

CHAPTER 1000
EXTERIOR PROPERTY CODE

1000	Title.
1001	Purpose.
1002	Scope and application.
1003	Compliance required.
1004	Conflict of laws.
1005	Existing remedies.
1006	Severability.
1007	Saving clause.
1008	Construction of language.
1009	Definitions.
1010	Enforcement officer.
1011	Inspections.
1012	Notice of violation.
1013	Transfer of ownership.
1014	Failure to comply.
1015	Abatement of nuisance by Village and cost recovery.
1016	Prosecution.
1017	Appeal.
1018	Violation and penalties.
1019	Property condemnation as unfit for human habitation by health department.
1020	Designation as a hazardous structure.
1021	Abandonment of construction project.
1022	Vacant building maintenance standards.
1023	Maintenance responsibility and workmanship standards.
1024	Structural soundness.
1025	Exterior property and structure standards.

SECTION 1000 Title.

This ordinance shall be known and may be cited to as the "Exterior Property Maintenance Code of the Village of Holland," except as referred to herein, where it shall be known as "this Ordinance."

SECTION 1001 Purpose.

The purpose of this ordinance is to protect the health, safety, morals, and general welfare as it pertains to premises and buildings used for residential, business, and industrial purposes. This protection is hereinafter provided by:

- A. Establishing minimum standards for maintaining residential, business, and industrial properties to preserve and achieve the presentable appearance of existing structures and premises; avoid blighting effects of the substandard maintenance of structures and premises and its negative impact on the value of

CHAPTER 1000
EXTERIOR PROPERTY CODE

surrounding properties; and eliminating hazardous conditions.

- B. Fixing the responsibilities of owner, operators, and occupants of structures and their premises, and
- C. Providing for the administration, enforcement, and penalties of this ordinance.

SECTION 1002 Scope and Application.

The scope of this ordinance is strictly limited to the establishment of minimum standards for the maintenance of exterior surfaces and exterior functioning units of all structures and buildings within the Village of Holland. No provisions of this ordinance shall, in any way, directly or indirectly, be interpreted to interfere with, or limit the right of any owner or resident to inhabit real property owned or leased by them in such manner and form as they may determine appropriate, consonant with other applicable provisions of law. This ordinance is directed to obvious visual problems which may occasion safety, health, welfare, or incipient blighting conditions within the Village.

SECTION 1003 Compliance Required.

Every portion of a building or premises used or intended to be used for residential, business, or industrial purposes, shall comply with the provisions of this ordinance, irrespective of when such building has been constructed, altered or repaired, or premises occupied, and without regard to any permits or licenses which 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 ordinance, except as provided herein.

SECTION 1004 Conflict of Laws.

Every building, structure, and land use shall meet all 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 structure and dwelling unit shall be maintained to the minimum standards provided for in Section 1025 of this ordinance or to the minimum standard provided for in the above Codes, whichever standard is higher.

In the case where a provision of this ordinance is found to be in conflict with a provision of the Zoning, Building, Fire, Safety or Health regulation or other regulation, the provision which establishes the higher standard for the promotion and protection of the safety and health of the people shall prevail.

SECTION 1005 Existing Remedies.

Nothing in this Ordinance shall be deemed to abolish, impair or prevent the execution of any existing remedies related to the abatement of a public nuisance.

SECTION 1006 Severability.

CHAPTER 1000
EXTERIOR PROPERTY CODE

If any section, subsection, paragraph, sentence, clause or phrase of this ordinance is declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this ordinance, which shall continue in full force and effect, and to this end, the provisions of this ordinance are declared to be severable.

SECTION 1007 Saving Clause.

This Ordinance shall affect the violations of any other resolution, ordinance, code or regulation existing prior to the effective date of this ordinance 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 ordinances, codes, or regulations in effect at the time the violation was committed.

SECTION 1008 Construction of Language.

For the purposes of this ordinance, certain terms or words shall be interpreted as follows:

A. Interchangeability:

1. Words used 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 phrase: “used for” shall include the phrases “arranged for”, “designed for”, “intended for”, “maintained for”, and “occupied for”.
5. The word “person” includes a firm, association, organization, partnership, trust, company or corporation as well as an individual;
6. The word “dwelling” includes the word “residence”;
7. Whenever words denoting an area or structure are stated in this ordinance, they shall be construed as though they were followed by the words “or any part of”.

B. Mandatory and Advisory Verbs:

1. The word “shall” is mandatory and not discretionary;
2. The word “may” is permissive.

SECTION 1009 Definitions.

Where terms are not defined in this Section, such terms shall have their customary meanings as the context implies.

CHAPTER 1000
EXTERIOR PROPERTY CODE

ABANDONED: Vacant buildings in need of repair or maintenance for a continuous period greater than six (6) months from the date of first notice for repair or compliance requirements from the Enforcement Officer.

BUILDING CODE: The most current edition of the State of Ohio building code, for the regulation of construction, alteration, addition, repair, removal, demolition, use, location, occupancy, and maintenance of all buildings and structures.

