

Codified Ordinances of Pickerington, Ohio

CHAPTER 1490 Property Maintenance Code

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CROSS REFERENCES

Noxious or offensive odors - see GEN. OFF. 660.04

Notice to fill lots, remove putrid substances - see GEN. OFF. 660.11

Unsafe buildings - see P. & Z. 1296.09

Public nuisances - see B. & H. Ch. 1482

Abatement of nuisance or demolition of structure by Board of Nuisance Abatement - see B. & H. 1482.05

1490.01 RESERVED.

1490.02 DEFINITIONS.

(a) The definitions set forth in this section shall apply in the interpretation of this Property Maintenance Code.

(b) Whenever the words "building," "structure," "dwelling," "dwelling unit" or "premises" are used in this Property Maintenance Code they shall be construed as though they were followed by the words "or any part thereof." In addition:

(1) "Abandoned personal property" means wrecked or derelict property which has been left abandoned and unprotected from the elements and shall include wrecked, inoperative or partially dismantled motor vehicles, motor cycles, trailers, boats, or similar items, machinery, household appliances, plumbing fixtures, furniture and any other similar article which has been left abandoned and unprotected from the elements.

(2) "Abandoned real property" means any property that is vacant and is under a current Notice of Default and/or Notice of Mortgagee's Sale, pending Tax Assessor's Lien Sale and/or properties that have been the subject of a foreclosure sale where the title was retained by the beneficiary of a mortgage involved in the foreclosure and any properties transferred under a deed in lieu of foreclosure or sale.

(3) "Accessible property" means a property that is accessible through a compromised/breached gate, fence, wall, etc.

(4) "Accessory structure" means a building or structure the use or purpose of which is incidental to that of the main building and which is located on the same real property.

(5) "Approved" means approval by the Property Maintenance Inspector under the provisions of this Property Maintenance Code as applied to a material, device, method of construction, condition or location, or approval by other authorities designated by law, ordinance or this Property Maintenance Code to give approval to the matter in question.

(6) "Building" means any structure designed or built for the support, use, enclosure, shelter or occupation of persons, animals, chattels or property of any kind.

(7) "Dilapidated" means a general condition of decay or extensive disrepair.

(8) "Dwelling" means any building (except a house trailer, as defined by the Ohio Revised Code) which is occupied or intended for occupancy in whole or in part as a residence or sleeping place for one or more persons.

(9) "Dwelling unit" means one or more habitable rooms forming a single habitable unit within a dwelling with facilities which are used or intended to be used by one or more persons for a residence or sleeping place.

(10) "Enforcement officer" means any law enforcement officer, building official, code enforcement officer or designated employee employed by the City.

(11) "Evidence of vacancy" means conditions leading a reasonable person to believe that the property is vacant. Such conditions may include, but not be limited to, overgrown and/or dead vegetation, accumulation of abandoned real property, as defined herein, statements by neighbors, passers-by, delivery agents or governmental agents, among other evidence that the property is vacant.

(12) "Foreclosure" means the process by which a property, placed as security for a real estate loan, is sold at auction to satisfy the debt if the borrower defaults.

(13) "Habitable room" means enclosed floor space used or intended to be used for living, sleeping, cooking or eating purposes, excluding bathrooms, laundry rooms, closets, foyers, halls, pantries and storage spaces.

(14) "Nominal salvage value" means the value of an article of abandoned or derelict property including a motor vehicle, vessel, motor home or boat, which a reasonably prudent person would believe the fair market value of such property, taking into consideration its useful life, less depreciation and items of general or special depreciation, would be greater than the costs of salvage including the removal, transportation, storage and sale of same.

(15) "Organization" means a corporation for profit or not for profit, a partnership, joint venture, unincorporated association, estate, trust or other commercial or legal entity. "Organization" does not include an entity organized as, or by, a governmental agency for execution of a governmental program.

(16) "Owner" means any person who has a freehold or lessor estate in premises; a mortgagee or vendee in possession; or any person who has charge, care or control of premises as an agent, executor, administrator, assignee, receiver, trustee, guardian or lessee.

