

PROPERTY MAINTENANCE CODE

VILLAGE OF LODI

MEDINA COUNTY, OHIO

VILLAGE OF LODI PROPERTY MAINTENANCE CODE

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ARTICLE ONE

PURPOSE

1.01 PURPOSE

The purpose of the property maintenance code is to protect the public health, safety, morals, public convenience, comfort, prosperity, or general welfare as it pertains to areas, premises, and buildings used for residential, commercial, industrial, travel, and public purposes. This protection is hereinafter provided by:

- 1) Establishing minimum standards for maintaining residential, commercial, and industrial environmental quality to preserve and achieve the presentable appearance of existing structures and premises; avoiding blighting effects of the deficient maintenance of structures and premises and their negative impact on the value of the surrounding properties; and eliminating hazardous conditions;
- 2) Fixing the responsibility of owners, operators, and occupants of all structures and their premises; and
- 3) Providing for administration, enforcement, and penalties.

ARTICLE TWO

TITLE

2.01 TITLE

These regulations shall be known as the Property Maintenance Code of the Village of Lodi, Ohio (hereinafter referred to the "Code").

2.02 SOURCE

Pursuant to Ohio Revised Code Section 701.05, the Council for the Village of Lodi has adopted by ordinance this existing structures code. This code follows the Model Exterior Property Maintenance Code for Townships prepared by the Miami Valley Regional Planning Commission in January of 1993, which is the most current edition as of March 1, 2015.

This Code is not intended to govern any subject matter addressed by the State of Ohio and/or Medina County Building Code.

ARTICLE THREE

DEFINITIONS

3.01 CONSTRUCTION OF LANGUAGE

For the purpose of this code certain terms or words shall be interpreted as follows:

- 1) Words in the singular shall include the plural, and the plural the singular;
- 2) Words used in the present tense shall include the future tense;
- 3) Words in the masculine gender shall include the feminine and neuter;
- 4) The word “shall” is mandatory and not discretionary;
- 5) The word “may” is permissive;
- 6) Where a term is not defined in this Code, but is defined in the Village of Lodi Planning and Zoning Code, it shall have the same meaning ascribed to it in the Village of Lodi Planning and Zoning Code.
- 7) Where a term is not defined under the provisions of this Code and is not defined in the Village of Lodi Planning and Zoning Code, it shall have its ordinarily accepted meaning or such as the context herein may imply;
- 8) The phrase “used for” shall include the phrases “arranged for,” “designed for,” “intended for,” “maintained for,” and “occupied for;”
- 9) The word “person” includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual;
- 10) The word “dwelling” includes the word “residence;” and
- 11) Whenever the words “dwelling unit,” “dwelling,” “building,” or “house” are stated in this Code, they shall be construed as those they were followed by the words “or any part thereof.”

3.02 DEFINITIONS

All words used in this Code shall have their customary meanings, except those specifically defined in this Section.

Accessory Structure: A structure on the same lot with, and of nature customarily incidental and subordinate to the principal structure.

Area, Accessory: Supplementary; additional; subordinate to the ground on which a building stands, or the ground surrounding a building.

Approved: Approved, as applied to a material, device, or method of construction, shall mean approved by the Zoning Inspector under the provisions of the Code, or approved by other authority designated by law to give approval in the matter in question.

Basement: That portion of a building which is partly or completely below grade (below ground level).

Building Code: The building code officially adopted by the legislative body of this jurisdiction, or such other Code as may be officially designated by the legislative body of the jurisdiction for the regulation of construction, alteration, addition, repair, removal, demolition, use, location, occupancy, and maintenance of buildings and structures.

Building Exterior or Exterior: A part, surface, or region that is on the outside of a structure.

Cellar: That portion of a building which is completely below grade.

Condemn: To adjudge unfit for use or occupancy.

Condemnation: The act of judicially condemning.

Dwelling: Any building or structure (except a house trailer or mobile home, as defined in Ohio Revised Code § 4501.01) which is wholly or partly used, or intended to be used, for living or sleeping by one or more human occupant.

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

Exterior Property Areas: The open space on the premises and on adjoining property under the control of owners or operators of such premises.

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

Garbage: The animal and vegetable waste resulting from the handling, preparation, cooking, and consumption of food.

Imminent Danger: A condition which could cause serious or life-threatening injury or death at any time.

Infestation: The presence, within or contiguous to a structure or premises of insects, rats, vermin or other pests.

Inoperable or Junk Vehicle: Any motor propelled vehicle or accessory to same, which is, or is in the process of being, wrecked, or dismantled such that the engine, wheels, or other parts have been removed or on which the engine, wheels or other parts have been altered, damaged or otherwise so treated that the vehicle is incapable of being driven under its own motor power. A vehicle, including but not limited to cars, trucks, buses, motorcycles, trailers, and boats, shall be deemed a junk or inoperable vehicle whenever any of the following occur:

- 1) The vehicle is without a valid current registration and/or license plate;
- 2) The vehicle is apparently inoperable;
- 3) The vehicle has failed its e-check or otherwise does not comply with state regulations;
- 4) The vehicle is without fully inflated tires and/or has any type of support under it;
- 5) The vehicle has a substantially damaged or missing window, windshield, door, motor, transmission, or other similar major part;
- 6) The vehicle is left on private property without permission of the person having the right of the property;
- 7) A trailer or other item(s) has been left on public lands, unattached to motive power, in violation of notice by a Zoning Inspector to remove same from all public properties.

Junk/Rubbish: Bones, litter, and manufactured goods including, but not limited to scrap iron, scrap tin, scrap glass, scrap brass, scrap copper, scrap lead or scrap zinc and all other scrap metals and their alloys, rags, used cloth, used rubber, used rope, used tinfoil, used bottles, old and used machinery, used tools, used appliances, used fixtures, used utensils, used building materials, used boxes or crates; including both combustible and non-combustible waste materials, vehicle parts, motors, and abandoned appliances. The term rubbish shall also include but not limited to used and unused rags, cartons, boxes, wood, packing material, rubber, leather, tin cans, metals, mineral matter, glass, crockery, dust, pipe or pipe fittings, and used tires that are so worn, deteriorated or obsolete as to make them

unusable in their existing condition, but are subject to being dismantled or recycled, and similar materials, as well as residue from the burning of wood, coal, and other combustible materials.

Let or Lease: To permit possession or occupancy of a dwelling, dwelling unit, rooming unit, building or structure by a person who shall be legal owner of record thereof, pursuant to a written or unwritten lease, agreement or license, or pursuant to a recorded or unrecorded agreement or contract for the occupancy of/or sale of land.

Maintenance: Conformance of real estate to this Code.

Motor Vehicle: Shall be as defined in Section 4501(B) of the Ohio Revised Code.

Weeds: Shall be defined as those plants designated as noxious weeds by the state of Ohio pursuant to Ohio Administrative Code Chapter 901:5-37.

Occupant: Any person (including owner or operator) living and sleeping in a dwelling unit or having actual possession of said dwelling or rooming unit.

Operator: Any person who has charge, care or control of a structure or premises which are let or offered for occupancy.

Owner: Any person, agent, firm, or corporation having a legal or equitable interest in the property.

Person: Includes any individual or group of individuals, corporation, partnership, association, or any other entity, including state and local governments and agencies. An agency is further defined in Ohio Revised Code Section 111.15 as any governmental entity of the state and includes, but is not limited to, any board, department, division, commission, bureau, society, council, institution, state college or university, community college district, technical college district, or state community college. "Agency" does not include the general assembly, the controlling board, the adjutant general's department, or any court.

Plumbing: The practice, materials, and fixtures used in the installation, maintenance, extension and alteration of all piping, fixtures, appliances, and appurtenances within the scope of the plumbing code.

Plumbing Fixtures: A receptacle or devise which is either permanently or temporarily connected to the water distribution system of the premises, and, demands a supply of water therefrom; or discharges used water, liquid-borne waste materials, or sewage either directly or indirectly to the drainage system of

the premises; or which requires both water supply connection and a discharge to the drainage system of the premises.

Premises: A lot, plot of parcel of land including the buildings or structures thereon.

