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PREAMBLE

The Exterior Property Maintenance Code of the Village of Sugar Bush Knolls is dedicated to maintaining the exterior appearance of properties in order to provide for the preservation of health, safety, welfare, reasonable comfort, and property values for residents of the Village.

900.01 — TITLE AND SCOPE This chapter shall be known as the Exterior Property Maintenance Code of the Village of Sugar Bush Knolls, Ohio.

This chapter is strictly limited to the establishment of standards for the maintenance of exterior surfaces and exterior functioning units of all residential structures and buildings within the Village, including yard areas immediately contiguous thereto. No provisions of this chapter shall, in any way, directly or indirectly, be interpreted to interfere with, or to limit the right of, any owner or resident to inhabit real property owned or leased by them in such a manner and form as they may determine appropriate, consistent with other applicable provisions of law. This chapter is directed to visual problems and deteriorated property values which may on occasion cause blighting conditions with the Village. All matters of the interior use, occupancy or

habitation of any structure or building within the Village are specifically excluded from the provisions of this chapter.

900.02— PURPOSES This chapter is declared to be remedial and essential for the public interest; it is intended that this chapter be construed and interpreted to implement the purposes as stated herein. The purpose of this chapter is

- A. to protect the public health, safety, and welfare of the residents and property owners of the village by establishing standards governing the maintenance, appearance, and exterior condition of all premises throughout the Village of Sugar Bush Knolls;
- B. to fix certain responsibilities and duties upon owners, residents, and managers of the same as to both separate and correlative responsibilities and duties;
- C. to authorize and establish procedures for the exterior inspection of such premises;
- D. to fix penalties for the violations of this chapter; and
- E. to provide for the repair, demolition or vacation of premises unfit for human habitation, occupancy or use.

900.03 — APPLICATION Every residential or non-residential building or structure, and the land on which it is situated, used or intended to be used for dwelling or accessory use, shall comply with the provisions of this chapter, whether or not such building shall have been constructed, altered or repaired before or after enactment of this code, and without regard to any permits or licenses that shall have been issued for the use or occupancy of the building or premises for the construction or repair of the building, or for the installation or repair of equipment or facilities prior to the effective date of this chapter. This chapter establishes standards for the initial and continued occupancy and use of all such structures and does not replace or modify standards otherwise established for the construction, repair, alteration or use of the building.

900.04 — CONFLICT OF LAWS In any case where a provision of this chapter imposes a higher standard than that set forth in any other chapter of the Village Ordinances or law of the County or of the State, then the standard set forth herein shall prevail, but if a provision of this chapter imposes a lower standard than that imposed by any other Village Ordinance or law of the County or of the State, then the higher standard contained in any such other ordinance or law shall prevail.

900.05 — MAINTENANCE RESPONSIBILITY

- A. The owner of every building or structure within the Village shall be responsible for maintaining the exterior surfaces of the same in conformance with the provisions of this chapter.
- B. The owner of every building or structure within the Village shall be responsible for maintaining the yard area immediately contiguous thereto in conformance to the provisions of this resolution.
- C. Unless expressly provided to the contrary in this resolution, the respective obligations and responsibilities imposed herein upon the owner, as differentiated from those of the residents, shall not be altered or affected by an agreement or contract by and between any of the foresaid, or between them and other parties.

900.06 — GENERAL EXTERIOR MAINTENANCE REQUIREMENTS

- A. The exterior surfaces of all structures within the Village shall be maintained and in good repair. Any exterior part or feature thereof having functional use shall be capable of performing the use for which such part or feature was designed.
- B. The entire yard and area contiguous to all structures within the Village, and extending up to and including the lot-line in all directions shall be maintained in a safe, clean, and sanitary condition.

900.07 — EXTERIOR SURFACES All exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks, and fences shall be maintained in good condition.

- A. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment.
- B. An exterior wall segment, facing, or other distinguishable surface that has more than twenty-five percent (25%) of its total area bare, peeling, flaking, pitted or otherwise deteriorated shall be surface coated.
- C. All siding and masonry joints as well as those between the building envelope and the perimeter of windows, doors, and skylights shall be maintained weather resistant and water tight.
- D. All metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and all surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust or corrosion.

