicating intent to record a notice of violation pursuant to this code;
- C. An administrative citation issued pursuant to this code;
- D. A notice to abate issued pursuant to Section 610 of this code;
- E. The assessment of administrative citations and fines pursuant to Section 802; or
- F. The assessment of administrative fees pursuant to Section 811.

The request for administrative hearing shall be made in writing on a form provided by the Zoning Administrator and shall state the grounds for requesting the hearing. A fee of \$50 shall be paid at the time of filing a request for hearing. If the enforcement action is not upheld the \$50 filing fee shall be refunded. Upon request, the Zoning Administrator may waive the filing fee for applicants who are seniors, those with disabilities or households below 80% of median income.

741 PROCEDURES FOR NOTIFICATION OF ADMINISTRATIVE HEARING

Where the owner or responsible person has timely requested an administrative hearing, the hearing officer shall schedule a day, time, and place for the hearing. Written notice of the time and place of

the hearing shall be served at least ten (10) calendar days prior to the date of the hearing to the responsible person, owner, firm, or corporation. The notice of hearing shall be served by any of the methods of service listed this code.

750 ADMISSION OF EVIDENCE

Administrative hearings are intended to be informal in nature. The hearing officer is not bound by the technical rules of evidence, and no informality in any proceeding or in the manner of taking testimony will invalidate any decision of the hearing officer. The rules of evidence of courts of the State of Ohio will be generally followed but may be relaxed at the discretion of the hearing officer when deviation from the technical rules of evidence will aid in ascertaining the facts. The rules pertaining to discovery do not apply.

Any party of record may make an objection to the admissibility of evidence and the objection will be ruled on by the hearing officer. When an objection is made to the admission or exclusion of evidence, the grounds upon which the relief is sought must be stated briefly. The hearing officer, with or without objection, may exclude inadmissible, incompetent, repetitious, or irrelevant evidence. Any evidence offered at the hearing must be material and relevant to the issues of the hearing.

Each party shall have the opportunity to cross-examine witnesses and present evidence in support of his or her case. The hearing officer has the power to issue subpoenas for attendance of witnesses at the hearing, or for production of records or other tangible or intangible things either prior to or at such hearing, and may issue such subpoenas at the request of any party to such proceeding. Enforcement of obedience to any duly-issued subpoena shall rest with the Bethel Municipal Court. The hearing officer may, if deemed appropriate, continue a hearing upon cause where justice requires.

751 STANDARD OF PROOF

The Village bears the burden of proof at an administrative hearing to establish the existence of a nuisance violation of this code. The standard of proof to be used by the hearing officer in deciding the issues of an administrative hearing is by a preponderance of the evidence.

752 REPRESENTATION

Representation in a contested case is limited to: representation in proper persona or by an attorney who is licensed to practice law in the State of Ohio.

760 TIME FOR RENDERING ADMINISTRATIVE DETERMINATION

The hearing officer shall render a written decision on all administrative hearings within seven (7) calendar days from the date of the hearing. The hearing officer is empowered to extend the time period for rendering a decision when additional information is required for the hearing officer to render a decision.

770 FAILURE TO ATTEND ADMINISTRATIVE HEARING

Any owner, responsible person, firm, or corporation who requests a hearing or whose actions are subject of an administrative hearing and who fails to appear at the hearing is deemed to waive the right to a hearing and all objections to the notice or administrative citation, provided that the hearing was properly noticed.

780 ADMINISTRATIVE ORDER

The decision of the hearing officer shall be entitled "Administrative Order." Once all evidence and testimony are completed, the hearing officer shall issue an administrative order that affirms, modifies or rejects the Zoning Administrator's action. The administrative order may affirm, modify, or reject the daily rate or duration of administrative fines depending upon the review of the evidence and may increase or decrease the total amount of administrative fines assessed. The administrative order shall become final on the date of service of the order. The administrative order shall be served on all parties by any one of the methods listed this code.

781 COMPLIANCE WITH ADMINISTRATIVE ORDER

The hearing officer may issue an administrative order that requires the responsible person, firm, or corporation to cease violating this code and to make necessary corrections, repairs, or to complete any other reasonable act requested by the enforcement official, which may be modified by the hearing officer, to bring the property into compliance with this code. The hearing officer shall include a specific time frame to complete the requested act. As part of the administrative order, the hearing officer may establish specific deadlines for the payment of administrative fines, fees, and costs and

may condition the total or partial assessment of administrative fines on the owner, responsible person, firm, or corporation ability to complete compliance by specified deadlines.

The hearing officer may issue an administrative order which imposes additional administrative fines as set forth in this code that will continue to be assessed for each day the violation continues until the owner, responsible person, firm or corporation complies with the hearing officer's decision and corrects the violation.

The hearing officer may schedule subsequent review hearings as may be necessary or as requested by a party to the hearing to ensure compliance with an administrative order.

782 FAILURE TO COMPLY WITH AN ADMINISTRATIVE ORDER

Failure to comply with an administrative order constitutes a misdemeanor.

790 APPEAL OF ADMINISTRATIVE ORDER BY HEARING OFFICER TO BOARD OF APPEALS

Within ten (10) calendar days from the service of an administrative order or other decision by the hearing officer, any party may appeal the determination of the hearing officer to the Municipal Court of the Village of Bethel on a civil docket of such court unless appeal to another tribunal is required by law. Any party failing to file an appeal with the Municipal Court within ten (10) calendar days from the service of an administrative order or other decision by the hearing officer shall be deemed to have waived any and all objections to the administrative hearing officer's decision.