(17) "Person" means any individual, firm, corporation, association, partnership, agent, operator or other legal entity.

(18) "Premises" means lands, yards, parking areas, buildings, structures, walkways, lakes, ponds and other areas within the property boundaries.

(19) "Private property" means all land and improvements other than public lands and improvements.

(20) "Property Maintenance Inspector" means the City Manager or his or her designee.

(21) "Public property" means lands and improvements owned by a governmental body or any governmental agency including but not limited to easements and rights-of-way.

(22) "Residential building" means any improved real property or portion thereof, situated in the City, designed or permitted to be used for dwelling purposes, and shall include the buildings and structures located on such improved real property.

(23) "Structure" means anything constructed to serve any purpose.

(24) "Supplied" means furnished by, provided by, or under the control of, the owner.

(25) "Vacant" means any building/structure that is not legally occupied.
(Ord. 92-51. Passed 9-15-92; Ord. 2011-05. Passed 3-1-11.)

1490.03 DECLARATION OF POLICY; PURPOSE.

There exists in the City residential and nonresidential buildings, structures, vacant areas and combinations thereof which are blighted or are becoming blighted because of substandard, deteriorated or deteriorating conditions, factors and characteristics. Their existence is injurious to the public health, safety and welfare, including physical, aesthetic and monetary values, and constitutes a nuisance and a detraction from the realization of maximum benefits of development and redevelopment and the provision of a safe and beneficial environment in the City. The purpose of this Property Maintenance Code is to protect the public health, safety and welfare by setting forth a comprehensive Property Maintenance Code covering all buildings, structures and vacant lands now in existence or hereafter constructed or created, by:

- (a) Establishing minimum standards for:
 - (1) Adequate maintenance for elimination of hazards, blight, deterioration and nuisances;
 - (2) Basic equipment and facilities for light, heat, plumbing and ventilation;
- (b) Determining the responsibilities of owners, operators and occupants of dwellings and other buildings and lands; and
- (c) Providing for uniform administration and enforcement adequate to carry out the provisions and intent of this Property Maintenance Code.

(Ord. 92-51. Passed 9-15-92.)

1490.04 APPLICATION OF CHAPTER.

This Property Maintenance Code is intended to provide minimum requirements for maintenance and conditions of buildings and lands to protect the public health, safety and welfare, to preserve economic and aesthetic values and to prevent the deterioration of buildings and neighborhoods in the City. Where a provision of this Property Maintenance Code is found to be in conflict with a provision of the Zoning Code, this Building Code or any other ordinance, code or regulation of the City, the provision or requirement which is the more restrictive or which establishes a higher standard shall prevail.

(Ord. 92-51. Passed 9-15-92.)

1490.05 RULES AND REGULATIONS.

The Property Maintenance Inspector is hereby authorized to make and adopt such rules and regulations as may be necessary for the proper administration and enforcement of this Property Maintenance Code. Such rules and regulations shall not be in conflict with the provisions or intent of this Property Maintenance Code. The Property Maintenance Inspector shall file with the Municipal Clerk a certified copy of all rules and regulations which he or she may adopt. Such rules and regulations shall be printed in a newspaper of general circulation thirty days before they shall go into effect. Such rules and regulations shall have the same force and effect as the provisions of this Property Maintenance Code.

A copy of all rules and regulations adopted as provided herein shall be maintained at the Municipal Building and any person affected by them shall have access to them.

(Ord. 92-51. Passed 9-15-92.)

1490.06 PROPERTY MAINTENANCE APPEALS BOARD.

(a) Authority of Service Committee of Council. The Service Committee of Council shall serve as the Property Maintenance Appeals Board and shall exercise the functions authorized by this Property Maintenance Code.

(b) Adoption of Rules; Officers; Quorum. The Board shall adopt rules of procedure not inconsistent with this Property Maintenance Code and elect officers as the Board so chooses. No member of the Board shall take part in any hearing or determination in which he or she has a personal or financial interest. Two members of the Board in attendance at any meeting shall constitute a quorum. All decisions must have the affirmative vote of at least two members of the Board.