ENFORCEMENT OFFICER: The Mayor of the Village of Holland or a person or persons duly designated by the Mayor.

EXTERIOR PROPERTY AREAS: Those portions of a structure which are exposed to public view as well as the open space contiguous to the structure.

GARBAGE: The animal or vegetable waste resulting from the handling, preparation, cooking and consumption of food or the by-products of such enumerated items, not to be inclusive of a well-maintained compost pile.

GRAFFITI: Any unauthorized inscription, design, word, figure, or mark of any type drawn, marked, painted, tagged, etched, scratched, or written upon any upon any building, bridge, fence, gate, rock, structure, tree, wall, or other property visible to the public that defaces, damages, or destroys any public or private, real or personal property. Such inscription, design, word, figure or mark shall be deemed unauthorized if the property owner has not granted written permission prior to its application to the structure.

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

JUNK OR INOPERABLE VEHICLE: A vehicle, including but not limited to cars, trucks, busses, trailers, and boats, shall be deemed a junk or inoperable vehicle whenever all of the following occur, and are maintained in such condition greater than one hundred sixty eight consecutive hours:

- A. The vehicle is without a valid current registration and/or license plate;
- B. The vehicle is apparently inoperable;
- C. The vehicle is without fully inflated tires and/or has any type of support under it;
- D. The vehicle has a substantially damaged or missing window, windshield, door, motor, transmission, or other similar major part.

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

OWNER: Shall include any of the following:

CHAPTER 1000
EXTERIOR PROPERTY CODE

- A. The owner of record as shown on the current tax list of the auditor of Lucas County, Ohio;
- B. The mortgage holder of record, if any, as shown in the mortgage records of the recorder of Lucas County, Ohio;
- C. Any person who has a freehold or lesser estate in the premises;
- D. A mortgagee or vendee who evidences possession, charge, care, or control of the premises, and includes someone to whom the sheriff of Lucas County has issued a deed for the premises whether or not the deed has been recorded;
- E. Any person who has charge, care, or of control of the premises as agent, executor, administrator, assignee, receiver, trustee, guardian, or lessee, or company member or corporate shareholder;
- F. Any person who holds himself or herself out to be in charge, care, or control of the premises as evidenced by negotiating written or oral lease agreements relative to the premises, collecting rents for the premises, performing maintenance or repairs on the premises, or authorizing others to perform maintenance or repairs on the premises.
- G. In the event the owner of record is a limited liability company, corporation or trust, an LLC member, corporate shareholder or trust trustee.

PERSON: Includes a firm, association, organization, partnership, trust, company, corporation or other legal entity, as well as an individual.

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

PUBLIC NUISANCE: Shall include any of the following:

- A. Any building, premises, or real estate, including vacant land, or any appurtenance thereto which is not in compliance with any building, housing, nuisance abatement, air pollution, sanitation, health, fire, zoning, or safety code of the Village of Holland;
- B. Any building, premises, or real estate, including vacant land, or any appurtenance thereto upon which its real property taxes have remained unpaid in excess of one (1) year from date of assessment;
- C. Any building, premises, or real estate, including vacant land, or any appurtenance thereto on which a felony violation of ORC 2925 or 3719 has occurred;
- D. Any building, premises, or real estate, including vacant land, or any appurtenance thereto as defined as a nuisance or public nuisance in ORC 3767;
- E. Any building, premises, or real estate, including vacant land, or any appurtenance

CHAPTER 1000
EXTERIOR PROPERTY CODE

thereto that is used or occupied by a criminal gang (as defined in ORC 2923.41) on more than two (2) occasions within a one (1) year period to engage in a pattern of criminal gang activity (as defined in RC 2923.41);

- F. Any building, premises, or real estate, including vacant land, or any appurtenance thereto used in violation of ORC 2915;
- G. The physical condition, or use of any premises regarded as a public nuisance at common law;
- H. Any physical condition, use, or occupancy of any premises or its appurtenances considered an attractive nuisance to children, including but not limited to junk, inoperable or unlicensed vehicles, abandoned wells, shafts, basements, excavations, abandoned refrigerators, and unsafe fences or structures;
- I. Any premises which have improperly working drainage facilities;
- J. Any premises designated as unsafe for human habitation or use;
- K. Any premises, which is manifestly capable of being a fire hazard, or is manifestly unsafe or unsecured as to endanger life, limb or property;
- L. Any premises which is unsanitary, or which is littered with rubbish or garbage;
- M. Any structure or building that is in a state of dilapidation, deterioration or decay; faulty construction; open, vacant, or abandoned; damaged by fire to the extent as not to provide shelter in danger of collapse or failure, and is dangerous to anyone on or near the premises.

RUBBISH: Rubbish is both combustible and non-combustible waste materials, including, but not limited to, car parts, motors, and abandoned appliances. The term shall also include rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery, dust, and other similar materials, as well as the residue from the burning of wood, coal, and other combustible materials.

STRICT LIABILITY OFFENSE: An offense in which the prosecution in a legal proceeding is not required to prove criminal intent as a part of its case. It is enough to prove that the defendant either did an act which was prohibited, or failed to do an act which the defendant was legally required to do.