791 TIME LIMITS FOR REPAIR, CORRECTION OR ABATEMENT AFTER COURT APPEAL

Unless otherwise provided in the hearing officer's order, the owner or responsible person, firm, or corporation shall complete all actions necessary to bring the property into compliance with this code within thirty (30) calendar days of service of the hearing officer's decision. The Zoning Administrator may grant or deny a request for additional time to complete acts required for compliance with this code that is made by the owner of record or any responsible person, firm, or corporation who is making reasonable progress in the repair, correction, or abatement of violations, if authorized in the administrative order. The request for and the granting or denial of additional time shall be in writing.

The decision of the Administrator whether to grant or deny additional time is final and cannot be appealed as it is an interlocutory decision.

ARTICLE 8 ADMINSTRATIVE CITATIONS AND FINES

800 AUTHORITY

The Village may impose administrative fines for any of the acts or omissions set forth in this code. Administrative fines shall be imposed, enforced, collected, and reviewed in compliance with the provisions of this Section. Administrative fines may be imposed for any of the following acts or omissions:

1. Violations of any of the provisions of this code; and/or
2. Failure to comply with any order issued by the hearing officer.

801 PROCEDURES

Upon discovering a violation of this code, the Zoning Administrator or his designee may issue an administrative citation to a responsible person, owner, firm, or corporation in the manner prescribed in this Section.

Each and every day a violation of this code exists may constitute a separate and distinct offense. Administrative fines shall be assessed by means of an administrative citation issued by the Zoning Administrator and shall be payable directly to the Village. Administrative fines assessed by means of an administrative citation shall be collected in accordance with the procedures specified in this Section.

802 CONTENTS OF ADMINISTRATIVE CITATION

An issued administrative citation shall contain:

1. The name and address of the owner, responsible person, firm, or corporation in violation. If the administrative citation results from events occurring on, the status of, or condition of property, the citation shall also contain the address of the property;
2. A statement of the provisions of this code that have been violated and the date and location of the violations;

3. Where appropriate, the action required to correct the violations, a deadline by which the violations must be corrected, and the consequences for failing to comply;
4. A statement that each day that the responsible person, owner, firm or corporation does not correct or abate the condition after the date specified in the administrative citation shall constitute a separate violation subjecting the responsible person, owner, firm, or corporation to the fines set forth in this code;
5. The amount of administrative fees and fines imposed for the violations;
6. A statement that the responsible person, owner, firm, or corporation in violation may request an administrative hearing on the imposition of the administrative fees and fines within ten (10) calendar days of the date the administrative fine is served and;
7. An address and telephone number of an authorized official with whom to contact regarding the violation can be made;
8. A statement that if the responsible person, owner, firm, or corporation fails to request an administrative hearing within ten (10) calendar days of the imposition of the administrative citation, the citation imposing the fine shall be final; and
9. A statement outlining the Village's intent to recover the cost for labor and materials to abate the violation; should the responsible person, owner, firm, or corporation fail or refuse to abate the violation.

803 FINES FOR ADMINISTRATIVE CITATIONS

If the responsible person, firm or corporation fails to correct the violation, subsequent administrative citations may be issued for the same violations. Each day that a violation continues shall constitute a separate violation. The amount of fines assessed for each administrative citation issued for the same violations shall be specified in the fee resolution adopted by the Village Council.

Payment of the fine shall not excuse the failure to correct the violations nor shall it bar further enforcement action by the Village. All fines assessed shall be payable to the Village.

For all delinquent unpaid administrative fines, there shall be a penalty imposed in the amount of 10% of the administrative fine amount, and an additional 1% per month of the total amount of the administrative fine and any penalty thereon for each month during the time such fine remains unpaid after its delinquency date. The delinquency date for an administrative fine shall be fifteen (15) calendar days following the imposition of the fine, or the administrative determination of the hearing officer, whichever is later.

804 APPEAL OF THE ADMINISTRATIVE CITATION, FINES, AND FEES

Appeal of the administrative citations, fines, penalties and fees shall be made pursuant to this code.

805 FAILURE TO PAY ADMINISTRATIVE CITATION FINES

The failure of the owner, responsible person, firm, or corporation to pay the fines assessed by an administrative citation within the time specified on the citation may result in the Zoning Administrator filing a lien against the property. Alternatively, the Zoning Administrator may issue a misdemeanor or civil infraction citation to the owner, responsible person, firm, or corporation.

806 FAILURE TO COMPLY

In the event the owner, responsible person, firm, or corporation fails to comply with any notice and order issued by the Zoning Administrator or fails to comply with any order of a hearing officer as specified in these administrative remedy provisions, the Zoning Administrator or his designee may issue a misdemeanor citation to the owner, responsible person, firm, or corporation to appear in the Bethel Municipal Court.

810 ADMINISTRATIVE FEE

The costs incurred by the Village will be recovered through an administrative fee schedule, in the enforcement of the provisions of this code after efforts to secure voluntary compliance have failed. Administrative fees include time spent by Village personnel in investigating, inspecting, re-inspecting, recording notices, title searches, and any other processing costs, including but not limited to: payment of hearing officer fees associated with the violations specified on the notice of violation or administrative citation. Accordingly, an administrative fee schedule shall be established and revised as necessary by the Village Council to reflect current costs of enforcing the provisions of this code.

811 ASSESSMENT OF ADMINISTRATIVE FEE

In addition to administrative and criminal fines, an administrative fee shall be assessed for each citation issued or abatements conducted by the Village, unless reversed by a hearing officer or the Board of Appeals.

812 COLLECTION OF ADMINISTRATIVE FEE

Administrative fees shall be collected at the same time and in the same manner as administrative and criminal citation fines and recovery of costs for Village abatements.

820 CRIMINAL REMEDY

Any person failing to comply with a notice of violation or order pertaining to building and structure standards under this code, served in accordance with this code shall be deemed guilty of a misdemeanor, and the violation shall be deemed a strict liability offense. Each day such a violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder.