(c) Powers of Interpretation. The Board shall interpret the intent of this Property Maintenance Code and any rule or regulation adopted pursuant thereto.

(d) Variances. The Board may permit a reasonable minimum variance from applicable provisions of this Property Maintenance Code upon appeal if:

(1) A literal application of the provisions of this Property Maintenance Code would cause an undue hardship; and

(2) The public health, safety and welfare, the health, safety or welfare of any occupant, or the living environment of the community may not reasonably be expected to be materially threatened by failure to correct the violation or violations being appealed.

(Ord. 92-51. Passed 9-15-92.)

1490.07 INSPECTIONS.

(a) Inspector's Right of Entry. Upon presentation of proper credentials, the Property Maintenance Inspector may, where informed consent is granted, enter at reasonable times any building, structure or premises in the City to perform any duty imposed on him or her by this Property Maintenance Code.

(b) Protection of Complainant. All records pertaining to the identification of a complainant shall be kept separate and confidential from the public record of any inspection or notice of violation. All other records regarding inspections and notices of violation shall be public records and available on request.

(c) Liability. Any suit brought against any officer, agent or employee of the City as a result of any act required or permitted in the discharge of his or her duties under this Property Maintenance Code shall be defended by the Law Director until the final determination of the proceedings therein. The City shall save harmless such officer, agent or employee from personal liability.

(Ord. 92-51. Passed 9-15-92.)

1490.08 BUILDINGS UNFIT FOR HABITATION OR USE.

(a) In General. The designation of buildings as being unfit for habitation or use and the procedure for the condemnation and placarding of such buildings shall be carried out in accordance with the provisions of this section.

(b) Designation of Buildings as Unfit for Habitation or Use. Any building or dwelling unit which is found to have any of the following defects shall be condemned as unfit for human habitation or use and shall be so designated and placarded by the Property Maintenance Inspector:

(1) One which is so damaged, decayed, dilapidated, unsanitary, unsafe or vermin-infested that it is hazardous to the health or safety of the occupants or of the public;

(2) One which lacks illumination, ventilation or sanitation facilities adequate to protect the health or safety of the occupants or of the public;

(3) One which, because of its general condition, is unsanitary or otherwise hazardous to the health or safety of the occupants or of the public.

(c) Vacating of Premises. No owner or other person shall continue to occupy or use, or let or permit to be occupied or used, or allow another to let for occupancy or use, any building or dwelling unit which has been condemned as unfit for human habitation or use. The building or dwelling unit shall be vacated within a reasonable time as ordered by the Property Maintenance Inspector.

(d) Notice and Placarding. Whenever the Property Maintenance Inspector determines that a building or dwelling unit is unfit for human habitation or use he or she shall:

(1) Serve notice pursuant to Section 1490.13; and

(2) Affix to such building or dwelling unit, upon the door or entrance thereto, a placard on which shall be a written declaration that such building or dwelling unit is unfit for human habitation or use. The Property Maintenance Inspector shall remove such placard when he or

she has determined that the conditions upon which the condemnation and placarding were based have been eliminated.

(e) Security and Maintenance of Vacant Buildings and Premises. No owner of any vacant building or dwelling unit or portion thereof shall fail to secure all doors, windows and other openings of such building or fail to maintain yards, areas and premises of such building free from trash, debris and rank growth of weeds, grass, hedges, shrubs or trees.

(f) Standards for Security.

(1) Vacant buildings, dwelling units or portions thereof shall be secured in a workmanlike manner approved by the Property Maintenance Inspector.

(2) Any opening to be secured, including doors and windows, shall be covered uniformly with approved material cut to fit each opening and securely affixed from the outside.

(3) Only one type of securing material may be used on a single building. Such material shall be of a single color, texture, grade, weight or gauge.