STRUCTURE: Anything constructed or erected which requires location on the ground or attachment to something having location on the ground.

UNFIT FOR HABITATION: Any building or structure found to be a public nuisance by the Enforcement Officer and further declared as unfit for human habitation or use due to any of the following:

- A. The property is so damaged, decayed, dilapidated, unsanitary, unsafe, or vermin-

CHAPTER 1000
EXTERIOR PROPERTY CODE

infested that it is hazardous to the health or safety of the occupants or of the public.

- B. The property lacks illumination, ventilation, or sanitation facilities adequate to protect the health or safety of the occupants or of the public.
- C. Because of its general conditions, the property is unsanitary or otherwise hazardous to the health or safety of the occupants or of the public.

YARD: An open space on the same lot with a structure.

SECTION 1010 Enforcement Officer.

- A. Chief Enforcement Officers and Assigned Enforcement Officers. The Mayor of the Village of Holland shall serve as the Chief Enforcement Officer and may assign the duties of administering and enforcing this ordinance to other related technical officers, inspectors, and other employees, hereinafter the Chief and any assigned enforcement officers shall be denoted as the Enforcement Officer:
 - 1. The Enforcement Officer shall issue all necessary notices or order to ensure compliance with this ordinance.
 - 2. The Enforcement Officer may call upon any department for whatever assistance may be necessary to abate a violation of this ordinance.
- B. Relief from Personal Responsibility. Any officer or employee of the Village of Holland, acting in good faith and without malice, is hereby relieved from all personal liability or costs in any actions, suit, or proceeding instituted for damage accruing to persons or property as a result of any act performed by that officer or employee in the lawful discharge of official duties under the provisions of this ordinance, and shall be defended by the legal representative of the Village of Holland until the final termination of the proceedings. However, the Village of Holland will not be liable for the actions of any independent contractor hired by the Village of Holland to effect this ordinance for acts outside the scope of official duties.
- C. Rulemaking Authority. The Enforcement Officer shall have the power necessary in the interest of public safety, health, and general welfare, to adopt and promulgate rules and procedures to implement the provisions of this ordinance, to secure the intent thereof, and to designate requirements applicable because of the local climate or other conditions. Such rules shall not have the effect of waiving structural or fire protection requirements specifically provided in this ordinance, or of violating accepted engineering methods involving the public safety.
- D. Modifications. Whenever there are practical difficulties involved in carrying out the provisions of this ordinance, the Enforcement Officer shall have the authority to grant modifications for individual cases, provided the Enforcement Officer shall first find that the special individual reason makes the strict letter of this ordinance impractical and the modification in in compliance with the intent and purpose of this ordinance and that such

CHAPTER 1000
EXTERIOR PROPERTY CODE

modification does not lessen health, life, and fire safety requirements. The details of action granting modifications shall be recorded and entered in the official records for the property.

- E. Official Records. All inspections, notices, and orders shall be in writing and be certified by the Enforcement Officer. An official record shall be kept of all inspections and related activities by the Enforcement Officer as per Village of Holland record retention policy of no less than ten (10) years. All such records shall be open to public inspection during business hours and according to reasonable rules to maintain the integrity and security of such records.

SECTION 1011 Inspections.

The Enforcement Officer is authorized, subject to constitutional restrictions on unreasonable searches and seizures, to make inspections of all residential, business, industrial, and all other building exteriors and premises for purposes of enforcing the provisions of this ordinance.

- A. The Enforcement Officer, in enforcing provisions of this ordinance, is authorized and directed to make inspections either in response to a complaint alleging the existence of a public nuisance or when the Enforcement Officer has reasonable grounds to believe a public nuisance exists. All complaints must be received in written form and contain the contact information of the complainant.
- B. Whenever inspections are necessary by any other department of the Village of Holland or by an outside consultant, the Enforcement Officer shall make reasonable effort to arrange for the coordination of such inspections so as to minimize the number of visits by inspectors, and to confer with the other departments for the purpose of eliminating conflicting orders before any are issued. A department shall not, however, delay the issuance of any emergency orders.
- C. The Enforcement Officer or any official or employee connected with the enforcement of this ordinance shall not be engaged in, or be directly or indirectly connected with the furnishing of labor, materials or appliances for the construction, alteration, or maintenance of a building, or the preparation of construction documents thereof; no shall such officer, official or employee engage in any work that conflicts with official duties or with the interests of any Village of Holland department.
- D. For the purpose of making such inspections, pursuant to the Village Charter and applicable ordinances, the Enforcement Officer may enter any building, premises or real estate, including vacant land, or any appurtenance thereto in the Village of Holland to perform any duty imposed upon him or her by the ordinance or may apply to a judge or a court of record, pursuant to ORC 2933.21(F), for a search warrant to conduct an inspection. Every occupant of any building, premises, or real estate or any appurtenance thereto shall give the Enforcement Officer access to any part of the building, premises, real estate, or appurtenances thereto at all reasonable times for the purposes of making an inspection as necessary to comply with this ordinance.
- E. Expert Opinion. The Enforcement Officer is authorized to engage such expert opinion as

CHAPTER 1000
EXTERIOR PROPERTY CODE

deemed necessary to report upon unusual technical issues that arise.