Public Nuisance: Includes the following:

- 1) The physical condition or use of any premises regarded as a public nuisance at common law;
- 2) Any physical condition, use or occupancy of any premises or its appurtenances considered an attractive nuisance to children, including, but not limited to, buildings, abandoned wells, shafts, basements, excavations, and unsafe fences or structures;
- 3) Any premises which have unsanitary sewage or plumbing facilities;
- 4) Any premises designated as unsafe for human habitation or use;
- 5) Any premises which are manifestly capable of being a fire hazard, or manifestly unsafe or unsecured as to endanger life, limb, or property;
- 6) Any premises from which the plumbing, heating, and/or facilities required by this Code have been removed, or from which utilities have been disconnected, destroyed, removed, or from which utilities have been disconnected, destroyed, removed or rendered ineffective, or the required precautions against trespassers have not been provided; or
- 7) Any premises which are unsanitary, or which are littered with rubbish or garbage, or which have an uncontrolled growth of weeds; or
- 8) Any structured or building that is in a state of dilapidation; deterioration or decay; faulty construction; overcrowded; open or abandoned; damaged by fire to the extent it cannot provide shelter; or in danger of collapse or failure and dangerous to anyone on or near the premises.

Real Estate: A lot, plot or parcel of land including the buildings or structures thereon.

Renovation or Remodeling: A building and its facilities made to conform to present day minimum standards of applicable building codes.

Repair: Means the reconstruction of any part of an existing building for purpose of maintenance. Repair shall not apply to any change of construction.

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

Story: The portion of a building between the surface of any floor and the surface of the floor next above it, or, if there is no floor above it, the space between such floor and the ceiling next above it.

Structure: A walled and roofed building, manufactured home, storage building, barn, pod, or gas or liquid storage tank that is partially above ground.

Supplied: Installed, furnished or provided by the owner or operator.

Tents or other temporary structures shall include but not be limited to tents, canopies, platforms, bandstands, reviewing stands, and moving and storage pods.

Unlawful Structure: An unlawful structure is one found in whole or in part to be altered or occupied contrary to law.

Workmanlike: Whenever the words “workmanlike, state of maintenance and repair” are used in this Code, they shall mean that such maintenance and repair shall be made in a reasonably skilled manner.

Yard: A required open space, other than a court, unoccupied and unobstructed by any structure or portion of a structure from three feet above the general ground level of the graded lot upward. However, accessories, ornaments, and furniture may be permitted in any yard, subject to height limitations and requirements limiting obstruction of visibility. Yards may be classified as follows:

- A. Front yard: A yard extending between lot lines across the front of a lot and from the front line to the front of the primary building.
- B. Rear yard: a yard extending between side lines across the rear of a lot and from the lot line to the rear of the building.
- C. Side yard: A yard extending from the principal building to the side lot line of both sides of the principal building between the lines establishing the front and rear yards.

Zoning Inspector: The official designated herein or otherwise charged with responsibilities of administering this Code, or the official’s authorized representative.

ARTICLE FOUR

ADMINISTRATION AND ENFORCEMENT

4.01 APPLICATION OF PROPERTY MAINTENANCE CODE

The provisions of this Code shall apply to all existing residential and non-residential structures and all existing premises and corporate minimum standards for premises, structures, equipment, and facilities for light, ventilation, space heating sanitation, protection from the elements, life safety, safety from fire and other hazards, and for safe and sanitary maintenance, the responsibility of owners, operators, and occupants, the occupancy of existing structures and premises, and for the administration, enforcement, and penalties.

4.02 COMPLIANCE REQUIRED

Every portion of a building or premises used or intended to be used for residential, commercial, or industrial purposes, shall comply with the provisions of this Code, irrespective of when such building was constructed, altered or repaired, or premises occupied, except as hereinafter provided.

4.03 CONFLICT OF LAWS

In any case where a provision of the Code is found to be in conflict with a provision of any federal, state, county, zoning, building, fire, safety, health, or other regulation, the provision of which establishes a higher standard for the promotion and protection of the safety and health shall prevail.

4.04 EXISTING REMEDIES

The provision of this Code shall not be deemed to abolish or impair existing remedies of this jurisdiction or its officers or agencies relating to the removal or demolition of any building which are deemed to be dangerous, unsafe, and unsanitary.

4.05 SEVERABILITY

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

4.06 SAVINGS CAUSE

The Code shall not affect violations of any other resolution, ordinance, code or regulation existing prior to the effective date of this Code, and any violation of such shall be governed and shall continue to be punishable to the full extent of the law under the provisions of those resolutions, ordinances, codes or regulations in effect at the time the violation was committed.

4.07 ZONING INSPECTOR

1) *Zoning Inspector.* The administration and enforcement of this Code shall be operated and controlled by the Zoning Inspector. Enforcement may include a call upon any department, division, or contractor of the Village or other agencies, departments, experts, or persons as deemed necessary for whatever assistance may be necessary to abate a violation of this Code.

2) *Liability.* No officer, agent, or employee of the Village of Lodi shall be personally liable for any damage that may accrue to person or property as a result of any act required or permitted in the discharge of duties under this Code.

4.08 INSPECTIONS

The Zoning Inspector is authorized to make visual external inspections of yards, buildings, or structures within the Village to determine whether such yards, buildings, or structures meet the requirements of this Code. The Zoning Inspector is not authorized to enter into any buildings or structures.

The Zoning Inspector shall carry proper identification and credentials of the Zoning Inspector's respective office when inspecting structures or premises in the performance of duties under this Code.

4.09 NOTICE OF VIOLATION

1) *Content.* Whenever Zoning Inspector determine there is a violation of the provisions of this Code, notice of such violation must list the property owner, his/her heirs, assigns, and/or successors responsible if applicable and necessary, and such Notice may order compliance as hereinafter provided. Such Notice and order shall:

- a. Shall be in writing;

- b. Shall include a description of the real estate sufficient for identification;
- c. Shall include a statement of the reason or reasons why Notice is being issued;
- d. Shall include a correction order allowing a reasonable time for the repairs and improvements required to bring the property, into compliance with the provisions of this Code; and
- e. Shall state the right of an aggrieved person to the Zoning Board.

2) *Service*: A Notice of Violation shall be deemed properly served if one or more of the following methods are used:

- a. By personal delivery to the owner or occupant(s) of the premises, or by leaving the Notice at the premises with a person of suitable age and discretion; or
- b. By certified mail, deposited in a United States Post Office, addressed to the person or persons responsible at his/their last known address, with return receipt requested. If a certified mail envelope is returned with endorsement showing that the envelope is unclaimed, then service shall be sent by ordinary mail, and the mailing shall be evidenced by a certificate of mailing which shall be filed by the Zoning Inspector. Service shall be deemed complete when the fact of mailing is entered of record, provided that the ordinary mail envelope is not returned by the postal authorities with an endorsement showing failure of delivery; or
- c. By posting a copy of the Notice form in a conspicuous place on the premises found in violation; or
- d. By publishing a legal notice in a newspaper of general circulation in the Village of Lodi. The legal notice shall identify the owners of the property, the last address, if known, of the owners, the parcel identification, and the location and nature of the violation; or
- e. For a junk motor vehicle, as an addition or alternative to providing service as described above, enforcement officials may provide service by affixing a Notice of Violation in a conspicuous place to the exterior of the vehicle.

3) *Copy of Notice.* A copy of such notice shall be filed and maintained by the Village Clerk within a reasonable time after service.

4.10 PROPERTY MAINTENANCE CODE APPEALS

- 1) *Appeals Board.* To implement the purposes and requirements of this Code, there is hereby created the Appeals Board, hereinafter referred to as the Board. For the purposes of this Code, the Village of Lodi Board of Zoning Appeals shall function as the Appeals Board.
 - a. *Procedure.* Said Board may adopt rules of procedure not inconsistent with this Code. No member of the Board shall take part in any hearing or determination in which he or she has a personal or financial interest. Three (3) members of the Board in attendance at any meeting shall constitute a quorum.
 - b. *Authority.* The Board shall hear all appeals relative to the enforcement of this Code, and, by concurring vote of a majority of its members, may reverse, affirm or modify, wholly or in part, the decision appealed from; and the Board shall make such order or determination as in its opinion ought to be made. Failure to secure a majority BZA opinion to modify a Notice of Violation shall be deemed a confirmation of decisions by the Zoning Inspector.
- 2) *Hearings.* Any person affected by any Notice of Violation which has been issued in connection with enforcement of any provision of this Code, may request, and shall be granted, a hearing on the matter before the Appeals Board, provided that such person shall properly file an appeal, on forms provided by the Village of Lodi, in the Village of Lodi administrative offices. Such appeal shall be filed within twenty (20) days after the date of the Notice and Order. Upon receipt of such an appeal, the Appeals Board shall set a time and place for hearing, and shall give the appellant petitioner written notice thereof by first class mail postmarked at least ten (10) days prior to such hearing. Hearing will be scheduled within a reasonable time. At such hearing, the appellant shall be given an opportunity to be heard, and to show cause why any item appearing on such Notice and Order

should be modified or withdrawn. The failure of the appellant or their representative to appear at such hearing and state a basis of appeal shall have the same effect as if no petition were filed.