(g) Discontinuance of Utilities. In any building or dwelling unit which has been condemned as unfit for human habitation or use and vacated, the Property Maintenance Inspector may cause any or all utilities to be disconnected or discontinued until such time as the defects upon which the condemnation was based have been eliminated. The Property Maintenance Inspector may cause any or all utilities to be disconnected or discontinued by notifying the public utility or utilities serving such building that the building has been condemned as unfit for human habitation or use and vacated. Upon receipt of such notice the public utility or utilities shall disconnect or discontinue service to the affected building within a reasonable time. Such notice shall include the date the order was issued and the date the property was found to be vacated, and a copy of the condemnation order shall be attached. Upon prior written approval of the Property Maintenance Inspector, any utility or utilities available to such building may be resumed for the purpose of facilitating compliance with this Property Maintenance Code. Except as provided herein, no person shall resume or reconnect any utility or cause resumption or reconnection of any utility which has been disconnected or discontinued as provided herein without first obtaining the written approval of the Property Maintenance Inspector.

(h) Reoccupancy of Building. No building or dwelling unit which has been condemned as unfit for human habitation or use shall again be occupied or used until written approval is given by the Property Maintenance Inspector.

(i) Tampering With or Removing Placards. Except as provided in this Property Maintenance Code, no person shall remove, deface or alter the placard from any building or dwelling unit which has been condemned as unfit for human habitation or use and placarded as such.

(Ord. 92-51. Passed 9-15-92.)

1490.09 UNSAFE BUILDINGS; NUISANCES.

(a) In General. The designation of any building or accessory structure as an unsafe building and a nuisance, and the procedure for the condemnation and placarding of such building or accessory structure, shall be carried out in accordance with the requirements set forth in this section.

No owner shall allow an unsafe, nuisance building or accessory structure, as defined in this section, to exist for a period exceeding thirty days following the date such building or accessory structure is so designated by the Property Maintenance Inspector without having commenced repairs or demolition thereof. Such repairs or demolition shall be completed within a reasonable time as ordered by the Property Maintenance Inspector.

(b) Designation of Buildings as Unsafe. Any building found to be vacant or which becomes vacant after having been declared unfit for human habitation or use, including accessory structures, and which, because of its condition, constitutes a hazard to the public health, safety or welfare, is hereby declared to be a nuisance and an unsafe building and shall be so designated and placarded by the Property Maintenance Inspector.

(c) Notice and Placarding. Whenever the Property Maintenance Inspector determines that a building or accessory structure is unsafe and a nuisance, as defined in subsection (b) hereof, he or she shall:

(1) Serve notice pursuant to Section 1490.13; and

(2) Affix to such building or accessory structure, upon the door or entrance thereto, a placard on which shall be a declaration in writing that such building or accessory structure is an unsafe building and a nuisance.

(d) Rehabilitation or Razing. Any building or accessory structure deemed unsafe and a nuisance by the Property Maintenance Inspector shall be rehabilitated or razed within a reasonable time as ordered by the Property Maintenance Inspector.

(Ord. 92-51. Passed 9-15-92.)

1490.10 BASIC EQUIPMENT AND FACILITIES.

(a) Clean and Sanitary Dwellings Required. No owner or agent shall let to another and allow occupancy to begin in any dwelling or dwelling unit unless it is clean and sanitary and fit for human occupancy.

(b) Kitchen Sinks. There shall be a kitchen sink in every dwelling unit. Such kitchen sink shall be properly connected to a public water and sewer system or to a water and sewer system approved by the Health Commissioner, which system is capable of providing at all times a reasonable flow of heated and unheated water. The kitchen sink shall have a surface finish which facilitates clean and sanitary maintenance.

(c) Bathrooms. Every dwelling unit shall have a bathroom which affords privacy to a person within the room. The facilities of the bathroom shall include a flush toilet, a lavatory basin and a bathtub or shower, all in good working condition, connected to a public water and sewer system or to a water and sewer system approved by the Health Commissioner, which system provides at all times an adequate flow of heated and unheated water. All fixtures shall have a surface finish which facilitates clean and sanitary maintenance.

(d) Water Heating Equipment. Every dwelling unit shall have supplied water heating equipment which is properly installed, maintained in safe and good working condition and capable of providing a reasonable flow of water at every required fixture at a temperature of not less than 110 degrees Fahrenheit.

(e) Plumbing. Every plumbing fixture, water pipe and waste pipe which is supplied or required shall be properly installed, connected and maintained in good sanitary working condition, free from defects, leaks and obstructions, and capable of performing the function for which it is intended.