SECTION 1012 Notice of Violation.

Whenever the Enforcement Officer determines that there is a violation of the provisions of this ordinance, notice of such violation and order for compliance shall be given to the person or persons responsible therefore, as hereinafter provided. No owner or other person shall fail to comply with any notice of violation, and no owner or other person shall obstruct or interfere with service or the enforcement of the notice. The Enforcement Officer may issue additional warnings to property owners nearing violation of applicable requirements contained in the ordinance.

A. Content. Such Notice of Violation shall:

1. Be in writing;
2. Include a description of the real estate sufficient for identification;
3. Include a statement of the reason or reasons why the notice is being issued, including identification of the relevant sections of the ordinance or the ORC.;
4. Include a correction order allowing a reasonable time for the repairs and improvements required to bring the property into compliance with the ordinance;
5. Advise that if the order to abate the conditions indicated in the notice of violation are not complied with by the specified date of compliance, the Enforcement Officer may:
 - a. Initiate civil and/or criminal actions against the owner; or
 - b. Cause the conditions indicated in the notice of violation to be corrected by Village of Holland personnel or private contractor and charge the costs of such correction as a lien upon the real estate.

B. Service of Notice of Violation. A notice of violation shall be deemed properly served if one (1) or more of the following methods of service are used:

1. By personal delivery to the owner or occupant of the premises or by leaving the notice at the premises with a person of suitable age and discretion; or
2. By certified mail deposit in the United States Post Office addressed to the person or persons responsible at his/her last known address, with return receipt requested. If a certified mail envelope is returned with the 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 Enforcement Officer. Service shall be deemed complete when the fact of mailing is entered into record, provided that the ordinary mail envelope is not returned by the postal authorities with an endorsement showing failure of delivery; or

CHAPTER 1000
EXTERIOR PROPERTY CODE

3. By posting a copy of the notice form in a conspicuous place on the premises found in violation and publishing a legal notice in a newspaper of general circulation in the Village. The published legal notice shall identify the owners of the property, the last address, if known of the owners, the parcel identification, the location and nature of the violation; or
 4. Publication in a newspaper of general circulation in Lucas County a minimum of once per week for three (3) consecutive weeks where a copy of the newspaper, with the notice clearly marked, shall be mailed to the owner at the last known address and the notice shall be deemed received as of the date of the last publication.
- C. When the notice of violation has been served, it shall be effective as to anyone having interest in the real estate whether recorded or not at the time the order was issued and shall be effective against any subsequent owner as long as the conditions causing the violation exist and the Enforcement Officer maintains a record of the notice of violation in a public file.
- D. Written or oral acknowledgement by the owner of a receipt of a notice of violation shall be evidence that the owner received the notice. An appeal of the notice by the owner pursuant to Section 1017 shall constitute evidence of written acknowledgement by the owner of service of the notice of violation.
- E. Emergencies. Whenever the Enforcement Officer finds that an emergency exists which requires immediate action to protect the public health and safety, a written order shall be provided to the owner, in any reasonable manner, reciting the existence of such an emergency and specifying such action necessary to be taken to meet the emergency, or such action deemed necessary by the Enforcement Officer using Village of Holland personnel or private contractor resources to abate the conditions causing an emergency.
- F. The Enforcement Officer may declare the property a public nuisance or declare the structure as a hazardous public nuisance pursuant to Section 1020 of this ordinance.
- G. In the event of an emergency the Enforcement Officer shall make every reasonable effort to personally serve the owner with the order, however, it shall be adequate to affix upon the door or entrance to the building, premises, or real estate, to include vacant land, or appurtenances thereto, where the emergency is alleged to exist, a placard on which shall be printed the written order issued by the Enforcement Officer.
- H. Notwithstanding other provisions of this ordinance, such order shall be effective immediately upon service (date of delivery) and shall be complied with immediately.
- I. If, in the opinion of the Enforcement Officer, action is deemed necessary using Village of Holland personnel or private contractor resources to abate conditions causing the emergency, the Enforcement Officer may cause a request for a temporary restraining order to be filed seeking judicial approval for the Village of Holland to abate the public nuisance.

CHAPTER 1000
EXTERIOR PROPERTY CODE

1. The cost of any repairs shall not exceed fifty percent (50%) of the fair market value of a structure to be repaired. Determination of such shall be made by a certified appraiser to be contracted for that purpose by the Village of Holland, or in the case of an emergency, the County Auditor's valuation.
 2. When repairs are made or other corrective action is taken at the direction of the Enforcement Officer, the costs of such repairs shall be paid by the Village of Holland and shall constitute a debt in favor of the Village of Holland against the owner of the repaired structure.
 3. In the event said owner fails, neglects, or refuses to pay the Village of Holland the amount of this debt within sixty (60) days from the receipt of the bill for the repairs, the village Clerk-Treasurer may recover the costs against the owner in a civil action or certify the cost and expense of repairs to the County Auditor and the same shall become a lien upon the real estate.
- J. The owner has the right to immediately appeal the emergency order to the Planning Commission, but such appeal does not waive the owner's responsibility to immediately comply with the order.
1. If the owner appeals the emergency order, the burden is on the Enforcement Officer to prove by clear and convincing evidence that an emergency existed which required immediate action on the part of the owner. The owner has the burden to prove there was not an emergency.
 2. If the Court has issued a temporary restraining order approving demolition or modification, an owner's appeal will not stay the court's order.