- a. *Hearing Notice*: Notice of the hearing shall be published as provided by law and written notice of the date, time and location of the hearing will be sent by regular U.S. Mail to the applicant and to all other parties in interest at least ten (10) days before the date of the hearing
- b. Village Council hereby establishes a \$50.00 fee for filing such petitions, which must accompany the petition when filed. The Appeals Board is authorized to dismiss the petition at the next regular meeting and no hearing will be conducted upon the petition of the property-filing fee does not accompany the petition when filed.

3) *Findings*. Prior to sustaining any Notice of Violation and compliance order, the Appeals Board shall make the following findings:

- a. The violator was served with a Notice of Violation and/or Citation Tag as provided for in Section 4.09 and 4.12.
- b. The Citation Tag and/or Notice of Violation that was served stated the specific nature of the violation, corrective action needed to abate the violation, and a specific time period for violation abatement.
- c. Within the time period stipulated in the Citation Tag and/or Notice of Violation, the appellant failed to comply with the Notice of Violation by not bringing affected premises into compliance with this Code.
- d. Upon expiration of the date indicated for compliance in the Notice of Violation, the property was being maintained in violation of the specific

provisions of this Code and/or conditions imposed by the Appeals Board as modification of a previous compliance order.

- 4) *Authority of Appeals Board.* Within a reasonable time after the close of the public hearing, the Appeals Board shall render a decision sustaining, modifying, or negating any item appearing on the Notice and Order. The appellant shall be notified in writing of such action.
- 5) *Personal or Financial Interest.* A member of the Appeals Board shall not participate in any hearing or vote on any appeal in which that member has direct or indirect interest, or is engaged as a contractor for such appellant, or is engaged in the preparation of plans and specifications, or in which that member has any personal or financial interest.
- 6) *Records.* The Secretary of the Village Council shall keep a record of each hearing so that the record shows clearly the basis for each decision made by the Village Council.
- 7) *Appeal from Appeals Board Decisions.* An appeal from a decision of the Appeals Board may be made to the appropriate court as provided by law.
- 8) *Stay of Proceedings.* The filing of an appeal shall stay all actions and proceedings in furtherance of the action appealed from, unless and the Zoning Inspector certifies to the Village Council, that by reason of facts stated in the certificate or application, a stay would cause imminent peril to life or property. In such case, proceedings shall not be stayed except upon order of Village Council or order of a court of competent jurisdiction.

4.11 REPORT PROCEDURE AND OFFICIAL RECORDS

- 1) As requested by Village Council of the jurisdiction, the Zoning Inspector shall submit a written statement of operations in the form and contents as prescribed by such authority.

2) An official record shall be kept of all business and activities of the Appeals Board, and all such records shall be open to public inspection at all appropriate times and under reasonable regulations established by the Village Council to maintain the integrity and security of such records.

4.12 CITATION TAGS

The Zoning Inspector is authorized to use Citation Tags for purposes of giving due notice and summons to persons responsible for violations of this Code.

- A. *Contents.* Citation Tags shall be put in writing on an appropriate form, state the nature of the violation, refer to the section or sections of this Code that have been violated, and state the appropriate assessment or penalty therefore.
- B. *Payment of Assessment:* When a Citation Tag has been served, such person or persons named shall appear at the place or places designated upon such tag, and shall pay the assessment for the violation noted on the Citation Tag. Upon full payment of the assessment, within the time limit specified, no further action will be taken to prosecute the violation noted on the citation, provided remedial action, if necessary, is taken.
- C. *Notice and Future Violation:* The Citation Tag, as herein provided, shall be sufficient notice, summons, and legal service thereof for the purposes specified thereon; provided, however, that the use of such tags shall not prohibit the issuance of either additional Citation Tags or additional legal notices of violation in the event violations are continued or repeated.
- D. *Establishment of Fee Schedule by Village Council:* Prior to the issuance of any Citation Tag, the Council for the Village of Lodi shall adopt by ordinance a Citation Tag assessment fee schedule. From time to time, and upon its own motion, said Council Members may modify the Citation Tag assessment fee schedule.
- E. *Penalty Assessment:* When a violation citation tag has been issued pursuant to this section, an amount established by the Council Members is

hereby assessed on the violator. If the assessment is received and paid within the seventy-two (72) hour period immediately following the issuance of the citation tag, all assessments are reduced by fifty percent (50%). Assessments may also be attached to the property taxes for the property in question. New citations and/or assessments may be applied every twenty-four (24) hours until violations are corrected.

4.13 PROSECUTION

In case any Notice of Violation order is not promptly complied with or properly appealed, a Zoning Inspector may request the Village Solicitor to institute an appropriate action or proceeding at law to exact the penalty provided in Section 4.22 of this Code, and in addition thereto, may ask the Village Solicitor to proceed at law or in equity against the person responsible for a violation for purposes of seeking abatement of such nuisance.

4.14 NO POWER TO ENTER STRUCTURES

The Zoning Inspector has no power or authority to enter any residential or non-residential structures in carrying out his responsibilities and duties pursuant to this Code.

4.15 TRANSFER OF OWNERSHIP

It shall be unlawful for the owner of any building or structure who has received a notice of violation to sell, transfer, mortgage, lease or otherwise dispose of same to another until the provisions of the Notice of Violation have been complied with, or until such owner shall first furnish the grantee, transferee, mortgagee or lessee a true copy of any Notice of Violation issued by a Zoning Inspector and shall furnish to the Zoning Inspector a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging receipt of such Notice of Violation and fully accepting the responsibility, without condition, for making the corrections or repairs required by such Notice of Violation. Assessments may also be attached to the property taxes for the property in question.

4.16 ABANDONMENT OF CONSTRUCTION PROJECT

All construction work shall be diligently pursued to completion on any building or structure for which a zoning and/or building permit has been issued, unless forestalled by circumstances beyond the property owner's control (including but

not limited to, labor strikes, inclement weather). Any construction project upon which no substantial work has been undertaken for a period of six (6) months and which has not provided notification in writing to the Zoning Inspector as to lapse in construction, shall be deemed abandoned. Such notification shall be filed every ninety (90) with the zoning inspector with any project experiencing a lapse in construction. Upon any construction project being deemed abandoned, the Zoning Inspector may cause all buildings or structures not completed to the degree such buildings or structures have been indicated on the plans submitted in support of a building permit, as well as all building materials and construction equipment, to be removed from the site within sixty (60) days. Upon approval from the zoning inspector, the building structures shall be secured; any and all building material, equipment, and/or construction related items shall be secured and stored; and the property otherwise maintained in accordance with the characteristics of the surrounding neighborhood. The costs of removal and storage of any building, building materials, equipment, or construction related items will be billed to the property owner. If billed costs are not recovered within thirty (30) days of receipt of the mailing described in 4.21(1), the Village may collect the cost in accordance with the Ohio Revised Code.

4.17 IMPOUNDING OF INOPERABLE OR JUNK MOTOR VEHICLES

Notwithstanding other provision of this Code, a Zoning Inspector may order into storage any vehicle maintained in violation of any provision of this Code. Prior to removal of any junk motor vehicle, The Zoning Inspector shall record the vehicle's make and model, when available. Upon collection of vehicle information and, at a minimum, fourteen (14) days after the Zoning Inspector provides notices of the violation, the Village police department may be employed in the removal and designation of the removal company and place of storage.

4.18 VEGETATION AND WEED CUTTING

1) No person owning or being in possession of platted subdivision land or land less than one acre within the Village shall fail to keep such property free and clear of all weeds, or fail to cut all such weeds and vegetation on land either owned or in their possession, whenever such weeds or vegetation have grown to a height of eight (8) inches or more.

2) With the exception of agricultural exemptions, land greater than one acre, owned or possessed by any person or entity must be kept free and clear of all weeds and rank vegetation, all such weeds and vegetation must be cut whenever

such weeds or vegetation have grown to a height of eight (8) inches or more for the one acre of land surrounding any and all building improvements.

