

# INTERNATIONAL PROPERTY MAINTENANCE CODE

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**CHAPTER 1  
ADMINISTRATION**

**SECTION 101  
GENERAL**

**101.1 Title.** These regulations shall be known as the *Property Maintenance Code of Bazetta Township*, hereinafter referred to as “this code”, as authorized by Ohio Revised Code Section 505.73.

**101.2 Scope.** The provisions of this code shall apply to all existing residential and nonresidential structures and all existing premises and constitute minimum requirements and standards for premises and structures for sanitation and protection from the elements, life safety, safety from fire and other hazards, and for safe and sanitary maintenance; the responsibility of owners, operators, and occupants; the occupancy of existing structures and premises, and for administration, enforcement and penalties.

**101.3 Intent.** This code shall be construed to secure its expressed intent, which is to ensure public health, safety and welfare in so far as they are affected by the continued occupancy and maintenance of structures and premises. Existing structures and premises that do not comply with these provisions shall be altered or repaired to provide a minimum level of health and safety as required herein.

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

**SECTION 102  
APPLICABILITY**

**102.1 General.** The provisions of this code shall apply to all different matters affecting or relating to structures and premises, as set forth in Section 101. Where, in a specific case, different sections of this code specify different requirements, the most restrictive shall govern.

**102.2 Maintenance.** Equipment, systems, devices and safeguards required by this code or a previous regulation or code under which the structure or premises was constructed, altered or repaired shall be maintained in good working order. No owner, operator, or occupant shall cause any service, facility, equipment, or utility which is required under this section to be removed from or shut off from or discontinued for any occupied dwelling, except for such temporary interruption as necessary while repairs or alterations are in progress. The requirements of this code are not intended to provide the basis for removal or abrogation of fire protection and safety systems and devices in existing structures. Except as otherwise specified herein, the owner or the owner’s designated agent shall be responsible for the maintenance of buildings, structures, and premises.

**102.3 Application of Other Codes.** Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the Trumbull County Building Code, the Trumbull County Zoning Resolution as applicable, and the Bazetta Township Zoning Resolution as applicable. Nothing in this code shall be construed to cancel, modify or set aside any provision of the above-referenced codes.

**102.4 Existing Remedies.** The provisions of this code shall not be construed to abolish or impair existing remedies of Bazetta Township relating to the removal or demolition of any structure which is dangerous, unsafe and unsanitary or those remedies relating to abatement, control or removal of vegetation, garbage, or refuse and other debris from land in Bazetta Township if it constitutes a nuisance.

**102.5 Workmanship.** Repairs, maintenance work, alterations or installations which are caused directly or indirectly by the enforcement of this code shall be executed and installed in a workmanlike manner and installed in accordance with the manufacturer's installation instructions.

**102.6 Historic Buildings.** The provisions of this code shall not be mandatory for existing buildings or structures designated as historic buildings when such buildings or structures are judged by the code official to be safe and in the public interest of health, safety, and welfare.

**102.7 Reserved.**

**102.8 Requirements Not Covered by the Code.** Requirements necessary for the strength, stability or proper operation of an existing fixture, structure or equipment, or for the public safety, health and general welfare, not specifically covered by this code, shall be determined by the code official.

## **SECTION 103 DEPARTMENT OF PUBLIC SERVICES**

**103.1 General.** The Bazetta Township Zoning Inspector shall be responsible for the enforcement and application of this code. The Bazetta Township Zoning Inspector shall be known as the code official.

**103.2 Inspectors.** The Bazetta Township Trustees shall assign inspectors serving in the Zoning Department as they deems necessary to perform the duties required by this code. These inspectors shall report to the Bazetta Township Trustees and the Bazetta Township Zoning Inspector.

## **SECTION 104 DUTIES AND POWERS OF THE CODE OFFICIAL**

**104.1 General.** The code official(s) shall enforce the provisions of this code.

**104.2 Rule-Making Authority.** The code official shall have the authority, with the advice and consent of the Bazetta Township Board of Trustees, as necessary in the interest of the public health, safety and general welfare, to adopt and promulgate rules and procedures; to interpret and implement the provisions of this code; to secure the intent thereof; and to designate requirements applicable because of local climatic or other conditions. Such rules shall not have the affect of waiving structural requirements specifically provided for in this code, or of violating accepted engineering methods involving public safety.

**104.3 Inspections.** The code official shall make all of the required inspections, or shall accept reports of inspection by approved agencies or individuals. All reports of such inspections shall be in writing and be certified by a responsible officer of such approved agency or by the responsible individual. The code official is authorized to engage such expert opinion, with the advice and consent of the Bazetta Township Board of Trustees, as deemed necessary to report upon unusual technical issues that arise.

**104.4 Right of Entry.** The code official is authorized to enter the structure (not interior) or premises at reasonable times to inspect subject to constitutional restrictions on unreasonable searches and seizures. If entry is refused or not obtained, the code official is authorized to pursue recourse as provided by law.

**104.5 Identification.** The code official shall carry proper identification when inspecting structures or premises in the performance of duties under this code.

**104.6 Notice and Orders.** The code official shall issue all necessary notices or orders to ensure compliance with this code.

**104.7 Department Records.** The code official shall keep official records of all business and activities of the department specified in the provisions of this code. Such records shall be retained in the official records as long as the building or structure to which such records relate remains in existence, unless otherwise provided for by regulations.