821 CONTENTS OF CRIMINAL CITATION

An issued criminal citation shall contain:

- A. The name and address of the owner, responsible person, firm, or corporation in violation. If the criminal citation results from events occurring on, the status of, or condition of property, the citation shall also contain the address of the property;
- B. A statement of the provisions of this code that have been violated and the date and location of the violations;
- C. The amount of the criminal citation fees and administrative fines requested to be imposed for the violations; and
- D. The date of appearance for the owner, responsible person, firm, or corporation to appear in the Bethel Municipal Court.

830 PENALTY

Any person, firm, or corporation that violates any of the provisions of this code is guilty of a misdemeanor punishable by a fine not exceeding one thousand dollars (\$1,000) or by imprisonment not exceeding six months, or by both such fine and imprisonment. Each day that a violation of this Chapter continues, whether pursued criminally or civilly, constitutes a separate violation for purposes of criminal prosecution or civil proceedings. In addition to this fine, administrative fees and court administrative fees will be assessed.

840 SUBSEQUENT VIOLATIONS

Any person who is convicted of a violation of this code for a third time for the same violation within a two year period shall be guilty of a misdemeanor punishable by a minimum fine of not less than \$500 or by imprisonment not to exceed six months in jail or by both such fine and imprisonment. Each day that a violation of this Chapter continues, whether pursued criminally or civilly, constitutes a separate violation for purposes of criminal prosecution or civil proceedings.

ARTICLE 9 GENERAL PROPERTY MAINTENANCE STANDARDS

900 APPLICATION

The provisions of this section apply to all land in the limits of the Village of Bethel, whether improved or unimproved, and all residential and non-residential buildings and structures.

901 EXTERIOR PROPERTY MAINTENANCE STANDARDS

All land including exterior premises and vacant land, whether improved or unimproved, and exterior areas under any roof not enclosed by the walls, doors, or windows of any building shall be maintained free from the following:

1. Any accumulation of garbage, debris, rubble, hazardous waste, litter, rubbish, refuse, waste material, or blight, to include, but not limited to: graffiti on walls, building, structures, fences, and, mail boxes; bottles; paper; tires; vehicle parts; broken glass; cans; organic or inorganic material; including exterior areas under any roof not enclosed by the walls, doors, or windows of any building that also contain items such as cans, bottles, wood, metal, plastic, rags, tires, auto parts, lumber, covering (carpet, pads, vinyl) scrap iron, tin, similar materials or other metal not neatly stacked, or anything that becomes a hazard to the public health and safety or harbors insect, rodent, or vermin infestation;
2. The exterior visible use or display of tarps, plastic sheeting, or other similar materials as flexible or inflexible screening, used as fencing, or wall covering which is not part of a manufactured screen or fence assembly;
3. Inoperative or unregistered vehicle(s), or part(s) thereof, outside of an enclosed building on any lot, except the safe and neat keeping of:
 - a. more than two ongoing restoration projects or inoperative or unregistered vehicles in a rear/side yard area, screened by a substantially opaque fence at a minimum height of six (6) feet and provided further that any fence constructed or modified pursuant to this section conforms to any and all other requirements of the Ohio Building Code and further provided all vehicles and parts thereof are stored in a neat and orderly manner when restoration work is not in progress;

- b. a single inoperable vehicle on any lot or premises that is registered to a resident of the property and undergoing minor repair work as defined herein; not to exceed seventy-two (72) hours;
 - c. lawful commercial activities involving vehicles as allowed by the zoning ordinance;
 - d. operable, off-road vehicles;
4. Any camper, boat, or vehicle located in any portion of the front or side yard of a single-family or multifamily dwelling or accessory building which does not meet the requirements of the Bethel Zoning Code for parking said vehicles in front and side yards;
5. Any machinery or equipment, including but not limited to: forklifts, backhoes, tractors, or similar types of construction or commercial equipment other than equipment used for residential gardening or property maintenance purposes, active construction sites, or where permitted by the Bethel Zoning Code;
6. Abandoned vehicles; any abandoned, unattended, discarded, broken or inoperable commercial or industrial equipment, appliances, machinery, freezers, refrigerators or other household items, equipment, furnishings, or any container, appliance or equipment that has an airtight door or lid, snap lock, or other locking device that may not be released from the inside, without first removing such door or lid, snap lock, or other locking device;
7. Any object, tree, or bush on private property that interferes with, obstructs, partially obstructs, or renders dangerous the free passage, use, or vision in the customary manner of any sidewalk, street, alley, highway, or traffic light or sign which does not meet the requirements in the Bethel Zoning Code; any landscaping visible from public property that is substantially dead, damaged, or characterized by uncontrolled growth, or presents a deteriorated appearance; uncultivated plants, weeds, tall grass, uncultivated shrubs or growth (whether growing or otherwise) higher than six (6) inches; or any dead trees and branches, bushes, shrubs, or portions thereof; or any trees that harbor insect or rodent infestations, or may become a fire hazard, or result in a condition which threatens the health and safety of adjacent property owners or occupants;
8. Discarded or broken furniture;

9. Discarded or broken bicycles, bicycle parts, and toys;
10. Piles of mixed materials, dry vegetation, rags; empty barrels, drums, boxes, crates, packing cases, and any similar materials;
11. Mattresses, bedding, and any similar materials; excelsior, packing straw, packing hay or other packing material;
12. Anything in which insects, rodents, snakes, or other harmful pests live, or multiply;
13. Anything whatsoever that is or may become an imminent hazard to public health and safety or which may otherwise create a fire hazard;
14. Any unguarded and unprotected, or abandoned excavation, pit, well, cellar, hole, trench or other excavation of more than two (2) feet in depth on any unenclosed lot that may constitute a threat or public hazard;
15. Any wall or fence that is missing blocks, boards, or other material, or is otherwise deteriorated so as to constitute a hazard to persons or property;
16. Any graffiti that is capable of being viewed by a person using any public area or right-of-way in the Village.