3) In addition to the requirement of Section 4.18(1), no person shall permit any grass or weeds to grow to a height of eight (8) inches or more on any section of public right of way, including any easement areas contiguous to their property and on their property side of any pavement traveled by motor vehicles.

4) No person shall permit trees, bushes, shrubs, or other growth to overhang or block any part of either a sidewalk or unpaved, but traveled, portion of a street for a height of seven (7) feet above said surface; or to overhang or block any part of a paved street or traffic/safety sign for a height of fourteen (14) feet above the surface.

4.19 NOTIFICATION FOR WEED CUTTING

Whenever a Zoning Inspector determines there is a violation of Sections 4.18 (1) or (2) notice shall be given as provided in Section 4.09, except that it shall be permissible for the Zoning Inspector to provide such notice to the person in charge of the property once annually, thereby permitting all subsequent enforcement actions in a given year to be undertaken without notice

4.20 FAILURE TO COMPLY WITH NOTICE TO CUT WEEDS, TREES, OR BUSHES

In addition to other remedies provided for in this Code, upon expiration of the Notice of Violation, a Zoning Inspector may cause weeds, rank vegetation, trees, or bushes to be cut and destroyed, with all costs thereof billed to the property owner. If billed costs are not recovered within thirty (30) days of receipt of the mailing described in Section 4.21(1), the Village may collect the cost in accordance with the Ohio Revised Code.

4.21 ABATEMENT OF NUISANCE BY THE VILLAGE OF LODI AND COST RECOVERY

Should a nuisance not be abated at the expiration of the time stated in the Notice of Violation issued by the Zoning Inspector, or during any extensions granted, or during such additional time as the Appeals Board may grant, the Zoning Inspector shall be authorized at any time thereafter to: 1) either request a court to authorize

entry upon private and/or shared property to take such action as is deemed appropriate to abate the nuisance; or 2), in the case of public lands, effect removal of the public nuisance. These remedies shall exist in addition to any remedies provided elsewhere in this Code. In abating such nuisance, the Zoning Inspector may call on any department, division, or contractor of the Village for whatever assistance may be necessary to abate the aforesaid nuisance; or may, by private contract, abate such nuisance, with the cost of the abatement contract paid for from Village funds. All costs for abating such nuisance shall be recovered in the following manner:

- 1) The owner(s) shall be billed directly, by certified mail deposited with the United States Post Office. In the event the certified mail envelope is returned with an endorsement showing that the envelope has been unclaimed, then service shall be sent by ordinary mail and the mailing shall be evidenced by a certificate of mailing filed by the Zoning Inspector.
- 2) In the case of removal or abatement on public lands, the person(s) responsible for creating the nuisance shall be held liable to the fullest extent of the law and included but not limited to the costs, fees, fines, damages, and/or prosecution.
- 3) If the costs are not so recovered within thirty (30) days of receipt of the mailing described in Section 4.21(1), the Village may collect the cost in accordance with the Ohio Revised Code.

4.22 VIOLATIONS AND PENALTIES

- 1) No person shall violate any provision of, or fail to conform to, the requirements of this Code, nor fail to comply with any order made thereunder.
- 2) Whoever violates any section of this Code may be fined not more than one hundred dollars (\$100.00). A separate offense shall be deemed committed each day on which a violation occurs or continues.
- 3) The application of the penalty provided in subsection 2 hereof shall not prevent the enforcement and removal of prohibited conditions.

ARTICLE FIVE

RESIDENTIAL PROPERTY MAINTENANCE STANDARDS

5.01 APPLICATION OF MAINTENANCE STANDARDS

The following standards are applicable to all residential structures, dwelling units, residential portions of mixed use structures, and all dwelling units located in commercial buildings.

5.02 STRUCTURAL SOUNDNESS AND MAINTENANCE OF DWELLINGS

All foundations, exterior walls, and the roofs of every dwelling shall be maintained, and shall be kept in good repair and in safe condition, so as to make all occupied rooms and other interior areas weather-tight, water-tight, rodent-proof, fit for human habitation, and kept so as not to adversely affect the neighborhood in which they are located. Good repair, maintenance, and safe conditions shall include, but not be limited to, the following:

- 1) *Foundations.* Foundations shall support the building at all points and shall be free of holes and cracks which may admit rodents, water, or dampness to the interior of the building, or which may lessen the capability of the foundation to support the building.
- 2) *Exterior Walls and Surfaces.* Exterior walls and other exterior surface materials shall be free of holes, cracks, loose or rotting boards and timbers, or any other condition which might admit rodents, water, or dampness to the interior of a dwelling. Except for materials that have been designed to remain untreated, all exterior wood, composition, or metal surfaces shall be protected from the elements by paint or other protective covering. Surfaces shall be properly secured and maintained so as to be kept clean and free of flaking and loose or peeling paint.
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- 3) *Windows.* Windows shall be fully supplied with window glass or an approved substitute which is glazed and without open cracks or holes. Sashes shall be in good condition, properly fitted within frames, and shall be maintained so as to exclude adverse weather elements from entering the structure.

- 4) *Exterior Doors.* Doors shall be maintained so as to be structurally sound; fit within frames so as to be weatherproof, windproof, and water-proof; and shall be provided with door hinges and/or tracks and door latches which are in good working condition.

- 5) *Roof.* Roof members, roof coverings, and flashing shall be structurally sound and tight so as to prevent the entrance of moisture, and shall be maintained by renewal, repair, waterproofing or other suitable means. Roof drainage shall be adequate to prevent rain water from causing dampness within the building.

- 6) *Gutters.* Rain gutters, downspouts, leaders or other means of water diversion shall be provided to collect, conduct, and discharge all water from the roof, and such appurtenances shall be maintained.

- 7) *Chimneys.* Chimneys shall have appropriate flashing and be free of cracks, holes, missing portions and mortar, and shall be maintained in sound condition.

- 8) *Porches and Decks.* Every porch and deck shall be so constructed and maintained so as to be free of missing, defective, rotted, or deteriorated foundations, supports, floors, railings, and steps thereto, so as to be safe to use, and porch elements shall be kept in sound condition and in good repair.

- 9) *Basement.* Basement or cellar hatchways shall be so constructed and maintained as to prevent the entrance of rodents, rain, and surface drainage into a structure.

- 10) *Decorative Features:* All cornices, entablatures, bell courses, corbels, terra cotta trim, stucco, wall facings and similar decorative features shall be maintained in good repair, with proper anchorage, and in a safe condition.

5.03 PROPERTY AND STRUCTURE EXTERIORS

All buildings, and the exterior of all premises, shall be properly maintained so as to achieve an appearance characteristic to the neighborhood and avoid blighted effects and hazardous conditions.

- 1) *Exterior Walls.* Every exterior wall shall be free of holes, breaks, loose or rotting boards or timbers, and any other conditions which might admit rain or dampness to the interior portions of the walls or to the occupied spaces of the building. All exterior surface materials, including wood, composition, or metal siding, shall be maintained weatherproof and shall be properly surface coated, when required to prevent deterioration.

- 2) *Exterior Space.* The exterior open space around every dwelling shall be improved and maintained so as to provide for:
 - a. The immediate diversion of water away from buildings, and proper drainage of the lot;
 - b. Grass, plantings, or other suitable ground cover to prevent soil erosion which is, or may become, detrimental to the structures, lot use, or adjacent lots and structures;
 - c. Walks, parking areas, and driveway of either concrete, asphalt, pavers, gravel (where permitted), or a similar surface, all of which are of sound construction and properly maintained; and
 - d. Exterior steps which are of sound construction and properly maintained, free of hazardous conditions.

- 3) *Maintenance.* The exterior of all premises and every structure thereon, including but not limited to walls, roofs, cornices, chimneys, drains, towers, porches, landings, fire escapes, stairs, signs, windows, doors, awnings, and all surfaces thereof, shall be maintained so as to avoid any blighting effects on neighboring properties, and shall be painted or protected where necessary for purposes of preservation. All canopies, signs, awnings, exterior stairways, fire escapes, standpipes, exhaust ducts, porches, balconies, and similar overhanging extensions, where exposed to public view, shall be maintained in good condition, and shall not show evidence of ripping, tearing, or deterioration.