SECTION 1013 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 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 the Enforcement Officer, and shall furnish to the Enforcement Officer a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the 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.

SECTION 1014 Failure to Comply.

Whenever the Enforcement Officer determines that a person or persons against whom a notice of violation has been issued has failed to timely comply with the notice or where Village abatement of an emergency has occurred, the Enforcement Officer may:

- A. Cause to be filed against the owner a civil complaint for injunctive relief seeking abatement or any other remedy provided by law or any other appropriate action to prevent or terminate the conditions cited in the notice of violation; and/or

CHAPTER 1000
EXTERIOR PROPERTY CODE

- B. Cause to be filed against the owner a civil action styled “complaint for civil forfeiture” to recover any accumulated civil forfeiture penalties of one hundred dollars (\$100.00) or as otherwise specified herein for each calendar day that the owner fails to comply; and/or
- C. Cause to be filed against the owner a criminal complaint pursuant to Section 1016.

SECTION 1015 Abatement of Nuisance by Village and Cost Recovery.

- A. Absent a declaration of emergency by the Enforcement Officer, provided that notice is given to the owner, should the nuisance not be abated at the expiration of the time stated in the notice or order of the Enforcement Officer or any extensions granted or such additional time as may be granted upon appeal, the Enforcement Officer, or a designee, shall be authorized at any time thereafter to cause entry upon such premises and the owner shall permit such entry to take such action as is deemed appropriate to abate the nuisance, in addition to any remedies provided elsewhere in this ordinance. The Enforcement Officer or designee shall not be required to distinguish plant varieties deemed by the Enforcement Officer to be noxious weeds, overgrown grasses, or rank vegetation before eliminating the nuisance.
- B. Such abatement shall not be deemed to be a limitation or restriction on the authority of any department, division, official or employee of the village of Holland, but shall be deemed to be in addition to any authority existing by virtue of the statutes of Ohio or any ordinance heretofore enacted by Village Council.
- C. In abating such nuisance, the Enforcement Officer may call on any department, for whatever assistance may be necessary to abate the aforesaid nuisance or may, by private contract, abate such nuisance and the cost of the contract will be paid by Village of Holland funds specifically authorized by Village Council in order to abate such public nuisance. The fees for the abatement activities and services performed by the Village of Holland in carrying out its responsibilities under this ordinance shall be at the rate of one hundred fifty (\$150.00) dollars per person hour with a minimum charge of not less than one hundred fifty (\$150.00) dollars. Fees for any private abatement contracts shall be at the rate of the private contract plus a Village of Holland administrative fee at the aforementioned per person rate.
- D. All costs for abating such nuisance shall be recovered in the following manner:
 - 1. The owner(s) shall be billed directly by United States certified mail with return receipt requested or by personally serving the owner with a copy of such bill. In the event the 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. If all other service fails, the billing notice may be published in a newspaper of general circulation in the Village of Holland for two (2) consecutive weeks.
 - 2. If the costs are not recovered within sixty (60) days of receipt of the billing described above in this section, the Village of Holland in accordance with

CHAPTER 1000
EXTERIOR PROPERTY CODE

authority granted by ORC 715.26 may cause the abatement to be levied as an assessment against the property or may commence a civil action to recover the total costs from the owner.

SECTION 1016 Prosecution.

In case any violation order is not promptly complied with, the Enforcement Officer may request the Village Solicitor to institute an appropriate action or proceeding at law to exact the penalty provided in Section 1018 of this ordinance and in addition thereto, may ask the Village Solicitor to proceed at law or in equity against the person responsible for the violation for the purpose of ordering him/her to abate such nuisance.

SECTION 1017 Appeal.

Any person affected by any notice of violation which has been issued in connection with the enforcement of any provision of this ordinance, may request and shall be granted a hearing on the matter before the Planning Commission, provided that such person shall file in the office of the Enforcement Officer, a notice of appeal on forms provided by the Village of Holland within fifteen (15) days after the date of delivery of the Enforcement Officer's notice of violation.