910 EXTERIOR INSECT AND RODENT CONTROL

All premises shall be kept free from insect and rodent infestation and other noxious pests. This provision shall not require action to disturb the natural or cultivated activity of bees, rabbits, or other insects and animals where such activity is not a danger or nuisance to any resident or residents of the area and where other applicable legal requirements are met.

920 DRAINAGE

All premises shall be maintained so as to prevent the accumulation of stagnant water which otherwise may cause a hazardous or unhealthy condition; become a breeding area for insects; or allow soil erosion or damage to foundation walls visible from the public right of way.

930 FENCES, SCREEN WALLS, AND RETAINING WALLS

All fences, screen walls, and retaining walls visible from the public right-of-way shall be safe, structurally sound, and uniform in color; they shall be maintained so that they do not constitute a hazard, blight, or condition of disrepair. Examples of hazards, blight, or conditions of disrepair include but are not limited to: leaning fences, fences that are missing slats or blocks, graffiti, peeling paint, deterioration of surface finish, rotting, or damaged components.

940 GARBAGE RECEPTACLES

Each occupied building or structure shall be provided with an adequate number of appropriate receptacles for garbage and rubbish, which are maintained in clean condition and good repair. The owner and/or landlord shall arrange for the removal of garbage and rubbish from the premises unless the parties by written agreement provide otherwise.

In those areas where garbage collection is made by street pick-up, it is prohibited to leave garbage receptacles and recycle containers on the curb more than twelve (12) hours prior to and after designated pick-up days. In those areas where garbage collection is made by alley pick-up, it is prohibited to leave garbage receptacles in the alleyway on days other than those designated as pick-up days unless these receptacles are maintained at a point contiguous with the owner's property line.

950 MAINTENANCE OF SWIMMING AND ARCHITECTURAL POOLS AND PONDS

All swimming and architectural pools and spas (hot tubs) and fountains shall be properly maintained so as not to create a health or safety hazard, harbor insect infestation, or a visibly, deteriorated appearance. Water shall not be allowed to stagnate. Fencing or other barriers required for swimming pool and spa enclosures shall be properly maintained as specified in the Clermont County Zoning code in effect at the time of pool construction. The premises shall be free from safety hazards inclusive of, but not limited to: lack of security, water stagnation, or abandoned pools, regardless of whether or not there is water in the pools and ponds.

960 DUMPING

Vacant lots or lands that have been subject to enforcement action regarding dumping on more than one occasion shall be secured to prevent future occurrences of dumping. Methods of securing vacant lots or lands may include the following: fencing; placing four (4) foot high posts at four (4) foot intervals; or other equally effective methods. Where methods of securing vacant lots or lands by other than fencing are utilized, signs with the words "no dumping" shall be erected in accordance with applicable laws on vacant lots or lands that have been subject to dumping on more than one occasion.

970 EXCAVATIONS, SEPTIC TANKS, AND CESSPOOLS

Unenclosed, unsecured or dangerous excavations, septic tanks, cesspools, and other like or similar conditions must be fully restored to a safe, serviceable condition, or filled with clean fill or other material approved by the Village Appointed Representative. Excavations shall be maintained in a secure manner so as to prevent a hazard to public health and safety. An excavation is considered secure when:

1. An excavation more than two (2) feet in depth is protected by a permanent and complete five (5) foot minimum height enclosure that surrounds the excavation or property; or
2. A well, pit, abandoned swimming pool, or similar excavation is covered, securely fenced, or otherwise protected in an equivalent manner.

980 DANGEROUS BUILDINGS AND STRUCTURES

Buildings or structures determined to be unsafe or dangerous as defined herein and as further defined in the Ohio Building Code shall be abated in accordance with the provisions of that code.

990 VACANT AND UNSECURED BUILDINGS, STRUCTURES, AND PREMISES

1. Vacant and unsecured buildings, structures, and premises shall meet the requirements of this section. The requirements of this section do not apply to vacant buildings that do not contribute to blight because the owner is actively maintaining and monitoring the building. Active maintenance shall include:

- a. Maintenance of landscaping and plant materials in good condition;
- b. Maintenance of the exterior of the building, including but not limited to: paint and finishes, as specified in this code;
- c. Regular removal of all exterior trash, debris, and graffiti;
- d. Maintenance of the building in continuing compliance with all applicable codes and regulations; and
- e. Prevention of reoccurring criminal activity on the premises.

2. When required by the Village Appointed Representative, unsecured buildings and structures shall be completely secured in the following manner:

- a. All gas and electrical utility services may be required to be disconnected within five (5) days upon notice and order.
- b. Doorways, crawl spaces, windows, and openings are to be completely boarded by use of 5/8" or thicker exterior grade plywood, fastened by tamper proof screws or one-way bolts to the frame or a cross brace, or both;
- c. All boarding shall be painted to match the dominant exterior color of the elevation of the building or structure on which the barricade is placed. The dominant exterior color shall be that color that occupies at least 60% of the particular elevation; and
- d. For commercial buildings, opaque window coverings may be allowed by the Village Appointed Representative in lieu of boarding provided all windows are maintained and if broken or cracked, are replaced within forty-eight (48) hours. The Village Appointed Representative may revoke the use of the alternative when the owner or responsible party fails to maintain the windows or replace cracked or broken windows within the specified forty-eight (48)-hour time frame.

3. The lot or premises upon which a vacant building exists shall be maintained free of weeds, litter, and rubbish; and landscaping shall conform to the requirements of this code.

If, after notice has been provided, the owner of a vacant building or unsecured structure fails to install barricades as specified herein, the Village Appointed Representative is authorized to barricade the building or structure, and all costs associated therewith shall be recovered from the property owner.

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ARTICLE 10 BUILDINGS & STRUCTURES MAINTENANCE STANDARDS

1000 APPLICATION

In addition to the General Property Maintenance Standards specified in this code, the provisions of this section shall apply to all buildings and structures located within the limits of the Village of Bethel.