- E. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.
- F. All foundation walls shall be maintained plumb and free from open cracks and breaks and shall be kept in such a condition so as to prevent the entry of rodents, nuisance animals, and other pests.
- G. All exterior walls shall be free from holes, breaks, and loose or rotting materials and maintained weatherproof and properly surface coated where required to prevent deterioration.
- H. The roof and flashing shall be sound and not have defects that admit rain. Roof drainage shall be adequate to prevent deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair. Roof water shall not be discharged in a manner that creates a public nuisance.
- I. Every exterior stairway, deck, porch, or balcony shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads.
- J. All chimneys, venting devices, and similar appurtenances shall be maintained structurally safe and sound, and in good repair. All exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface coating.
- K. Graffiti/Defacement of property: No one shall willfully or wantonly damage, mutilate, or deface any exterior surface of any structure or building on private or public property by placing thereon any marking, carving, or graffiti. The owner of the property shall be responsible to restore said surface to an approved state of maintenance and repair.

900.08 — DURATION OF REPAIRS Repairs to correct a violation shall be completed within thirty (30) days of the date of the notice.

900.09 — YARD MAINTENANCE

A. Refuse

- 1. No refuse including but not limited to mattresses, household furnishings, rugs, appliances, abandoned railroad ties, tires, wheels, abandoned vehicle parts, dilapidated automobiles or automobile parts shall be placed or stored in any yard area contiguous to any structures within the Village over a period in excess of twenty-four (24) hours.

2. Property areas of all premises shall be kept free of organic and inorganic debris, objects, materials or conditions that create a health, accident or fire hazard, or are a public nuisance, or constitute a blighting or deteriorating influence on the neighborhood. Broken glass, filth, garbage, trash, and debris shall not be permitted on any property. This section does not apply to legitimate building materials stored on lots with permitted projects in progress.
 3. All structures shall be kept free from insect, rodent, and nuisance animal infestation. Yards shall be kept free from harbored insects, rodents, and nuisance animals. If found, insects, rodents and nuisance animals shall be removed or exterminated by approved processes that will not be injurious to humans or pets. Following elimination, precautions shall be taken to prevent re-infestation. The owner of the structure or property shall be responsible for pest elimination.
- B. Grass Yard grass and weeds in excess of twelve (12) inches in height shall constitute a nuisance.
- C. Accessory Structures
1. All structures located in the yard area contiguous to all zoning categories within the Village, such as sheds, barns, garages, bins, and the like, shall be maintained in good repair in conformance with other provisions of this resolution regarding foundations, roofs and exterior surfaces.
 2. Any broken, deteriorated or decayed fence, yard enclosure, or other device or structure located in the yard area contiguous to all property within the Village shall be repaired or removed.
- D. Driveways A driveway is that area giving access and egress to motor vehicles from the street to the garage or a parking area, having a surface of asphalt or concrete, and shall be maintained in good repair.
- E. Ground-Surface Hazards Holes, cracks, excavations, breaks, projections, and obstructions at any place on the premises that are a hazard to persons using the premises shall not be permitted.
- F. Sidewalks and Walkways shall be maintained in good repair.
- G. Grading and Drainage All premises shall be graded and maintained so as to prevent the erosion of soil and to prevent the accumulation of stagnant water thereon, or within any structure located thereupon. **Exception:** Approved retention areas or reservoirs.

900.10 — SWIMMING POOLS, SPAS, AND HOT TUBS

- A. Swimming pools, spas, and hot tubs shall be maintained in a clean and sanitary condition and in good repair.
- B. Required enclosures shall be maintained in good repair. Enclosure replacement shall be done in accordance with current Village Zoning Requirements.

900.11 — ABANDONED STRUCTURES AND UNOCCUPIED LOTS

- A. For the purpose of this section, "abandon" shall mean to give up occupancy in the structure with the intent of never again claiming occupancy in the structure. If any structure shall become abandoned such structure may be presumed to be a nuisance affecting or endangering surrounding property values and to be detrimental to the public health, safety, convenience, comfort, property, or general welfare of the community and shall be abated.
- B. Whenever Village Council shall find that any structure has been abandoned, notice shall be given in the same manner as a service of summons in a civil case or by certified mail addressed to the owner of record of the premises at his or her last known address or to the address to which tax bills are sent, or by a combination of the foregoing methods, to abate such abandoned condition within thirty (30) days either using the structure for another use permitted in the zoning district, or by razing the structure, removing all debris, signs, goods, supplies, and equipment, and filling depressions to the grade level of the lot, provided, however, that if the structure is used after the notice is given and remains in operation for ninety (90) consecutive days, the provisions of this section shall not apply.
- C. Upon the failure, neglect, or refusal of any owner to comply with the notice to abate such abandonment, the Zoning Inspector shall advise the Village Council and the Village's legal advisor of the facts. The Village's legal advisor shall proceed to exercise on behalf of the Village any remedy that shall then be available to it to secure an abatement of such abandonment, including any that pertains to the abatement of a public nuisance, and to recover any damages or to enforce any penalties that may be recovered or imposed at the instance of the Village, including all damages reasonable under Ohio Law. The Village would bear the cost of emergency repair for blighted home and cause a lien to be placed thereon for such cost.
- D. Unoccupied, empty, or inoperative structures, whether or not abandoned, together with the lot upon which any such structure is located and with any other unoccupied or empty lot, shall be maintained in accordance with the provisions of this chapter. Any such lot

shall be provided with grass or other appropriate ground cover or landscaping material so as to assure absorption of rainfall and prevent erosion and rapid runoff of surface water. The owner shall cut and maintain all grass or other ground cover and remove all rubbish and weeds from the premises. The parking of motor vehicles upon said premises shall be prohibited except for licensed; operating vehicles in properly approved and constructed driveways.