(f) Means of Egress and Access. Every dwelling unit shall have an unobstructed means of egress leading to open space at ground level which complies with Section 1490.11(c). Access to or egress from each dwelling unit shall be provided without passing through any other dwelling unit.

(Ord. 92-51. Passed 9-15-92.)

1490.11 HEATING, LIGHTING AND ELECTRICAL SERVICE.

(a) Heating Facilities.

(1) Every dwelling and dwelling unit shall have heating equipment which is properly installed, vented and maintained in safe operating condition. Such heating equipment shall be capable of heating all habitable rooms and bathrooms to a temperature of at least seventy degrees Fahrenheit when the outside temperature is zero degrees Fahrenheit.

(2) It shall be the responsibility of the occupant to operate the heating equipment in such a manner as to maintain temperatures at a sufficient level to protect water pipes and plumbing fixtures from freeze-damage whenever operation of the heating equipment is under his or her control.

(b) Lighting; Electrical Service. Every habitable room of a dwelling or dwelling unit shall contain at least two separate electric convenience outlets, or one such outlet and one ceiling light

fixture, except that kitchens shall be equipped with at least one electric convenience outlet for each sixty square feet or portion thereof of floor space, and in no case fewer than two such outlets.

Every bathroom, laundry room, utility room and basement shall have at least one ceiling or wall light fixture that is properly installed and maintained in safe operating condition.

(c) Electrical Wiring and Fixtures. All dwellings not already connected to a source of electric power that are within 300 feet of available electric power must be connected to such power. In addition, all electrical service shall meet the following requirements:

(1) All electrical service connections shall be installed or replaced in accordance with this Building Code.

(2) All electrical wiring, connections, fixtures, panels, switches and receptacles shall be properly installed and shall be maintained in good and safe working condition.

(3) No temporary wiring may be used in any building except as approved by the Electrical Inspector.

(4) Extension cords may be used to connect portable electric loads to a source of power where the current to be supplied does not exceed the capacity of the extension cord.

(5) Extension cords may not be passed through open doorways or windows or under floor coverings, nor placed in a position where the passage of traffic over them could result in damage to the insulation.

(Ord. 92-51. Passed 9-15-92.)

1490.12 STRUCTURAL REQUIREMENTS.

(a) Foundations, Walls and Roofs. Every foundation, exterior wall and roof shall be substantially watertight and weathertight and in sound condition.

(b) Windows, Doors and Hatchways. Every window, exterior door and basement hatchway shall be substantially weathertight and shall be maintained in sound working condition and good repair.

(c) Stairs and Porches. Every exterior stairway, porch and stoop, and every appurtenance thereto, shall be constructed so as to be safe to use and capable of supporting a normal load and shall be maintained in good repair.

(d) Interior Stairways. Every interior stairway shall be capable of supporting a normal load and maintained in good repair. Stairways having a total rise of thirty-six inches or more shall have a handrail on at least one side. Stairways extending between two floors shall have handrails on all unenclosed sides.

(e) Equipment, Utilities and Facilities. Every piece of equipment, utility or facility which is supplied or required shall be so constructed or installed that it will function safely and effectively and shall be maintained in satisfactory working condition.

(f) Rain Carriers. Gutters, downspouts and conductor lines shall be installed and maintained where the absence thereof creates a structural hazard or nuisance run-off onto neighboring property. Such gutters, downspouts and conductor lines shall be maintained in a sound condition, with no significant leakage, holes or rust.

(g) Exterior Siding and Trim. All exterior siding and trim shall be maintained in good condition, free from significant peeling or chipping paint, loose or sagging material, decay or damage.

(h) Driveways, Approaches and Parking Areas. All paved driveways, approaches and parking areas shall be free of significant potholes, damage or deterioration and maintained in a reasonably clean condition.

(i) Yards, Porches, Areas and Exterior Premises. All yards, porches, areas and the entire exterior premises of a property shall be reasonably free from refuse, garbage, trash, debris, weeds, tall grass, accumulations of items tending to litter, and excessive storage of items detracting from the character of the neighborhood or development.