- A. The Planning Commission shall provide notice, hear and decide appeals in the same manner as appeals taken from Zoning Code decisions. Appeals of notices and orders (other than emergency orders) shall stay the enforcement of the Enforcement Officer's notice and order until the appeal is heard by the Planning Commission. The failure of the petitioner or his representative to appear and state his case at such hearing shall be the same effect as if no petition were filed.
- B. Prior to ruling on any violation notice and compliance order, Planning Commission shall make the following findings:
 - 1. The violator was served with a notice of violation as provided for in this ordinance;
 - 2. Within the time period stipulated in the notice of violation, the violator failed or intends to fail to comply with the correction order by not abating the violation, and/or by not bringing the use into compliance with this ordinance.
 - 3. Upon expiration of the date indicated for compliance in the notice of violation, the property was or will be maintained in violation of specific provisions of the correction order and/or conditions previously imposed by Planning Commission as a prerequisite to the modification of a previous compliance order.
- C. Any person, whether or not a previous party of the appeal, shall have the right to apply to the appropriate court for a writ of certiorari to correct errors of law. Application for review shall be made in the manner and time required by law following the filing of the decision in the office of the Enforcement Officer.

SECTION 1018 Violation and Penalties.

CHAPTER 1000
EXTERIOR PROPERTY CODE

- A. No person shall violate any provision or fail to conform to any of the requirements of this ordinance or fail to comply with any order made thereunder.
- B. Whoever violates any section of this ordinance shall be guilty of a minor misdemeanor, and the violation shall be deemed a strict liability offense:
 - 1. If the offender has previously been convicted of, or pleaded guilty to, a violation of the ordinance, then the offender shall be guilty of a fourth degree misdemeanor;
 - 2. Whoever knowingly makes a false statement, or knowingly swears or affirms the truth of a false statement previously made on any documents filed in support of an enforcement action or appeal pursuant to the provisions of this ordinance, shall be guilty of a third degree misdemeanor;
- C. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.
- D. The application of the penalty provided herein shall not be held to prevent the enforce removal of prohibited conditions.

SECTION 1019 Property Condemnation as Unfit for Human Habitation by Health Department.

- A. The Enforcement Officer may notify the Toledo Lucas County Health Department whenever complaints are received or it is suspected that any dwelling or structure:
 - 1. Is damaged, decayed, dilapidated, unsanitary, unsafe, and/or vermin infested, and/or contains hazardous levels of lead based paint or other substance;
 - 2. The general condition of the occupied premises is unsanitary, unsafe, and/or unhealthful;
- B. If the Toledo Lucas County Health Department condemns any dwelling or premises as unfit for human habitation or use, once the property is vacated after such Toledo Lucas County Health Department order, it shall be unlawful for any person to enter such structure except for the purpose of securing the structure pursuant to Section 1022 of this ordinance or making the required repairs or razing the structure.

SECTION 1020 Designation as a Hazardous Structure.

- A. Any building or structure shall be a hazardous public nuisance when in the judgement of the Enforcement Officer its condition constitutes an imminent danger of injury or death to person or property. Such designation shall be warranted upon the following findings:
 - 1. The structure does not provide the minimum safeguards to prevent unlawful entry or protect the occupants in the event of a fire;

CHAPTER 1000
EXTERIOR PROPERTY CODE

2. The structure contains unsafe exterior fixtures or equipment which in such disrepair or condition that such equipment is a hazard to life, health, property or safety of the public;
 3. The structure is damaged, decayed, dilapidated, structurally unsafe, or of such faulty construction or unstable foundation, that partial or complete collapse is possible.
- B. Whenever a building or structure has been designated a hazardous structure, the Enforcement Officer shall placard the building or structure as such. All such buildings, premises or real estate shall be immediately vacated and it shall be unlawful for a person to enter such structure except for the purpose of securing the structure pursuant to Section 1022 of this ordinance, making the required repairs, removing the hazardous condition, or razing the structure. Any such building shall not be reoccupied until the Enforcement Officer determines that the emergency no longer exists.
- C. Any building or structure declared and placarded as a hazardous structure public nuisance by the Enforcement Officer shall be brought to a safe condition within sixty days (60), unless extended by the Enforcement Officer, as ordered by the Enforcement Officer, by commencing the ordered repairs or razing the structure. Any repairs or demolition undertaken shall be completed within the time period ordered by the Enforcement Officer.
- D. Failure to bring the building or structure into a safe condition is a violation of this ordinance, such the Enforcement Officer may cause any proper legal action to be initiated on behalf of the Village of Holland to abate the hazard to the community.
- E. Whenever, in the opinion of the Enforcement Officer, there is imminent peril due to an unsafe condition, the Enforcement Officer shall order the necessary work to be done to render such structure temporarily safe and shall cause such other action to be taken as the Enforcement Officer deems necessary to meet such emergency.

SECTION 1021 Abandonment of Construction Project.

- A. All construction work (including excavations) on any building or structure for which a building permit has been issued shall be diligently pursued to completion, except for circumstances beyond the property owner's control (e. g. labor strikes, inclement weather, etc.).
- B. Any incomplete construction project, upon which no substantial work has been undertaken for a continuous period of three (3) months, shall be deemed abandoned if in the opinion of the Enforcement Officer it is a public nuisance affecting or endangering surrounding property values and is detrimental to the public health, safety and general welfare to the community. Where applicable, such property shall be secured according to Section 1022 of this ordinance.
- C. Upon abandonment of any construction project, all buildings or structures not completed to the degree such buildings or structures have been indicated on the plans submitted in

CHAPTER 1000
EXTERIOR PROPERTY CODE

support of a building permit, and all building materials, signs, goods, supplies, and construction equipment shall be removed from the site and depressions to the grade level of the lot shall be filled.