1010 DANGEROUS BUILDINGS AND STRUCTURES

Buildings determined to be dangerous as defined in the Ohio Building code shall be abated in accordance with the provisions of that code.

1011 FOUNDATIONS, EXTERIOR WALLS, ROOFS, MECHANICAL EQUIPMENT, ELECTRICAL, AND PLUMBING

Foundations, exterior walls, roofs, and mechanical equipment shall be free from deterioration or blighting conditions and shall conform to the following requirements:

1012 FOUNDATIONS

Building foundations shall be free from deterioration, maintained in a safe condition, and be capable of supporting the load which normal use may place thereon.

1013 EXTERIOR WALLS

The exterior walls shall be free from conditions that contribute to the deterioration of the structure or otherwise present a deteriorated or blighted condition. Exterior walls shall be substantially weather tight, weatherproof, free from dry rot and mildew, and shall be maintained in sound condition and good repair so as to prevent infestation. Exterior doors and windows shall be fitted securely in their frames and shall be substantially weather tight with operable locks, if locks are present. Windows of occupied structures shall not be boarded, and glazing in windows and doors shall be properly

maintained. Chipping or peeling paint may not exceed 25% of a surface area of any building component visible from public property. All exterior surfaces other than decay-resistant materials shall be protected from the elements by painting or other protective covering according to manufacturer's specifications. Chimneys and similar appurtenances shall be structurally safe. Window screening, if present, shall be maintained in good condition.

1014 ROOFS

Roofs shall be maintained in a safe condition and have no defects which might admit rain or cause dampness in the walls or interior portion of the building. Roofs shall be free from conditions that contribute to the deterioration of the structure or otherwise present a deteriorated or blighted appearance. Broken, rotted, split, curled, or missing roofing material shall not exceed ten (10) square feet of any roof for no more than thirty (30) consecutive days. Canopies and awnings shall be properly anchored and maintained.

1015 MECHANICAL EQUIPMENT

1. Non-Residential Buildings and Structures

Heating, ventilating, air-conditioning, evaporative cooling equipment, and their mounting apparatus shall be maintained in a condition free from excessive accumulation of scale, rust, corrosion, or mineral deposits. Equipment stands or mounts shall be structurally sound. Unused, deteriorated or unattached heating ventilation and air conditioning (HVAC) equipment and mechanical equipment and associated apparatuses shall be removed from the structure. Equipment shrouds, enclosures, and similar protecting housing components integral to a piece of equipment shall be installed, anchored, and properly maintained.

2. Residential Buildings and Structures

Dwelling units, guest rooms, and congregate residences shall be provided with permanently installed heating facilities capable of maintaining a room temperature of 68°F (20°C) at a point three (3) feet (914 mm) above the floor in all habitable rooms. Such facilities shall be installed and maintained in a safe condition. All heating devices or appliances shall be of an approved type and utilized in accordance with their listing. Fuel-burning heaters without vents to the exterior are specifically prohibited as a primary heating source.

3. Combustion Air

Rooms and areas containing fuel-burning appliances shall be provided with combustion air as required by the Mechanical Code.

1016 ELECTRICAL EQUIPMENT

All electrical equipment, wiring, and appliances shall be installed and maintained in safe working order and in accordance with the Electrical Code. All electrical equipment shall be listed and approved for the intended use.

1017 PLUMBING EQUIPMENT

All plumbing equipment, piping and fixtures shall be installed and maintained in a safe, sanitary, functional and approved manner.

1018 ARCHITECTURAL PROJECTIONS

All exterior architectural projections, including but not limited to canopies, porches, and guard and handrails shall be adequate for safety. Every stair and porch shall be maintained in a structurally sound condition. The support for railings, stairs, and porches shall be structurally sound and in a safe condition. Every stair and porch, and any appendage thereto shall be maintained in safe condition and capable of supporting a load that normal use may place thereon.

1020 INTERIORS OF STRUCTURES

Every owner of a property shall ensure the interior of structures and mechanical, electrical, and plumbing equipment therein are maintained in good working order and structurally sound. Occupants shall keep that part of the structure that they occupy or control in a clean and sanitary condition. Every owner of a structure containing a rooming house, a hotel, a dormitory, two (2) or more dwelling units, or two (2) or more nonresidential occupancies shall maintain in a clean and sanitary condition the shared, common, or public areas of the structure.

1. All interior surfaces shall be maintained in good, clean and sanitary condition. Peeling, chipping, flaking, or abraded paint shall be repaired, removed, or covered. Cracked, broken, or damaged, or loose plaster, decayed wood, and other defective surface conditions in excess of 1/8" shall be repaired.
2. Every interior window and door shall fit within its frame and shall be capable of being opened and closed by being properly and securely attached to jambs, headers, or tracks.
3. Every stair, ramp, landing, balcony, mezzanine or other walking surface shall be maintained in sound condition and good repair.

4. Every handrail and guardrail shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

1021 STRUCTURAL MEMBERS

All structural members shall be maintained structurally sound and be capable of supporting the imposed design loads.

1022 EXITS AND EMERGENCY EGRESS

1. Exits

All buildings or portions thereof shall be provided with properly maintained exits, exit corridors, exit passageways, and appurtenances as required by the Building Code. Dwelling units and guest rooms shall have access directly to the outside or to an exit corridor or exit passageway.

A. Inadequate Exits

All buildings or portions thereof not provided with adequate exit facilities as required by this code, except those buildings or portions thereof whose exit facilities conformed with all applicable laws at the time of their construction and that have been adequately maintained and increased in relation to any increase in occupant load, alteration or addition, or any change in occupancy. When an unsafe condition exists due to lack of or improper location of exits, additional exits may be required to be installed.