- 4) *Roofs*: The roof shall be structurally sound, tight, and not have defects which might admit rain and roof drainage shall be adequate to prevent rain water from causing dampness in the walls or interior portion of the building.
- 5) *Decorative Features*: All cornices, entablatures, belt courses, corbels, terra cotta trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.
- 6) *Signs and Awnings*: All canopies, signs, metal awnings, stairways, fire escapes, standpipes, exhaust ducts and similar overhanging extensions shall be maintained in good repair and be properly anchored so as to be kept in a safe and sound condition.
- 7) *Chimneys*: All chimneys, smoke stacks, and similar appurtenances shall be maintained structurally safe, sound, and in good repair.
- 8) *Stairs and Porches*: Every stair, porch, balcony, and all appurtenances attached thereto shall be so constructed as to be safe to use and capable of supporting the loads to which it is subjected and shall be kept in sound condition and good repair.
- 9) *Window and Door Frames*: Every window and door frame shall be constructed and maintained in such relation to the adjacent wall construction so as to exclude rain as completely as possible, and to substantially exclude wind from entering the dwelling or structure. Every required window sash shall be fully supplied with approved glazing materials so as to eliminate open cracks and holes. Every exterior door, door hinge, or door latch shall be maintained in good condition. Door locks in dwelling units shall be in good repair and capable of tightly securing the door.

- 10) *Basement Hatchways*: Every basement or cellar hatchway shall be so constructed or maintained as to restrict the entrance of pests, rain, and surface drainage water into the structure.

- 11) *Exhaust Vents*: A person shall not construct, maintain or operate pipes, ducts, conductors, fans, or blowers discharging gases, steam, vapor, hot air, grease, smoke odors or other gaseous or particulate wastes so as to discharge directly upon abutting or adjacent public and private property or that of another tenant.

- 12) *Wood Piles*: All wood piles are required to be stacked neatly and have a minimum 3" air space between the ground and the first layer of wood.

- 13) *Yards*. All yards, courts, and lots shall be kept free of overgrown grasses, weeds, debris, and other materials which may cause a fire, health, safety hazard, or not in accordance with the general characteristics of the neighborhood.

- 14) *Hazards*. Hazards and unsanitary conditions shall be eliminated.

- 15) *Occupancy*. No temporary buildings, trailers, recreational vehicles, tents, garages, barns or similar abodes shall be used either temporarily or permanently as a residence during the course of construction on a site or for any other reason. Notwithstanding this Section 5.03(15), this Code expressly permits the use of temporary buildings, trailers, recreational vehicles, tents, garages, barns, or similar abodes to be used as a residence for up to ninety (90) days if that person lost their house because of a natural disaster (i.e. flood, fire, tornado, earthquake, etc.).

- 16) *Drainage*. All portions of premises shall be graded so that there is no pooling of water or recurrent entrance of water into any part of any building except when such pooling or retention of water is part of a plan approved by the County Engineer. All condensate and waste cooling water shall be appropriately discharged into a County approved drainage system.

17) *Drainage Swales.* Swales are to be maintained by owners of the parcels on which they are located. At no time shall shrubs and/or trees be planted; nor shall any material, fill or waste be discharged, emptied, or placed into any swale so as to divert or impede drainage flow. Small swales can be mowed as part of the yard. Larger swales, in meadow situations, should be mowed less frequently in order to allow taller grasses to grow in order to retard runoff and prevent erosion. Swales in woodland areas shall be left in their natural condition, leaving understory growth to retard runoff and prevent erosion.

18) *Fences.* All fences and similar structures shall be anchored firmly in the ground and shall be constructed in a workmanlike manner and maintained in that same manner so that such fences or similar structures shall always be in a state of good structural repair or, in the alternative, such structures shall be removed or replaced. All fences shall be treated periodically so as to delay deterioration.

19) *Junk, Inoperable or Unlicensed Vehicle.* No junk, inoperable, or unlicensed vehicle shall be located on any residential property or public lands, or in violation of applicable zoning district regulations, except when stored within a completely enclosed building.

20) *Exterior Property Areas and Premises:* Exterior property areas and premises shall be maintained in a clean, safe, and sanitary condition free from any accumulation of rubbish or trash.

5.04 VEGETATION

1) *Vegetation Cutting Required.* All grass and weeds shall be periodically cut so as not to exceed a height of eight (8) inches.

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2) *Maintenance of Plantings.* All plant materials, especially trees and shrubs, afflicted with decay, disease, insect infestation, or otherwise considered dangerous to other plant materials, shall be removed or appropriately treated. All sound plant materials, especially trees and shrubs, shall be properly maintained.

5.05 STAIRWAYS/RAMPS

1) *Exterior Stairways/Ramps.* Exterior stairways on all residential premises shall be kept in accordance with the following provisions:

- a. Free of holes, grooves, and cracks which constitute a safety hazard;
- b. Free of rotted or deteriorated supports;
- c. Stairway handrails and/or railings shall be firmly fastened and maintained in good condition. Where the absence of handrails and/or railings creates a hazardous condition, a Zoning Inspector may require installation in accordance with the provisions of the Medina County Building Code
- d. Wheelchair ramps must be maintained according to the Americans with Disabilities Act requirements.

5.06 ACCESSORY STRUCTURES

Structures accessory to dwellings, including detached garages, shall be structurally sound, maintained, and in good repair, or such accessory structures shall be razed to grade level and the resulting debris removed from the premises.

5.07 PLACEMENT OF GARBAGE CONTAINERS

The owner or occupant of every residence producing garbage, vegetable wastes, or other putrefaction materials shall provide, and at all times cause to be used, leak-proof approved containers, provided with close fitting covers for the storage of such materials until removed from the premises for disposal. All residential garbage/garbage containers shall be placed for pick-up at the curb or designated location by trash hauler. No garbage/garbage container shall be placed at the curb or designated location earlier than 24 hours preceding scheduled pickup, and all such containers shall be removed within 24 hours after pickup. All garbage containers shall either be in an enclosed building or placed behind or beside the structure.

1) *Multi-Family Dwelling Units.* All multi-family dwelling units utilizing a dumpster for trash removal must locate the dumpster to the rear of the structure. If a multi-family unit does not use a dumpster, residents must follow the same requirements as defined in Section 5.07, "Placement of Garbage Containers."

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2) *Bundling of Trash.* If trash is of such nature that it cannot be put in regulation containers, it shall be placed in a manner as specified by the trash hauler, and placed at the curb or road side as specified under Section 5.07 "Placement of Garbage Containers."

3) *Penalty.* In addition to penalties specified in Section 4.22, "Violations and Penalties", violations of section 5.07 may result in the Village abating the violation at the property owner's expense.

5.08 JUNK, INCLUDING INOPERABLE OR JUNK MOTOR VEHICLES

1) *Storage of Inoperable or Junk Motor Vehicle on Private Property.* Pursuant to Ohio Revised Code §4513.60, no inoperable or junk motor vehicle shall be maintained on any private property unless such vehicle is stored within a completely enclosed permanent structures. For purposes of this section, enclosed permanent structure does not including tents or temporary carports with canvas tops.

2) *Parking of Inoperable or Junk Motor Vehicles and Other Items on Public Lands.* No trailer, storage container, inoperable or junk motor vehicle or other item owned privately shall be maintained on any public lands or in any road right of way.

3) *Impounding of Inoperable or Junk Motor Vehicle and Other Items.* In addition to other remedies provided by law, the Zoning Inspector may advise the police department of the violation of Section 5.08 for enforcement and/or removal/impounding of the vehicle(s) pursuant to [REDACTED].

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4) **Disposition of Inoperable or Junk Motor Vehicles Ordered into Storage.** Any inoperable or junk motor vehicle ordered into storage that remains unclaimed for a period of thirty (30) days may be disposed of at a motor vehicle salvage dealer or scrap metal processing facility under contract with the Village for the disposal of such motor vehicles, or may be sold by the Village or licensed auctioneer at a public auction, after giving notice thereof by advertisement, published once a week for two successive weeks in a newspaper of general circulation in the Village. Any moneys accruing from the disposition of an unclaimed motor vehicle that are in excess of the expenses resulting from the removal and storage of the vehicle shall be credited to the general fund of the Village.

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5) *Towing and Storage Charge; Recovery of Impounded Vehicle.* The owner of any inoperable or junk vehicle order into storage pursuant to this resolution may reclaim it upon payment of any expenses or charges incurred in its removal, and storage and upon presentation of proof of ownership which shall be evidenced by a certificate of title to the motor vehicle.