(j) Fences.

(1) All fences, gates and appurtenances thereto shall be maintained in good condition, with no significant leaning, sagging, damage, decay or peeling paint.

(2) No person shall erect or maintain any electric fence, barbed wire fence, razor wire fence, or a fence having metal prongs or spikes, within a residential district or on property which abuts residential property.

(k) Concrete, Brick, Block and Masonry. Structural concrete, brick, block and masonry work, including decorative walls and retaining walls, shall be sound, free of extensive mortar voids, holes, cracks and loose components.

(Ord. 92-51. Passed 9-15-92.)

1490.13 COMPLIANCE REQUIRED.

No person shall fail to comply with an order issued by the Property Maintenance Inspector.

No person shall occupy as owner-occupant, nor let or permit the occupancy by another of, any dwelling or dwelling unit which does not comply with the requirements set forth in this Property Maintenance Code.

No person shall permit the occupancy of any building used for other than residential or living purposes which does not comply with the requirements set forth in Sections 1490.12(f) through (k).

(Ord. 92-51. Passed 9-15-92.)

1490.14 NOTICE OF VIOLATION.

(a) Whenever the Property Maintenance Inspector determines that there is a violation of any provision of this Property Maintenance Code or any rule or regulation adopted pursuant thereto, he or she shall give notice of such violation to the person or persons responsible therefor as herein provided. Such notice shall:

(1) Be in writing;

(2) Include a statement of the reason it is being issued;

(3) Include the specific Property Maintenance Code sections being violated;

(4) Allow a reasonable time for compliance; and

(5) Be served by personal service, residence service or certified mail. If service by any of the above is not perfected, the notice may be served by posting it in a conspicuous place on or about the premises in violation.

(b) Any notice served pursuant to this section shall automatically become an order if a written petition for appeal is not filed in the Municipal Building within fifteen calendar days of such service.

(Ord. 92-51. Passed 9-15-92.)

1490.15 APPEALS.

(a) Any person affected by any notice issued in connection with the enforcement of this Property Maintenance Code may request and shall be granted a hearing before the Property Maintenance Appeals Board on all matters set forth in such notice, provided that such appeal is filed in the Municipal Building within fifteen days of service. The petition for appeal shall be related to the notice and shall set forth the factual reasons for the appeal and the relief the appellant is requesting. Upon receipt of such petition, the Property Maintenance Inspector, acting as Secretary to the Board, shall set a time and place for a hearing on the matter and shall give the petitioner written notice thereof. The hearing shall commence not later than forty-five days after the day the petition is filed. The Board may postpone the hearing for a reasonable time beyond such forty-five day period, provided that the petitioner has submitted a good and sufficient cause for such postponement, in the judgment of the Board.

(b) After hearing an appeal, the Board shall sustain, modify or withdraw the notice being appealed. If the Board sustains or modifies the notice, it shall be deemed an order.

(Ord. 92-51. Passed 9-15-92.)

1490.16 FINDINGS; NOTICE OF FINDINGS.

Within a reasonable time following the conclusion of any hearing, the findings and decision of the Property Maintenance Appeals Board shall be summarized, put in writing, and entered as a matter of public record in the Municipal Building and a copy of the same shall be served upon the appellant. The findings and decisions of the Board shall be final.

(Ord. 92-51. Passed 9-15-92.)

1490.17 EMERGENCY ORDERS.

(a) Whenever the Property Maintenance Inspector finds that an emergency exists which requires immediate action to protect the public health and safety, or the health and safety of any person, he or she may issue an order citing the existence of such emergency and requiring that such action as he or she deems necessary be taken to meet the emergency. Notwithstanding any other provision of this Property Maintenance Code, such order shall be effective immediately and complied with immediately.

(b) If necessary to protect the public health and safety or the health and safety of any person, where an emergency exists in an occupied building, the Property Maintenance Inspector may order the premises vacated forthwith and, further, that they shall not be reoccupied until the conditions causing the emergency to exist have been abated and approved by the Property Maintenance Inspector.