2. Emergency Egress

Sleeping rooms below the fourth story shall have at least one operable window or exterior door approved for emergency escape or rescue. The window or door shall have the ability to be opened from the inside and any security bars or grills protecting such openings shall comply with the Ohio Building Code.

A. Inadequate Emergency Egress

Bars, grills, covers, screens, or similar devices are not permitted to be placed over emergency escape and rescue openings, bulkhead enclosures, or window wells that serve sleeping rooms, unless the minimum net opening dimensions required for escape and rescue openings are maintained. Such devices shall be releasable or

removable from the inside without the use of a key, tool, or force greater than that which is required for normal operation of the escape and rescue opening.

1023 FIRE PROTECTION

All buildings or portions thereof shall be provided with the degree of fire-resistive construction as required by the Building Code for the appropriate occupancy, type of construction, and location on property, and shall be provided with the appropriate fire-extinguishing systems or equipment as required by the Building Code and Fire Code. All fire-resistive construction required by the Building Code shall be maintained.

1030 SUBSTANDARD BUILDINGS

Any building or portion thereof or the premises on which the same is located in which there exists any of the following conditions shall be deemed and hereby declared to be a substandard building.

1. Habitability and Sanitation: Buildings or portions thereof shall be deemed substandard when any of the following conditions exist:
 - A. Lack of or improper operation of water closet, lavatory, bathtub, or shower;
 - B. Lack of required interior wall covering;
 - C. Lack of proper kitchen sink, or cooking appliances, or improper operation of kitchen sink, cooking appliance or refrigerator;
 - D. Lack of required hot and cold running water to plumbing fixtures;
 - E. Lack of adequate heating facilities;
 - F. Lack of or improper operation of required ventilation equipment;
 - G. Lack of minimum amounts of natural light and ventilation required by this code;
 - H. For residential buildings and structures: Room and space dimensions less than required by this code. However, a condition that would require the displacement of sound walls or ceilings to meet height, length, or width requirements for

ceilings, rooms, and dwelling units shall not by itself be considered sufficient existence of dangerous conditions making a building substandard, unless the building was constructed, altered, or converted in violation of those requirements in effect at the time of construction, alteration, or conversion;

- I. Lack of required electrical lighting;
 - J. Dampness in habitable rooms;
 - K. Infestation of insects, vermin, or rodents;
 - L. General dilapidation or improper maintenance;
 - M. Lack of connection to a required sewage disposal system;
 - N. Lack of adequate garbage and rubbish storage system and removal facilities.
2. Structural Hazards: Buildings or portions thereof shall be deemed substandard when they are, or contain, structural hazards. Structural hazards shall include, but not be limited to, the following:
- A. Deteriorated or inadequate foundations incapable of supporting the load which normal use may place thereon;
 - B. Defective or deteriorated flooring or floor supports;
 - C. Flooring or floor supports of insufficient size to carry imposed loads safely;
 - D. Members of walls, partitions, or other vertical supports that split, lean, list, or buckle due to defective material or deterioration;
 - E. Members of walls, partitions, or other vertical supports that are of insufficient size to carry imposed loads safely;
 - F. Members of ceilings, roofs, ceiling and roof supports, or other horizontal members that sag, split, or buckle due to defective material or deterioration;
 - G. Members of ceilings, roofs, ceiling and roof supports, or other horizontal members that are of insufficient size to carry imposed loads safely;
 - H. Fireplaces or chimneys that list (to lean), bulge, or settle due to defective material or deterioration.

3. Hazardous Electrical Wiring: All wiring that does not conform to all applicable laws in effect at the time of installation, has not been maintained in good condition, or is not currently in good and safe condition and working properly.
4. Hazardous Plumbing: All plumbing that does not conform to all applicable laws in effect at the time of installation, has not been maintained in good condition, is not currently in good and safe condition or not working properly, or is not free of cross connections and siphonage between fixtures.
5. Hazardous Mechanical Equipment: All mechanical equipment including vents that do not conform to all applicable laws in effect at the time of installation that has not been maintained in good and safe condition, and is not currently in good and safe condition and working properly shall be considered substandard.
6. Fire Hazard: Any building or portion thereof, device, apparatus, equipment, combustible waste, or vegetation that is in noncompliance with the Fire Code to the extent that the Fire Chief has determined the noncompliance condition is unsafe or that a fire or explosion could occur as the result of said noncompliance. In addition, any condition the Fire Chief has determined provides a ready fuel to augment the spread and intensity of fire or explosion arising from any cause is deemed substandard.
7. Faulty Materials of Construction: All materials of construction except those that are specifically allowed or approved by the Building Code and that have been adequately maintained in good and safe condition shall be considered substandard.
8. Hazardous or Unsanitary Premises: Those premises on which an accumulation of weeds, vegetation, junk, dead organic matter, debris, garbage, offal, rodent harborages, stagnant water, combustible materials, and similar materials or conditions that constitute a fire hazard, health hazard, safety hazard, or a public nuisance shall be considered substandard.
9. Inadequate Exits: All buildings or portions thereof not provided with adequate exit facilities, except those buildings or portions thereof whose exit facilities conformed with all applicable laws at the time of their construction and that have been adequately maintained and increased in relation to any increase in occupant load, alteration or addition, or any change in occupancy shall be considered substandard. When an unsafe

condition exists due to lack of or improper location of exits, additional exits may be required to be installed.

10. Inadequate Fire-Protection or Fire-Fighting Equipment: All buildings or portions thereof not provided with fire-resistive construction or fire-extinguishing systems or equipment required by the Building and Fire Code, except those buildings or portions thereof that conformed to all applicable laws at the time of their construction and whose fire-resistive integrity and fire-extinguishing systems or equipment have been adequately maintained and improved in relation to any increase in occupant load, alteration or addition, or any change in occupancy shall be considered substandard.

11. Improper Occupancy: All buildings or portions thereof occupied for purposes not designed or intended to be used for those occupancies shall be considered substandard.