900.12 — NONCOMPLIANCE WITH FINAL ORDERS Whenever the person charged herein with the maintenance of a structure or premises fails to comply with any final order as provided in this chapter, the Village Council shall institute an appropriate action at law.

900.13 — ENFORCEMENT The enforcement of the provisions of the code shall be the responsibility of the Village Council directing the Zoning Inspector, together with such additional enforcement officers as may be required, to carry out and implement all the provisions herein.

- A. Inspection Upon public complaint, all buildings and premises within the Village may be subject to exterior inspections by the Zoning Inspector, upon direction by Village Council, using those public access venues (roads, sidewalks) as may be available. When access by the Zoning Inspector onto private property is deemed necessary in the furtherance of his duties, such inspection shall be preceded by written notice of the inspection given to the property owner at least forty-eight (48) hours before the inspection, except in case of emergency.
- B. Citizen complaints may trigger an inspection. The property owner will then be notified of the complaint in writing by the Clerk of Council and an appointment for a closer inspection by the Zoning Inspector will be scheduled.
- C. Whenever the Village Council determines that there is a violation of any provisions of this code, a warning shall be issued and shall serve as notice of a violation. Such notice shall:
 1. Be in writing,
 2. Identify the violation,
 3. Include a statement of the reason or reasons why it is being issued and refer to the sections of the code that are being violated; and
 4. State that the violation shall be corrected in a timely manner as specified by Council. The party in violation has up to thirty (30) days to correct the violation, unless an extension of time is agreed upon by Council and the party in violation.

D. Corrective Action Delay In the event that the property owner can demonstrate that corrective action to abate the violation within the time frame outlined in Section 900.13E would impose serious financial hardship or ruin, the Village Council is empowered to delay the initiation of any corrective action upon receiving a commitment in writing from the property owner that:

1. The property owner voluntarily and freely accepts the determination that his property is in violation of this code section and must be improved to eliminate such violation(s); and
2. The property owner makes a specific "time commitment" representation as to when the violation elimination activity will be initiated, and when all such action will be completed, eliminating any and/or all such violation(s). Such time period may be unique to each commitment, but shall not exceed one (1) year. Any property owner receiving a corrective action delay shall periodically report at regular intervals to the Zoning Inspector on the progress made toward beginning the remediation activity, completing such activity and eliminating any/all violations.

E. Appeal Within thirty (30) days of the date of service of notice, any person affected by the notice may request a hearing thereon before the Board of Zoning Appeals by filing a written request with the Chairperson of the Board. The Chairperson of the Board, upon receipt of the request, shall, within thirty (30) days from that date, and upon five (5) days' notice to the party and the Zoning Inspector, set the matter down for hearing. The Board may sustain, modify or dismiss, in whole or in part, any action required to correct or abate the violation set forth in the notice and shall issue an order incorporating its determinations. Any order of modification or dismissal shall be effective for one (1) year following the date of issuance of such order, and thereafter the subject matter of such order of modification or dismissal may be amenable to further inspection, notice and appeal as set forth herein. The Board of Zoning Appeals shall consider only the following in determining appropriate action to be taken:

1. That any modification of the original order of the Zoning Inspector shall not, in any material way, alter the standards of this code and shall not detrimentally affect the health or safety of occupants or the health, safety, or welfare of the occupants or owners of adjacent premises or of the immediate neighborhood;
2. That strict enforcement would constitute an undue and unnecessary hardship on the owner, manager, or resident, by reason or compelling an expenditure for repair of the premises that would be substantially disproportionate to any benefit

to the health, safety, or welfare of the community that might be derived therefrom.

- F. No license or permit or other certification of compliance with this section shall constitute a defense against any violation of any other local ordinance applicable to any structure or premises, nor shall any provision herein relieve any owner, manager, or resident from complying with any other provision, nor any official of the Village from enforcing any such other provision.

900.14 — PENALTIES Whoever violates any provision of this chapter, or fails to comply with the Village's final order as provided herein shall be fined not more than \$100. A separate offense shall be deemed committed each day on which a violation or noncompliance occurs or continues.