(c) In cases where it reasonably appears that there is imminent danger to the public health and safety or the health and safety of any person, unless the emergency condition is immediately corrected, and if, after reasonable attempts to notify the owner, it appears that the owner will not or cannot immediately correct the condition, the Property Maintenance Inspector may cause the immediate abatement, including building demolition where necessary, of such emergency condition. Further, the Property Maintenance Inspector shall cause the cost of such abatement to be charged against the land on which the emergency existed as a Municipal lien, or shall cause such cost to be recovered in a civil suit against the owner.

(Ord. 92-51. Passed 9-15-92.)

1490.18 ABANDONED REAL AND PERSONAL PROPERTY REGULATIONS.

(a) Applicability. This section shall be considered cumulative and not superseding or subject to any other law or provision for same but rather be an additional remedy available to the City.

(b) Placement of Abandoned Personal Property Prohibited.

(1) It shall be unlawful for any person to abandon personal property upon private property:

A. Without such receiving property owner's consent; or

B. In violation of this or any other applicable law, ordinance or regulation.

(2) Nothing in this section shall be deemed to apply to abandoned personal property authorized to be left on private business property properly operated, licensed, and zoned in the City for the purpose of accepting abandoned property.

(c) Public Nuisance. All abandoned personal property and abandoned real property is hereby declared to be a public nuisance, the abatement of which pursuant to the police power is hereby declared to be necessary for the health, welfare and safety of the residents of the City.

(d) Notification Procedure. When an enforcement officer ascertains that an article of personal property, having nominal salvage value, lies abandoned or derelict upon private or public property, that officer shall:

(1) Cause a notice to be placed upon such abandoned property in the substantially the following form:

NOTICE TO THE OWNER AND ALL PERSONS INTERESTED IN THE ATTACHED PROPERTY THIS PROPERTY. TO WIT: ("setting forth brief description of location) is: IMPROPERLY STORED AND IS IN VIOLATION OF (setting forth ordinance or code section violated) AND MUST BE REMOVED WITHIN TEN (10) DAYS FROM THE DATE OF THIS NOTICE OR CLAIMED BY THE OWNER THROUGH WRITTEN NOTICE TO THE CITY; OTHERWISE IT SHALL BE PRESUMED TO BE ABANDONED PROPERTY AND WILL BE

REMOVED AND SOLD OR DESTROYED BY ORDER OF THE CITY OF PICKERINGTON.
OHIO. DATED THIS: (setting forth the date of posting of notice);

SIGNED (setting forth name, title, address and telephone number of enforcement officer.)

Such notice shall be not less than eight inches by ten inches and be sufficiently weatherproof to withstand normal exposure to the elements.

(2) The enforcement officer shall also make reasonable effort to ascertain the name and address of the owner of the abandoned property and, if such address is reasonably available, the officer shall mail by certified mail, a copy of the notice to the owner on or before the date of the posting the above-described notice on the abandoned personal property.

(3) The enforcement officer shall mail, by certified mail, a copy of the above-described notice to the owner of the real property upon which the abandoned personal property is located, as shown by the real estate tax records used by the County, on or before the date of posting such notice.

(e) Removal of Abandoned Personal Property.

(1) If at the end of ten days after posting notice under this section, the owner or any person interested in such abandoned personal property described in the notice has not removed same or notified the City that the owner claims the property is not abandoned, the City may cause the article of abandoned personal property to be removed and destroyed, and the salvage value, if any, of such article shall be retained by the City to be applied against the cost of removal and destruction thereof.

(2) Before sale or destruction, of abandoned property on public or private lands, any owner or lienholder of the abandoned personal property shall be permitted to regain possession thereof upon proof of ownership or lien rights entitling the lienholder to possession, upon payment of storage charges plus an administrative fee as defined the City.

(3) It is unlawful to move abandoned personal property, including inoperative vehicles, from private property to public property after the posting of said property by an enforcement officer.

(4) In the event that the abandoned property is deemed to be an imminent public health and safety hazard, an enforcement officer is authorized to remove the property immediately. Subsequent to the removal of the abandoned property, the City shall make reasonable and diligent efforts to ascertain the owner and take the applicable action. If the abandoned property is on private property, the private property owner shall be provided notice and assessed the cost of removal of the abandoned property and any required clean up of the private property.