1031 RESIDENTIAL BUILDINGS AND STRUCTURES

In addition to the General Property Maintenance Standards specified in this code, all buildings, common area, or portions thereof used, designed, or intended to be used for human habitation shall comply with the requirements of this section. Where any building or portion thereof used or intended to be used as a combination apartment house-hotel, the provisions of this code shall apply to the separate portions as if they were separate buildings. Rooming houses, congregate residences, lodging houses, dormitories, and fraternity houses shall comply with all the requirements of this code for dwellings.

1032 ROOM DIMENSIONS

Existing Buildings: Buildings and portions thereof in existence at the time of the adoption of this code, "Village of Bethel Property Maintenance Code," are not required to be modified to comply with this section and may have their existing use or occupancy continued provided the construction, use, or occupancy was legal at the time of original construction and further provided the continued use or occupancy is not dangerous to life, health, and safety.

1. Ceiling Heights

- A. Habitable space shall have a ceiling height of not less than seven (7) feet six (6) inches except as otherwise permitted in this section. Kitchens, halls, bathrooms, and toilet compartments may have a ceiling height of not less than seven (7) feet measured to the lowest projection from the ceiling. Where

exposed beam ceiling members are spaced at less than forty-eight (48) inches on center, ceiling height shall be measured to the bottom of these members. Where exposed beam ceiling members are spaced at forty-eight (48) inches or more on center, ceiling height shall be measured to the bottom of the deck supported by these members, provided that the bottom of the members is not less than seven (7) feet above the floor.

- B. If any habitable space has a sloping ceiling, the prescribed ceiling height for the room is required in only one-half the area thereof. No portion of the room measuring less than five (5) feet from the finished floor to the finished ceiling shall be included in any computation of the minimum area thereof. If any room has a furred ceiling, the prescribed ceiling height is required in two-thirds the area thereof, but in no case shall the height of the furred ceiling be less than seven (7) feet.

2. Floor Area

Dwelling units and congregate residences shall have at least one (1) room that shall have not less than 120 square feet of floor area. Other habitable rooms, except kitchens, shall have an area of not less than 70 square feet. Where more than two (2) adults occupy a room used for sleeping purposes, the required floor area shall be increased at the rate of 50 square feet for each adult in excess of two (2).

3. Width

No habitable room other than a kitchen shall be less than seven (7) feet in any dimension. Each water closet shall be located in a clear space not less than thirty (30) inches in width and a clear space in front of the water closet of not less than twenty-four (24) inches shall be provided.

4. Exception: Nothing in this section shall prohibit the use of an efficiency living unit within an apartment house meeting the following requirements:

- A. The unit shall have a living room of not less than 220 square feet of floor area. An additional 100 square feet of floor area shall be provided for each occupant of such unit in excess of two (2);
- B. The unit shall be provided with a kitchen sink, and cooking appliance. If a refrigerator is provided, it must be maintained in a safe and operational condition. Each having a clear working space of not less than thirty (30) inches in front,

except accessible units shall meet the working space requirements of those units. Light and ventilation conforming to this code shall be provided; and

- C. The unit shall be provided with a separate bathroom containing a water closet, lavatory, and bathtub or shower.

1033 LIGHT AND VENTILATION

For the purpose of determining the light or ventilation required by this section, any room may be considered as a portion of an adjoining room when one half of the area of the common wall is open and unobstructed and provides an opening of not less than one tenth of the floor area of the interior room or 25 square feet, whichever is greater. Exterior openings for natural light or ventilation required by this section shall open directly onto a public way or a yard or court located on the same lot as the building with the following exceptions:

A. Required windows may open into a roofed porch where the porch:

- 1. Abuts a public way, yard, or court; and
- 2. Has a ceiling height of not less than seven (7) feet; and
- 3. Has a longer side at least 65% open and unobstructed.

B. Skylights.

1. Light

Guest room and habitable rooms within a dwelling unit or a congregate residence shall be provided with natural light by means of exterior glazed openings with an area of not less than one-tenth of the floor area of such rooms with a minimum of 10 square feet of opening area

2. Ventilation

Guest rooms and habitable rooms within a dwelling unit or congregate residence shall be provided with natural ventilation by means of exterior openings with an area of not less than one-twentieth of the floor area of such rooms with a minimum opening of 5 square feet of area. Such openings shall be capable of being opened so as to provide ventilation.

In lieu of required openings for natural ventilation, a mechanical ventilating system may be provided. Such system shall be capable of providing two air changes per hour in all guest rooms, dormitories, habitable rooms, and in public corridors. One-fifth of the air supply shall be taken from the outside.

Bathrooms, water closet compartments, laundry rooms, and similar rooms shall be provided with natural ventilation by means of exterior openings with an area of not less than one-twentieth of the floor areas of such rooms with a minimum of 1½ square feet of area. Such openings shall be capable of being opened so as to provide ventilation. In lieu of required exterior openings for natural ventilation in bathrooms containing a bathtub or shower, or combination thereof, laundry rooms, and similar rooms, a mechanical ventilation system connected directly to the outside capable of providing five air changes per hour shall be provided. The location of the discharged exhaust air shall be at least three (3) feet from any opening into the building. Bathrooms which contain only a water closet or lavatory, or combination thereof, and similar rooms may be ventilated with an approved mechanical re-circulating fan or similar device designed to remove odors from the air.

1034 HALLWAYS

All public hallways, stairs, and other paths of exit shall be adequately illuminated at all times in accordance with the Building Code.

1040 SANITATION

1. Dwelling Units, Lodging Houses and Congregate Residences, Dormitories and Fraternity Houses

Dwelling units, lodging houses, and congregate residences, dormitories and fraternity houses shall be provided with a bathroom equipped with facilities consisting of a water closet, lavatory, and either a bathtub or shower, or combination thereof.

