

ORDINANCE NO. 2012-24-L&R
ORDINANCE ADOPTING THE
INTERNATIONAL PROPERTY MAINTENANCE CODE

WHEREAS, the Village of Greenhills desires to adopt the 2009 edition of the *International Property Maintenance Code*, regulating and governing the conditions and maintenance of all property, buildings, and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary, and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such existing structures in the Village of Greenhills; providing for the issuance of permits and collection of fees therefor; repealing all other ordinances and parts of the ordinances in conflict therewith.

Now, therefore, be it ordained by the Council of the Village of Greenhills, Hamilton County, Ohio, that:

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

Section 2. The following sections are hereby revised or inserted:

Section 101.1. Insert: Village of Greenhills

Section 103.5. Insert: Village's FEE SCHEDULE as attached hereto

Section 106 Add Subsection "106.6: Abatement by Village. If the owner, lessee, agent or tenant having charge of the land in violation of any of the provisions of this chapter fails to comply with a notice of abatement required by Sections 302.4, and 308, the Administrator or his or her designee shall cause such plants or weeds to be cut, or litter, rubbish, and garbage to be removed.

The Village may recover from the owner of the property such costs as it may incur under Section 106.5, plus its actual cost of staff time and legal services, in the event that civil litigation is initiated and the Village prevails in the action.

The expenses incurred by the Village and chargeable to the property owner under section 106.5 shall be a lien upon the land. Whenever an invoice for such expenses remains unpaid by the property owner for thirty (30) days after actual receipt, the Administrator shall make a written return to the County Auditor of the expenses to be charges and a property description of the premises. Such amounts, when allowed, shall be entered upon the tax duplicate, shall be a lien upon such lands from and after the date of entry, and shall be collected as other taxes, to be returned to the Village and deposited in the GENERAL Fund. The remedies provided in this section are in addition to the penalty provided in Section 106.4.

Section 107 Revised Subsection 107.3 #2 to read as follows:

"2. Sent by both first class mail and certified mail, return receipt requested to the owner(s) at the tax mailing address on file with the Auditor of Hamilton County, or to the occupants at the property address whose name may be obtained through any public agency and it shall be presumed to have been received; or"

Section 301 Add Subsection: “301.4 Notices. Notices issued under this chapter shall comply with Section 107 and shall be effective for the remainder of the calendar year in which they are issued. Abatement procedures may be taken per Sections 106.5 and Section 106.6 without issuing any additional notices.”

Section 302.4 Insert: eight (8) inches.

Section 304.14. Insert: April 1 through October 31

Section 309 Add “Section 309 – Abatement by Village”

Add: Subsection: 309.1 Abatement by Village. If the owner, lessee, agent or tenant having charge of the land in violation of any of the provisions of this chapter fails to comply with a notice of abatement required by Sections 302.4 and 308, the Administrator or his or her designee shall cause such plants, or weeds to be cut, or litter, rubbish, and garbage to be removed.”

Add Subsection: 309.2 Recovery of Administrative Costs. The Village may recover from the owner of the property such costs as it may incur under Section 107.01, plus its actual cost of staff time and legal services, in the event that civil litigation is initiated and the Village prevails in the action.”

Add Subsection: 309.3 Recovery of Abatement expenses. The expenses incurred by the Village and chargeable to the property owner under section 309.2 shall be a lien upon the land. Whenever an invoice for such expense remains unpaid by the property owners for thirty (30) days after actual receipt, the Administrator shall make a written return to the County Auditor of the expenses to be charged and a property description of the premises. Such amounts, when allowed, shall be entered upon the tax duplicate, shall be a lien up on such lands from and after the date of entry, and shall be collected as other taxes, to be returned to the Village and deposited in the General Fund. The remedies provided in this section and in Section 309.1 are in addition to the penalty provided in Section 106.4.”

Section 602.3. Insert: October 1 through April 30

Section 602.4 Insert: October 1 through April 30

Chapter 8 Revise Chapter 8 with the following REFERENCED STANDARDS:

“2008 National Electric Code

2006 Ohio Residential Code

2009 Ohio Building Code

2007 Ohio Fire Code

2009 Ohio Mechanical Code

2007 Ohio Plumbing Code;

and all subsequent revisions.”

Section 3. That the following sections of the Greenhills Codified Ordinances are hereby repealed:

Section 521.01 Refrigerators

Section 521.02 Venting of Heaters and Burners

Section 521.09 Noxious or Offensive Odors

Section 553.04 Weeds

Section 553.05 Failure to Remove Weeds

Section 909.01 House Numbers

Section 943 Nuisances: junk, junk cars, excessive sound

Section 1323 Abatement of Public Nuisance

and all other ordinances or parts of ordinances in conflict herewith are hereby repealed.

The existing Greenhills Codified Ordinances Section 939: Garbage remains in effect.

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

Section 5. That nothing in this ordinance or in the Property Maintenance Code hereby adopted shall be construed to affect any suit or proceeding impending in any course, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any

act or ordinance hereby repealed as cited in Section 2 of this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired, or affected by this ordinance.

Section 6. That this ordinance and the rules, regulations, provisions, requirements, orders, and matters established and adopted hereby shall take effect and be in full force and effect 30 days from and after the date of its final passage and adoption.

Passed this 5th day of June, 2012.

Glenn Drees, VICE MAYOR /s/

Kathryn L. Lives, CLERK OF COUNCIL /s/

Village of Greenhills Fee Schedule for Property Maintenance

Minor Misdemeanor	\$150 plus cost (Payout)
Misdemeanor, 4 th Degree	Max Jail 30 Days Max. fine \$250, plus costs
Misdemeanor, 3 rd Degree	Max Jail 60 Days Max. fine \$500, plus costs
Misdemeanor, 2 nd Degree	Max Jail 90 Days Max. fine \$750, plus costs
Misdemeanor, 1 st Degree	Max Jail 6 months Max. fine \$1,000, plus costs