(f) Registration of Abandoned Real Property. Registration pursuant to this section shall contain the name of the mortgagee, the direct mailing address of the mortgagee and in the case of a corporation or out-of-area mortgagee, the local property management company responsible for the security and maintenance of the property. An annual registration fee in the amount of one hundred fifty dollars (\$150.00) shall accompany the registration form. Registration fees will not be prorated. The registration will be valid for the calendar year, or the remaining portion of the calendar year, in which the registration was initially required. Subsequent registration and fees are due January 1 of each year and must be received no later than January 31 of the year due.

(g) Maintenance Requirements.

(1) Properties subject to this section shall be kept free of weeds, overgrown brush, dead vegetation, trash, junk, debris, building materials, any accumulation of newspapers, circulars, flyers, notices, except those required by Federal, State, or local law, discarded personal items including, but not limited to, furniture, clothing, large and small appliances, printed material or any other items that give the appearance that the property is abandoned.

(2) The property shall be maintained free of graffiti or similar markings by removal or painting over with an exterior grade paint that matches the color of the exterior surface.

(3) Visible front and side yards shall be landscaped and maintained to the neighborhood standard at the time registration was required.

(4) Landscape shall include, but not be limited to, grass, ground covers, bushes, shrubs, hedges or similar plantings, decorative rock or bark or artificial turf/sod designed specifically for residential installation. Landscape shall not include weeds, gravel, broken concrete, asphalt or similar material.

(5) Maintenance shall include, but not be limited to, watering, irrigation, cutting, and mowing of required landscape and removal of all trimmings.

(6) Pools and spas shall be kept in working order so the water remains free and clear of pollutants and debris. Pools and spas shall comply with the enclosure requirements of the City's Code of Ordinances and Residential Code of Ohio, as amended from time to time.

(h) Security Requirements.

(1) Properties subject to this section shall be maintained in a secure manner so as not to be accessible to unauthorized persons.

(2) A "secure manner" shall include, but not be limited, to the closure and locking of windows, doors, gates and other openings of such size that may allow a child to access the interior of the property and/or structure. Broken windows shall be secured by re-glazing or boarding of the window, if windows are boarded the wood material must be painted to match the existing trim.

(3) Failure of the mortgagee and/or property owner of record to properly maintain the property may result in a violation of the City Code and enforced by code enforcement action. Pursuant to a finding and determination by the City's Mayor's Court or County Municipal Court, the City may take the necessary action to ensure compliance with this section.

(i) Opposing, Obstructing Enforcement Officer: Penalty. Whoever opposes, obstructs or resists any enforcement officer or any person authorized by the enforcement office in the discharge of duties as provided in this chapter, upon conviction, shall be punished as provided herein.

(Ord. 2011-05. Passed 3-1-11.)

1490.99 PENALTY.

(a) Whoever violates any provision of this chapter is guilty of a misdemeanor of the fourth degree and shall be fined not more than two hundred fifty dollars (\$250.00) or imprisoned for not more than 30 days, or both, for each offense. Each day that any such person continues to violate any of the provisions of this chapter shall constitute a separate offense. Receipt of notice under Section 1490.13 shall not be a prerequisite for prosecution for any violation of this chapter, provided a diligent effort to achieve service was made under its provisions.

(b) Whoever violates any provision of any rule or regulation adopted by the Property Maintenance Inspector pursuant to authority granted by this chapter is guilty of a misdemeanor of the fourth degree and shall be fined not more than two hundred fifty dollars (\$250.00) or imprisoned for not more than 30 days, or both, for each offense. Each day that any such person continues to violate any rule or regulation adopted by the Property Maintenance Inspector pursuant to authority granted by this chapter shall constitute a separate offense.

(c) Notwithstanding the penalties otherwise provided in this section, an organization convicted of a violation of this chapter is guilty of a misdemeanor of the fourth degree and shall be fined not more than two thousand dollars (\$2,000).

(Ord. 2011-05. Passed 3-1-11.)