5.09 INSECT AND RAT CONTROL

An owner of a structure or property shall be responsible for the extermination of insects, rats, vermin, or other pests in all exterior areas of the premises, except that the occupant shall be responsible for such extermination in the exterior areas of the premises of a single-family dwelling. Whenever infestation exists in the shared or public parts of the premises of other than a single-family dwelling, extermination shall be the responsibility of the owner. Prior to renting or leasing a dwelling unit the owner of the structure shall be responsible for extermination within said dwelling unit.

5.10 SEWAGE SYSTEMS.

1) *General.* Every sink, lavatory, bathtub, shower, drinking fountain, water closet, or other facility shall be properly connected to a public sewer system.

2) *Maintenance.* Every plumbing stack, waste, and sewer line shall be so installed and maintained as to function properly and shall be kept free from obstructions, leaks, and defects to prevent structural deterioration or health hazards. All repairs and installations shall be made in accordance with the provisions of any applicable building or plumbing codes.

5.11 STORM DRAINAGE

- 1) *General.* An approved system of storm water disposal shall be provided by the owner and maintained for the safe and efficient drainage of roofs and paved areas, yards and courts, and other open areas on the premises to prevent areas of standing water and structural deterioration.

- 2) *Maintenance.* All guttering, down spouting, and sump pumps shall be properly connected to a public storm sewer system. All storm water disposal system shall be kept free of obstruction and leaks and be capable of handling normal storm run-off.

5.12 TENTS OR OTHER TEMPORARY STRUCTURES

- 1) *Scope.* Tents or other temporary structures shall include but not be limited to tents, canopies, platforms, bandstands, reviewing stands, and moving and storage pods.

- 2) Tents or other temporary structures shall not be used as a residence or used to store materials year round.

- 3) All tents or other temporary structures shall be erected in accordance with the Ohio Building Code, the Medina Building Code, and the Village of Lodi Planning and Zoning Code.

- 4) A tent or other temporary structure may be erected on residential property for a period not to exceed 90 days without obtaining a permit from the Village of Lodi.

- 5) All persons erecting a tent or other temporary structure for a period exceeding 90 days must obtain a permit from the Village of Lodi for a fee of Thirty Dollars (\$30.00) Permits shall be limited to one (1) per site per year for residential properties.

- 6) Notwithstanding the foregoing, persons erecting tents encompassing an area of 400 square feet or more must also obtain a permit from the Village of Lodi Fire Department.

7) Tents or other temporary structures shall be maintained in good condition so that the contents within cannot be seen from outside the tent or temporary structure. Furthermore, the tent or other temporary structure shall not contain holes or tears.

5.13 SWIMMING POOLS, SPAS, AND HOT TUBS

1. Swimming pools, spas, and hot tubs shall be maintained in a clean and sanitary condition, and in good repair.

2. Enclosures: Private swimming pools, hot tubs, and spas, containing water more than 24 inches (610 mm) in depth shall be completely surrounded by a fence or barrier at least 48 inches (1219 mm) in height above the finished ground level measured on the side of the barrier away from the pool. Gates and doors in such barriers shall be self-closing and self-latching. Where the self-latching device is less than 54 inches (1372 mm) above the bottom of the gate, the release mechanism shall be located on the pool side of the gate. Self-closing and self-latching gates shall be maintained such that the gate will positively close and latch when released from an open position of 6 inches (152 mm) from the gatepost. No existing pool enclosures shall be removed, replaced or changed in a manner that reduces its effectiveness as a safety barrier. Private swimming pools, spas, and hot tubs must also have a cover over the surface of the water when the swimming pool, spa, or hot tub is not being used.

ARTICLE SIX

COMMERCIAL AND INDUSTRIAL PROPERTY MAINTENANCE STANDARDS

6.01 GENERAL PROVISIONS

Every commercial structure, commercial unit, industrial structure, and industrial unit shall meet all of the provisions and requirements of the official zoning code, building code, fire code and health ordinance applicable to the structure and its' intended and present use. Where these codes require the provision of a particular facility or equipment, or where they set a structural or installation standard, such related parts of every commercial structure, commercial unit, industrial structure, and industrial unit shall be maintained to the minimum standard provided for in the applicable section of this Code or to the minimum standard provided for in the above codes, whichever standard is higher.

The following commercial and industrial property maintenance standards are applicable to all commercial structures, commercial units, portions of mixed use structures which are devoted to commercial use, including all exterior and structural requirements, soundness, and maintenance, industrial structures, industrial units, and portions of mixed use structures which are devoted to industrial use, including all exterior and structural requirements soundness, and maintenance.

6.02 STRUCTURAL SOUNDNESS AND MAINTENANCE OF COMMERCIAL AND INDUSTRIAL STRUCTURES

Every foundation, floor, wall, ceiling and roof of every commercial structure and industrial structure shall be so constructed and maintained and be kept in good repair and in safe condition so as to make all occupied rooms and other interior areas weather-tight, water-tight, rodent proof and so as to be fit for human use and so as to not adversely affect the neighborhood in which they are located. Good repair, maintenance and safe condition shall include but is not limited to the following:

- 1) *Foundations.* Foundations shall support the building at all points and shall be free of holes and cracks which may admit rodents, water, or dampness to the interior of the building, or which may lessen the capability of the foundation to support the building.
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- 2) *Exterior Walls and Surfaces.* Exterior walls and other exterior surface materials shall be free of holes, cracks, loose or rotting boards and timbers, or any other condition which might admit rodents, water, or dampness to the interior of a dwelling.
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- 3) *Windows.* Windows shall be fully supplied with window glass or an approved substitute which is glazed and without open cracks or holes. Sashes shall be in good condition, properly fitted within frames, and shall be maintained so as to exclude adverse weather elements from entering the structure.
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- 4) *Exterior Doors.* Doors shall be maintained so as to be structurally sound; fit within frames so as to be weatherproof, windproof, and water-proof;

and shall be provided with door hinges and/or tracks and door latches which are in good working condition.

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- 5) *Roof.* Roof members, roof coverings, and flashing shall be structurally sound and tight so as to prevent the entrance of moisture, and shall be maintained by renewal, repair, waterproofing or other suitable means. Roof drainage shall be adequate to prevent rain water from causing dampness within the building.

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- 6) *Gutters.* Rain gutters, downspouts, leaders or other means of water diversion shall be provided to collect, conduct, and discharge all water from the roof, and such appurtenances shall be maintained so as not to leak or cause dampness in the walls, ceiling, or basements or adversely affect adjacent properties.

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- 7) *Chimneys.* Chimneys shall have appropriate flashing and be free of cracks, holes, missing portions and mortar, and shall be maintained in sound condition.

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- 8) *Porch.* Every porch shall be so constructed and maintained so as to be free of missing, defective, rotted, or deteriorated foundations, supports, floors, railings, and steps thereto, so as to be safe to use, and porch elements shall be kept in sound condition and in good repair.

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- 9) *Exterior Surfaces.* Except for materials that have been designed to remain untreated, all exterior wood, composition, or metal surfaces shall be protected from the elements by paint or other protective covering. Surfaces shall be properly secured and maintained so as to be kept clean and free of flaking and loose or peeling paint.

- 10) *Basement.* Basement or cellar hatchways shall be so constructed and maintained as to prevent the entrance of rodents, rain, and surface drainage into a structure.

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- 11) *Decorative Features:* All cornices, entablatures, bell courses, corbels, terra cotta trim, stucco, wall facings and similar decorative features shall be maintained in good repair, with proper anchorage, and in a safe condition.

6.03 EXTERIOR PROPERTY AND STRUCTURE EXTERIORS

All buildings and the exterior of all premises shall be properly maintained to achieve a presentable appearance and to avoid blighting effects and hazardous conditions.

A. *Exterior Space.* The exterior open space around every dwelling shall be improved and maintained so as to provide for:

- 1) The immediate diversion of water away from buildings, and proper drainage of the lot;
- 2) Grass, plantings, or other suitable ground cover to prevent soil erosion which is, or may become, detrimental to the structures, lot use, or adjacent lots and structures;
- 3) Walks, parking areas, and driveways of either concrete, asphalt, pavers, or a similar surface, all of which are of sound construction and properly maintained; and
- 4) Exterior steps which are of sound construction and properly maintained, free of hazardous conditions.

B. *Maintenance.* The exterior of all premises and every structure thereon, including but not limited to walls, roofs, cornices, chimneys, drains, towers, porches, landings, fire escapes, stairs, signs, windows, doors, awnings, and all surfaces thereof, shall be maintained so as to avoid any blighting effects on neighboring properties, and shall be painted or protected where necessary for purposes of preservation. All canopies, signs, awnings, exterior stairways, fire escapes, standpipes, exhaust ducts, porches, balconies, and similar overhanging extensions, where exposed to public view, shall be maintained in good condition, and shall not show evidence of ripping, tearing, or deterioration.