SECTION 1022 Vacant Building Maintenance Standards.

A building or structure which the Enforcement Officer has declared a hazardous structure, abandoned or where the Toledo Lucas County Health Department has declared the structure a public nuisance unfit for human habitation or public nuisance, shall be secured and maintained in accordance with the provisions of this ordinance and each of the following requirements:

- A. All windows, doors, openings, or holes in the structure shall be covered with a minimum one-half (1/2) inch polycarbonate clearboard tightly fitted to the exterior of the opening.
- B. The clearboard shall be attached with the appropriate length galvanized bolts or two (20 inch galvanized screws).
- C. The roof and flashing shall be sound, tight, and not have defects that admit water. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. The use of sheets of plastic or tarpaulins or similar materials does not satisfy the requirements of this paragraph.
- D. All graffiti must be removed.
- E. The Enforcement Officer may order the vacant building or structure and premise shall be maintained in compliance with any Village of Holland codes related to sanitation, infestations, high grass and weeds, building and housing codes, maintenance of the public sidewalks adjacent to the premise and house number requirements.
- F. The Enforcement Officer may cause any or all utilities to be disconnected from any building or structure that has been declared as unfit for human occupancy or use and vacated or declared and placarded as a hazardous structure.
- G. Such notice shall include the date the order was issued, the date the property was first vacated, or declared a hazardous structure, and a copy of the order relating the building or structure shall be attached.
- H. Upon receipt of such notice, the public utility or utilities shall disconnect or discontinue the utility service within a reasonable time.
- I. Any utility or utilities available to a building or structure that have been so disconnected may be resumed or reconnected for the purpose of facilitating compliance with a notice of violation upon prior written approval of the Enforcement Officer.
- J. Except as noted in Section 1022 of this ordinance, no person shall resume or

CHAPTER 1000
EXTERIOR PROPERTY CODE

reconnect any utility or cause resumption or reconnection of any utility which has been discontinued or disconnected as provided herein without first obtaining written approval of the Enforcement Officer.

- K. No vacant building or structure that has been declared a public nuisance unfit for human habitation or placarded as a hazardous structure shall again be used for human habitation or use until written approval is secured from the Enforcement Officer. The Enforcement Officer shall remove, or cause to be removed, such placard whenever the defects upon which the declaration and posting or placarding action were based have been eliminated.

SECTION 1023 Maintenance Responsibility and Workmanship Standards.

- A. The owner, operator or agent of any structure or premises within the Village of Holland shall be responsible for maintaining the exterior surfaces as well as the yard area contiguous thereto in conformance with the provisions of this ordinance, or to raze the structure to grade level and have debris removed from the premises.
- B. Repairs, maintenance work, alterations, or installations which are caused directly or indirectly by the enforcement of this ordinance shall be executed and installed in a workmanlike manner and installed in accordance with the manufacturer's installation instructions.

SECTION 1024 Structural Soundness.

Every foundation, floor, wall, ceiling and roof of every structure shall be so constructed and maintained and be kept in good repair and in safe condition so as to eliminate hazardous and unsanitary conditions, to make all occupied rooms and interior areas weather-tight, water-tight, rodent proof, 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:

- A. All foundation walls shall be maintained so as to carry the safe design and operating dead and live loads and shall be maintained plumb and free from open cracks and breaks which admit rodents, water, or dampness to the interior of the building or lessen the capability of the foundation to support the building. Basement or cellar hatchways shall be maintained as to prevent the entrance of rodents, rain and surface drainage into the structure.
- B. Any structural member of a structure which has become deteriorated or damaged to the extent that it does not serve the purpose as originally intended shall be renewed, restored, repaired or replaced as is necessary to serve the purpose as originally intended.
- C. 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, rain or dampness to the interior of the dwelling. The exterior of all privately owned dwellings, structures, and premises shall be free from graffiti when such graffiti is visible from the right of way. Owners on whose property

CHAPTER 1000
EXTERIOR PROPERTY CODE

graffiti is displayed shall completely remove the graffiti or shall completely and uniformly cover the graffiti with appropriate wall covering within fourteen (14) days of the occurrence of the graffiti.