2. Kitchen

Each dwelling unit shall be provided with a kitchen. Every kitchen shall be provided with a safe and operational kitchen sink, and cooking appliance. If a refrigerator is provided, it must be maintained in a safe and operational condition.

3. Fixtures

All plumbing fixtures shall be connected to a sanitary sewer or to an approved private sewage disposal system. All plumbing fixtures shall be connected to an approved water supply and provided with hot and cold running water necessary for normal operations. All plumbing fixtures shall be listed by an approved listing agency.

4. Installation and Maintenance

All sanitary facilities shall be installed and maintained in a safe and sanitary working condition.

ARTICLE 11 NUISANCES

1100 ABANDONED NUISANCE

No owner, occupant, agent, person, firm, or corporation associated with the property or anyone having charge or control of any property, building, or premises within the Village shall permit or allow the existence of an abandoned nuisance upon any property, building, structure, or premises owned, occupied, or controlled by him/her and shall be subject to the remedies and enforcement provisions of this section.

1110 ABANDONED NUISANCE NOTICE

When the Zoning Administrator has inspected, or caused to be inspected structures, buildings, or improved or unimproved land, and has found and determined that an abandoned nuisance or abandoned nuisance activity exists, the Zoning Administrator may send the owner a written notice to abate the abandoned nuisance. The notice shall be entitled "Notice of Abandoned Nuisance" and shall:

- A. Identify with particularity the property upon which the abandoned nuisance is located;
- B. Include a description of the conditions or activities, which constitute the abandoned nuisance as defined by this Chapter;
- C. Specify the date by which the condition or activities must be abated in order to prevent the matter from being submitted to the Village Attorney's office to file an action in a court of competent jurisdiction to:
 1. seek abatement of the nuisance;
 2. seek the repair, safeguarding or demolition of any structure to property where the abandoned nuisance is located or occurring;
 3. seek court authorization to carry out the abatement, repair, safeguard or demolition of the nuisance; or
 4. seek civil penalties and other relief deemed appropriate by the Court.
- D. Provide notice of the opportunity for a hearing before a court of competent jurisdiction and the procedure therefore;

- E. Advise the owner that the time to abate the condition or activities is tolled for the period during which the owner has requested a hearing and receives a decision;
- F. The Notice of Abandoned Nuisance shall be sent by certified mail, return receipt requested to the last known address of the owner of the property; and
- G. Advise the owner of the manner in which the Village will recover the money expended for labor and materials used to abate the condition or activities, or if applicable, repair, safeguard or demolish a structure or property where the abandoned nuisance is located or occurring.

1120 ABANDONED NUISANCE REMEDY

Upon finding by a court of competent jurisdiction that an abandoned nuisance exists, the court may:

- A. Impose a civil penalty of not more than \$500.00 per day for each day that the condition was not abated after the date specified in the notice by which the owner was required to abate the condition;
- B. Order the owner to pay the Village for all costs incurred and fees imposed by the Village in abating the condition;
- C. If applicable, order the owner to pay reasonable expenses for the relocation of any tenants who are affected by the abandoned nuisance; and
- D. Order any other appropriate relief.

If the notice of violation is not complied with, the Zoning Administrator shall institute the appropriate proceedings to restrain, correct or abate such violation, or to require the removal or termination of unlawful occupancy of any structure in violation of the provisions of this code or of the order or direction made thereto. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

1130 CHRONIC NUISANCE

No owner, occupant, agent, person, firm, or corporation associated with the property or anyone having charge or control of any property, building, or premises within the Village shall permit or allow the existence of a chronic nuisance upon any property, building, structure, or premises owned, occupied, or controlled by him/her and shall be subject to the remedies and enforcement provisions of this section.

1140 CHRONIC NUISANCE NOTICE

When the Zoning Administrator has inspected or caused to be inspected structures, buildings, or improved or unimproved land and has found and determined that a chronic nuisance exists the Zoning Administrator may send the owner a written notice to abate the chronic nuisance. The notice shall be entitled "Notice of Chronic Nuisance" and shall:

- A. Identify with particularity the property upon which the chronic nuisance is located;
- B. Include a description of the conditions or activities, which constitute the chronic nuisance as defined by this Chapter;
- C. Specify the date by which the condition or activities must be abated in order to prevent the matter from being submitted to the Village Solicitor's office to file an action in a court of competent jurisdiction to: seek abatement of the nuisance, penalties and other relief deemed appropriate by the court;
- D. Provide notice of the opportunity for a hearing before a court of competent jurisdiction and the procedure therefore;
- E. Advise the owner that the time to abate the condition or activities is tolled for the period during which the owner has requested a hearing and receives a decision;
- F. The Notice of Chronic Nuisance shall be sent by certified mail, return receipt requested to the last known address of the owner of the property; and
- G. Advise the owner of the manner in which the Village will recover the money expended for labor and materials used to abate the condition or activities, or if applicable, repair, safeguard or demolish a structure or property where the chronic nuisance is located or occurring.

1150 CHRONIC NUISANCE REMEDY

Upon finding by a court of competent jurisdiction that a chronic nuisance exists, the court may:

- A. Impose a civil penalty of not more than \$500.00 per day for each day that the condition was not abated after the date specified in the notice by which the owner was required to abate the condition;
- B. Order the owner to pay the Village for all costs incurred and fees imposed by the Village in abating the condition;
- C. If applicable, order the owner to pay reasonable expenses for the relocation of any tenants who are affected by the chronic nuisance; and

- D. Order any other appropriate relief.
- E. If the notice of violation is not complied with, the Zoning Administrator shall institute the appropriate proceedings to restrain, correct or abate such violation, or to require the removal or termination of unlawful occupancy of any structure in violation of the provisions of this code or of the order or direction made thereto. Each day that a violation continues after due notice has been served shall be deemed a separate offense.