C. *Yards.* All yards, courts, and lots shall be kept free of overgrown grasses, weeds, debris, and other materials which may cause a fire, health, safety hazard, or general unsightliness.

D. *Hazards.* Hazards and unsanitary conditions shall be eliminated.

- E. *Occupancy.* No temporary buildings, trailers, recreational vehicles, tents, garages, barns or similar abodes shall be used either temporarily or permanently as a residence during the course of construction on a site or for any other reason.
- F. *Storage.* Except as provided for in other regulations of the Village, outdoor storage of any kind shall be prohibited.
- G. *Drainage.* All portions of premises shall be graded so that there is no pooling of water or recurrent entrance of water into any part of any building except when such pooling or retention of water is part of a plan approved by the County Engineer. All condensate and waste cooling water shall be appropriately discharged into a County approved drainage system.
- H. *Drainage Swales.* Swales are to be maintained by owners of the parcels on which they are located. At no time shall shrubs and/or trees be planted; nor shall any material, fill or waste be discharged, emptied, or placed into any swale so as to divert or impede drainage flow. Small swales can be mowed as part of the yard. Larger swales, in meadow situations, should be mowed less frequently in order to allow taller grasses to grow in order to retard runoff and prevent erosion. Swales in woodland areas shall be left in their natural condition, leaving understory growth to retard runoff and prevent erosion.
- I. *Fences.* All fences and similar structures shall be anchored firmly in the ground and shall be constructed in a workmanlike manner and maintained in that same manner so that such fences or similar structures shall always be in a state of good structural repair or, in the alternative, such structures shall be removed or replaced. All fences shall be treated periodically so as to retard deterioration.
- J. *Junk, Inoperable or Unlicensed Vehicle.* No junk, inoperable, or unlicensed vehicle shall be located on any residential property or public lands, or in violation of applicable zoning district regulations, except when stored within a completely enclosed building.
- K. *Traffic Markings.* All traffic markings such as directional arrows, lane division lines, parking space lines, stop signs, etc., shall be maintained so as to be clearly visible and easily recognized which shall conform with the county highway regulations and state law.
- L. *Conduct of Business.*

- 1) All business activity, except for off-street loading, shall be conducted within completely enclosed buildings.
- 2) All storage of trash and garbage containers and/or dumpsters shall be effectively screened from view in a manner approved by the final site plan review per the Village of Lodi Planning and Zoning Commission.
- 3) All storage of materials, goods or products, including inoperable vehicles, shall be within a completely enclosed building.

M. *Exterior Light Fixtures.* Exterior lighting fixtures over steps, paths, walkways, courts, drives and parking lots shall be neatly maintained in operable condition as approved by the final site plan review per the Village of Lodi Planning and Zoning Commission.

N. *Noise.* No noise in excess of 60 decibels shall emanate from a commercial use or industrial use when it is adjacent to a residential use. Noise levels shall be measured at the property line between uses.

6.04 VEGETATION

1) *Vegetation Cutting Required.* All grass, weeds or rank vegetation shall be periodically cut and in no case shall exceed a height of eight (8) inches.

2) *Maintenance of Plantings.* All plant materials, especially trees and shrubs, afflicted with decay, disease, insect infestation, or otherwise considered dangerous to other plant material shall be removed or appropriately treated. All sound plant materials, especially trees and shrubs, shall be properly maintained.

6.05 STAIRWAYS

A. *Exterior Stairways.* All exterior stairways on all commercial or industrial premises shall be in accordance with the following procedures:

- 1) Stairways shall be maintained free of holes, grooves, and cracks which constitute a safety hazard;

2) Stairways shall be maintained free of rotted or deteriorated supports;

3) Stairways shall have treads of uniform width and risers of uniform height; and

4) Stairway handrails and/or railings shall be firmly fastened and maintained in good condition. Whereas the absence of handrails and/or railings creates a hazardous condition, the Zoning Inspector may require their installation in accordance with the provisions of the Medina County Building Code.


6.06 ACCESSORY STRUCTURES

All structures accessory to commercial use or industrial use, including signs and detached storage buildings, shall be maintained structurally sound, neatly maintained, and in good repair or shall be razed to grade level and debris removed from the premises.

6.07 JUNK, INCLUDING MOTOR VEHICLES

A. *Storage of Inoperable or Junk Motor Vehicle on Private Property.* No inoperable or junk motor vehicle shall be maintained on any private property unless such vehicle is stored within a completely enclosed building. Ohio Revised Code 4513.60.

B. *Parking of Inoperable or Junk Motor Vehicles and Other Items on Public Lands.* No trailer, storage container, inoperable or junk motor vehicle or other item owned privately shall be maintained on any public lands or in any road right of way.

C. *Impounding of Inoperable or Junk Motor Vehicle and Other Items.* In addition to other remedies provided by law, the Zoning Inspector may advise the police department of the violation of Section 6.07 for enforcement and/or removal/impounding of the vehicle(s) pursuant to .

D. *Disposition of Inoperable or Junk Motor Vehicles Ordered into Storage.* Any inoperable or junk motor vehicle ordered into storage that remains unclaimed for a period of thirty (30) days may be disposed of at a motor vehicle salvage dealer or scrap metal processing facility owned by or under contract with the Village for the disposal of such motor vehicles, or

may be sold by the Village or licensed auctioneer at a public auction, after giving notice thereof by advertisement, published once a week for two successive weeks in a newspaper of general circulation in the Village. Any moneys accruing from the disposition of an unclaimed motor vehicle that are in excess of the expenses resulting from the removal and storage of the vehicle shall be credited to the general fund of the Village.

E. *Towing and Storage Charge; Recovery of Impounded Vehicle.* The owner of any inoperable or junk vehicle order into storage pursuant to this resolution may reclaim it upon payment of any expenses or charges incurred in its removal, and storage and upon presentation of proof of ownership which shall be evidenced by a certificate of title to the motor vehicle.

6.08 GRAFFITI

A. *Prohibited Conduct*

- 1) No person shall inscribe, draw, or otherwise place or cause to be placed, any graffiti upon the surface of any building, structure, wall or surface of other property, including, but not limited to sidewalks, walls, building, fences and signs, that is publicly or privately owned.

- 2) No parent or legal guardian shall knowingly permit any minor child in his or her custody or control to violate Paragraph A.1 hereof.

- 3) The parent or legal guardian of a minor defendant who resides with such parent or legal guardian at the time of the offense may be held liable for any fine or condition of restitution or reparation imposed by a court upon a minor for violations of this section, provided that such minor has not paid such fine or made restitution or reparation within the time ordered by the court, and further provided that such parent or legal guardian has been served with summons of notice to appear, whether in the original caused or in any subsequent proceedings arising there from.

B. *Removal by Owner.* It shall be the duty of the owner of the structure or wall or other private property, upon which any graffiti is placed or made, to remove, eradicate or eliminate such inscription or representation with fourteen days of the occurrence unless granted additional time by the Village.

C. *Removal by the Village*

1) The Village shall have the right but not the duty to remove graffiti from the exterior of private property if the owner informs the Village of the presence of such graffiti and of the owner's inability to remove it. Prior to the Village entering any private property to remove graffiti, the owner must sign a statement authorizing removal by the Village and agreeing to pay the reasonable cost of such removal and to allow the recording of a lien against the real estate upon which the work was performed if the cost is not paid to the Village within thirty (30) days of the date of the invoice sent to the owner. The owner must also sign a release holding the Village harmless from any claims, damages or suits brought for damages pursuant to any adverse or injurious effects of such chemicals or from the actions taken by the Village commencing work on the property. If the property owner does not remove the graffiti within the time specified or extended time requested and granted by the Village, or if the Village is unable to perform the work at the request of the owner, the owners shall be subject to the penalties provided in Section 4.22.

2) If the Village performs the graffiti removal pursuant to Paragraph C.1 hereof, it shall be entitled to a lien upon which the work was performed for the cost of the removal.

3) If the owner of private property fails to remove graffiti and fails to comply with the notices to remove graffiti, the Village shall cause the removal of the graffiti from the owner's property and may employ the necessary labor to perform such task. All expenses incurred shall be paid out of any money in written return to the Auditor of Medina

County with a statement of the charges for services in graffiti removal, together with a proper amounts shall be entered upon the tax duplicate, shall constitute a lien upon such lands from the date of the entry, and shall be collected as other taxes and returned to the Village with the General Fund. The remedy provided for this subsection shall be subject to the penalties provided in Section 4.22.