- D. Roof members, covering and flashing shall be structurally sound and tight so as to present the entrance of moisture and be maintained by renewal, repair, waterproofing or other suitable means. All missing shingles or other roofing materials shall be replaced. Rain gutters, downspouts and drains shall be maintained in good repair and free from obstructions.
- E. Every porch shall be so constructed and maintained so as to be free of missing, defective, rotting or deteriorated foundations, supports, floors, other members and steps thereto, so as to be safe to use and kept in sound condition and in good repair.
- F. All exterior stairways on all premises shall have treads and risers of uniform width and height, and be maintained free of holes, grooves, cracks, or rotted or deteriorated supports which constitute a safety hazard or which decrease its capacity to support the loads to which the stairway was constructed. Stairway handrails and/or railings shall be firmly fastened and maintained in good condition. Where the absence of handrails and/or railings create a hazardous condition, the Enforcement Officer may require their installation in accordance with the provisions of the Ohio Building Code.
- G. All canopies, marquees, signs, awnings, and similar overhanging extensions and their supporting structures shall be maintained in good repair and be properly anchored so as to be kept in sound condition and shall not show evidence of ripping, tearing, or deterioration. When required, 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 treatment. Prohibited and obsolete signs shall be removed or replaced pursuant to the applicable section of the Zoning Code.
- H. All cornices, entablatures, bell courses, corbels, terracotta trim, wall facings, and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.

SECTION 1025 Exterior Property and Structure Standards.

The exterior of all premises and every structure thereon and all surfaces thereof, shall be properly maintained in structurally sound and good condition so as to be fit for human use, to achieve a presentable appearance, to avoid blighting effects on neighboring properties, and to be painted or protected where necessary for the purpose of preservation.

- A. Windows shall be fully supplied with window glass or an approved substitute which is glazed and without open cracks or holes, shall have sashes in good condition which fit within the frames, and be maintained so as to exclude adverse weather elements from entering the structure. Windows in dwellings shall be capable of being easily opened and

CHAPTER 1000
EXTERIOR PROPERTY CODE

held in position by hardware.

- B. Doors shall be maintained so as to be structurally sound, fit within frames so as to be weatherproof, windproof, and water proof and be provided with door hinges and door latches which are in good working condition.
- C. The chimney of every structure shall be maintained structurally sound and in good repair, free of loose, missing or deteriorated mortar and bricks, or other chimney building materials. Any such loose, missing or deteriorated mortar and brick shall be refitted, replaced or repaired.
- D. Except for materials that have been designed or manufactured 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 maintained so as to be kept clean and free of flaking, loose, or peeling paint or covering. Where the Enforcement Officer determines that any exterior wall segment, facing or other distinguishable surface area has more than twenty-five (25) percent of its total area peeling, flaking, corroded, or otherwise deteriorated, the said exterior wall segment, facing or other distinguishable surface area shall be surface coated in its entirety. All paint and other coating materials shall be free of any lead or other dangerous substances banned from general use by authorized federal, state, county or local regulatory agencies for health and safety reasons.
- E. All fences, retaining walls, or similar structures shall be anchored firmly in the ground, shall be constructed in a workmanlike manner and maintained in the same manner so that such approved fence, retaining wall or similar structure shall always be in a state of good structural repair. If any fence, retaining wall, or similar structure is found not be in a state of good structural repair, it shall be removed, replaced, or repaired as required. Except when constructed of materials designed or manufactured to remain untreated, all fences shall be treated periodically with paint or chemicals so as to retard deterioration.
- F. Driveways, parking area, and walks shall be maintained or so improved as to provide for a durable, hard, dust free surface such as concrete, asphalt, or comparable material. 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.
- G. Exterior lighting fixtures over steps, paths, walkways, courts, drives, and parking lots shall be neatly maintained in operable condition and lighted for sufficient periods of time before and after business hours to provide for pedestrian and employee safety and properly aimed so as not to shine on adjacent properties (per local zoning regulations).
- H. The exterior open space around each structure shall be maintained or so improved so as to provide for grass, plantings, or other suitable ground cover to assure absorption of rainfall and prevent soil erosion which is or may become detrimental to the structures, lot use or adjacent lots and structures.
 - 1. All yards, courts, and lots shall not evidence signs of neglect or general unsightliness and be kept free of noxious weeds, overgrown grasses, debris and other materials which may cause a fire, health or safety hazards. All grass, weeds

CHAPTER 1000
EXTERIOR PROPERTY CODE

or rank vegetation shall be periodically cut subject to Ordinance 18-1997.

2. Plant materials, especially trees and shrubs, shall be removed or appropriately treated if afflicted with decay, disease, insect infestation or otherwise considered dangerous to other plant material.
- I. All portions of all premises shall be so graded that there is no pooling or water or recurrent entrance of water into any part of any building except where such pooling or retention of water is part of a plan approved by the Village Engineer or his designate. All condensate and waste cooling water shall be appropriately discharged into an approved drainage system.
- J. Drainage swales are to be maintained by the owners of the parcels on which they are located, and at no time will anyone plant trees or shrubs or discharge, empty or place any material fill or waste into any swale so as to impede or divert 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 grasses to grow taller to retard runoff and prevent erosion. Swales in woodland areas should be left in their natural condition leaving the understory growth to retard runoff and prevent erosion.
- K. No junk or inoperable unplated vehicles shall be located on any property, except when stored within a completely enclosed building or in a manner in conformance with the zoning code and Ordinance 17-1998.
- L. Trash containers maintained outside an enclosed structure shall be in compliance with Section 3051 of the Zoning Code and the Mayor's Rules and Regulations Regarding Solid Waste and Recycling.