6.09 INSECT AND RAT CONTROL

An owner of a structure or property shall be responsible for the extermination of insects, rats, vermin, or other pests in all exterior areas of the premises, except that the occupant shall be responsible for such extermination in the exterior areas of the premises of a single-family dwelling. Whenever infestation exists in the shared or public parts of the premises of other than a single-family dwelling, extermination shall be the responsibility of the owner. Prior to renting or leasing a dwelling unit the owner of the structure shall be responsible for extermination within said dwelling unit.

6.10 SEWAGE SYSTEMS.

- 1) *General.* Every sink, lavatory, bathtub, shower, drinking fountain, water closet, or other facility shall be properly connected to a public sewer system.

- 2) *Maintenance.* Every plumbing stack, waste, and sewer line shall be so installed and maintained as to function properly and shall be kept free from obstructions, leaks, and defects to prevent structural deterioration or health hazards. All repairs and installations shall be made in accordance with the provisions of any applicable building or plumbing codes.

6.11 STORM DRAINAGE

- 1) *General.* An approved system of storm water disposal shall be provided by the owner and maintained for the safe and efficient drainage of roofs and paved areas, yards and courts, and other open areas on the premises to prevent areas of standing water and structural deterioration.

- 2) *Maintenance.* All guttering, down spouting, and sump pumps shall be properly connected to a public storm sewer system. All storm water disposal system shall be kept free of obstruction and leaks and be capable of handling normal storm run-off.

6.12 TENTS OR OTHER TEMPORARY STRUCTURES

- 1) Scope. Tents or other temporary structures shall include but not be limited to tents, canopies, platforms, bandstands, reviewing stands, and moving and storage pods.
- 2) Tents or other temporary structures shall not be used to store materials year round.
- 3) All tents or other temporary structures shall be erected in accordance with the Ohio Building Code, the Medina County Building Code, and the Village of Lodi Planning and Zoning Code.
- 4) A tent or other temporary structure may be erected on commercial property or industrial property, for a period not to exceed 10 days, by obtaining a permit from the Village of Lodi for a fee of Twenty-Five Dollars (\$25.00) Person erecting tents encompassing an area of 400 square feet or more must also obtain a permit from the Village of Lodi Fire Department.
- 5) Tents or other temporary structures shall be maintained in good condition so that the contents within the tent or temporary structure cannot be seen from outside the tent. Further, the tents or other temporary structures shall not contain holes or tears.

ARTICLE SEVEN

CONDEMNATION

7.01 GENERAL

When a structure or part thereof is found by the Zoning Inspector to be unsafe, or when a structure or part thereof is found unfit for human occupancy or use, or is found unlawful, it may be condemned pursuant to the provisions of this Code and may be placarded and ordered vacated. It shall not be re-occupied without written approval of the Zoning Inspector. Unsafe equipment shall be placarded and placed out of service.

7.02 UNSAFE STRUCTURE

An unsafe structure is one in which all or part thereof is found to be dangerous to life, health, property, or safety of the public or its occupants because it is so damaged, decayed, dilapidated, structurally unsafe, or of such faulty construction or unstable foundation that it is likely to partially or completely collapse.

7.03 UNSAFE EQUIPMENT

Unsafe equipment includes any boiler, heating equipment, electrical wiring or devise, flammable liquid containers or other equipment on the premises which is in such disrepair or condition that it is found to be a hazard to life, health, property, or safety of the public or occupants of the premises or structure. Unsafe equipment may contribute to the finding that the structure is unsafe or unfit for human occupancy or use.

7.04 STRUCTURE UNFIT FOR HUMAN OCCUPANCY

A structure is unfit for human occupancy or use whenever the Zoning Inspector finds that it is unsafe, unlawful, or because of the degree in which it lacks maintenance or is in disrepair, is unsanitary, vermin or rat infested, contains filth and contamination, or because its location constitutes a hazard to its occupants or to the public.

7.05 CLOSING OF VACANT STRUCTURE

If the structure or part thereof is vacant and unfit for human habitation, occupancy, or use, and is not in danger of structural collapse, the Zoning Inspector may post a placard of condemnation on the premises and may order the structure closed up so it will not be an attractive nuisance to youngsters. Upon the failure of the owner to close up the premises within the time specified in the order, the Zoning Inspector shall cause it to be closed through any available public agency or by contract or arrangement by private persons and the cost thereof shall be charged against the real estate which the structure is located and shall be a lien upon such real estate.

7.06 PLACARDING OF STRUCTURE

After the Condemnation Notice required under the provisions of this Code has resulted in an order by virtue of failure to comply within the time given, the Zoning Inspector may post on the premises or structure or part thereof, or on defective equipment, a placard bearing the words "CONDEMNED AS UNFIT FOR HUMAN OCCUPANCY OR USE", and a statement of the penalties provided for any occupancy or use or for removing the placard. The owners or the person or persons responsible for the correction of violation and all occupants

shall have removed themselves from the property on failure to comply with the Correction Order in the time specified.

7.07 PROHIBITED USE

Any person who shall occupy a placarded premises or structure or part thereof, or shall use placarded equipment, and any owner or any person responsible for the premises who shall let anyone occupy a placarded premise shall be liable for the penalties provided by this Code.

7.08 REMOVAL OF PLACARD

The Zoning Inspector shall remove the condemnation placard whenever the defect or defects upon which the condemnation and placarding action were based have been eliminated. Any person who defaces or removes a condemnation placard without the approval of the Zoning Inspector shall be subject to the penalties provided by this Code.

ARTICLE EIGHT

DEMOLITION

8.01 GENERAL

The Zoning Inspector may order the owner of the premises upon which is located any structure or part thereof, which in the Zoning Inspector's judgment, is so old, dilapidated or has become so out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human habitation occupancy or use, and so that it would be unreasonable to repair the same to raze and remove such structure or part thereof: or if it can be made safe by repairs, to repair and make safe and sanitary or to raze and remove at owners option. An inspection and recommendation for demolition of a structure shall be made by the Health Department and/or other proper authorities of Medina County.

8.02 ORDER

The order shall specify a time in which the owner shall comply therewith and specify repairs, if any. It shall be served on the owner of record or an agent where an agent is in charge of the building and upon the holder of any encumbrance of record in the manner provided for service of a summons by a court of record. If the owner or a holder of an encumbrance of record cannot be found, the order may be served by posting it on the main entrance of the building or by publishing it once each week for three consecutive weeks in a newspaper of general circulation authorized to provide service by publication.

8.03 RESTRAINING ACTIONS

Anyone affected by any such order after having appealed to the Zoning Board, shall within thirty (30) days after service of such order apply to a court of record for an order restraining this Zoning Inspector from razing and removing such structure or parts thereof. The court shall determine whether the order of the Zoning Inspector is reasonable and if found reasonable, the court shall dissolve the restraining order, and if found not reasonable, the court shall continue the restraining order to modify it as the circumstances may require.

8.04 FAILURE TO COMPLY

Whenever the owner of the property fails to comply with a demolition order within the time prescribed, the Zoning Inspector may cause the structure or part thereof to be razed and removed, either through an available public agency or by contract or arrangement with private persons, and the cost of such razing and

removal shall be a charge against the real estate upon which the structure is located and shall be a lien upon such premises.

ARTICLE NINE

EMERGENCY ORDERS

9.01 GENERAL

Whenever the Zoning Inspector finds that an emergency exists on any premises, or in any structure or part thereof, or on any defective equipment which requires immediate action to protect the public's health and safety or that of the occupants thereof, the Zoning Inspector may, with proper notice and service in accordance with Section 4.09 issue an order reciting the existence of such emergency and requiring the vacating of the premises or such action taken as the Zoning Inspector deems necessary to meet such emergency. Notwithstanding other provisions of this Code, such order shall be effective immediately, and the premises or equipment involved shall be placarded immediately upon service of the order.

9.02 HEARING

Any person to whom such order is directed shall comply therewith. They may thereafter, upon petition directed to the Zoning Board, be afforded a hearing as prescribed in this Code. Depending upon the findings of the Zoning Board at such hearing as to whether the provisions of this Code and rules and regulations adopted pursuant thereto have been complied with, the Village Council shall continue such order or modify or revoke it.