**104.8 Discretion on Dealing with Violations.** The code official shall have the discretion to determine whether to issue a violator a citation to Trumbull County Municipal Court to answer a minor misdemeanor charge or to initiate a civil suit against the violator as provided hereafter.

## **SECTION 105 APPROVAL**

**105.1 Modifications.** Whenever there are practical difficulties involved in carrying out the provisions of this code, the code official shall have the authority to grant modifications for individual cases, provided the code official shall first find that special individual reason makes the strict letter of this code impractical and the modification is in compliance with the intent and purpose of this code and that such modification does not lessen health, life and fire safety requirements. The details of action granting modifications shall be recorded and entered in the department files.

**105.2 Alternative Materials, Methods, and Equipment.** The provisions of this code are not intended to prevent the installation of any material or to prohibit any method of construction not specifically prescribed by this code, provided that any such alternative has been approved. An alternative material or method of construction shall be approved where the code official finds that the proposed design is satisfactory and complies with the intent of the provisions of this code, and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this code in quality, strength, effectiveness, fire resistance, durability, and safety.

**105.3 Required Testing.** Whenever there is insufficient evidence of compliance with the provisions of this code, or evidence that a material or method does not conform to the requirements of this code, or in order to substantiate claims for alternative materials or methods, the code official shall have the authority to require to have tests to be made as evidence of compliance at no expense to Bazetta Township.

**105.3.1 Test Method.** Test methods shall be as specified in this code or by other recognized test standards. In the absence of recognized and accepted test methods, the code official shall be permitted to approve appropriate testing procedures performed by an appropriate agency.

**105.3.2 Test Reports.** Reports of tests shall be retained by the code official for the period required for retention of public records.

**105.4 Material and Equipment Reuse.** Materials, equipment, and devices shall not be reused unless such elements are in good repair or have been reconditioned and tested when necessary, placed in good and proper working condition and approved.

## **SECTION 106 VIOLATIONS**

**106.1 Unlawful acts.** Pursuant to Revised Code Section 505.74, it shall be unlawful for a person, firm or corporation to be in conflict with or in violation of any of the provisions of this code. Each day of continued violation constitutes a separate offense.

**106.2 Notice of Violation.** The code official shall serve a notice of violation to all persons or entities found to be in conflict with or in violation of any of the provisions of this code.

**106.3 Prosecution of Violation.** Any person failing to comply with a notice of violation served in accordance with Section 107 shall be deemed guilty of a minor misdemeanor and issued a citation to appear in Trumbull County Municipal Court, or shall be deemed guilty of a civil infraction as determined by the code official, and the violation shall be deemed a strict liability offense. If the notice of violation is not complied with, the code official shall institute the appropriate proceeding at law or in equity to restrain, correct, or abate such violation, or to require the removal or termination of the unlawful occupancy of the structure in violation of the

provisions of this code or of the order or direction made pursuant thereto. Costs incurred by Bazetta Township in connection with enforcement of this code shall be charged against the real estate upon which the structure is located and shall be certified to the Trumbull County Auditor and included on the next real estate tax bill as a lien upon such real estate.

**106.4 Abatement of Violation.** The imposition of the penalties herein prescribed shall not preclude the Bazetta Township Board of Trustees through its legal officer from instituting appropriate action to restrain, correct or abate a violation, or prevent illegal occupancy of a building, structure or premises, or to stop an illegal act, conduct, business or utilization of the building, structure or premises.

**106.5 Transfer of Ownership.** It shall be unlawful for the owner of any dwelling unit or structure who has received a compliance order or upon whom a notice of violation has been served to sell, transfer, mortgage, lease, or otherwise dispose of such dwelling unit or structure to another until the provisions of the compliance order or 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 compliance order or notice of violation issued by the code official and shall furnish to the code official a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such compliance order or notice of violation and fully accepting the responsibility without condition for making the corrections or repairs required by such compliance order or notice of violation.

## **SECTION 107 NOTICE OF VIOLATION**

**107.1 Notice of Violation.** The code official shall serve a Notice of Violation (hereinafter referred to as "Notice" or "Notice of Violation") to all persons or entities found to be in conflict with or in violation of any of the provisions of this code. Additional written notices may be sent at the code official's discretion.

**107.2 Form of Notice of Violation.** Whenever the code official determines that there has been a violation of this code or has grounds to believe that a violation has occurred, notice shall be given in accordance with all of the following:

1. The Notice shall be in writing;
2. The Notice shall be sent to the person or entity listed by the Trumbull County Auditor's Office as owner of the property at issue;
3. The Notice shall include a description of the property at issue which description is sufficient for identification purposes;
4. The Notice shall include a statement of the violation or violations determined to exist on the property with specific references to the sections of this code which are alleged to have been violated;

5. The Notice shall include a description of the corrective action which must be taken to bring the property into compliance with the provisions of this code; and

6. The Notice shall include a deadline by which time the person receiving the Notice shall be required to take the necessary corrective action required to bring the property into compliance with the provisions of this code.

**107.3 Method of service.** The Notice of Violation shall be deemed to be properly served if a copy thereof is:

1. Delivered personally; or

2. Sent by certified or first-class mail addressed to the owner of the property at issue at the address of the property; or

3. Sent by certified or first-class mail addressed to the owner of the property at issue at the address listed as the owner's tax mailing address by the Trumbull County Auditor; or

4. Sent by certified or first-class mail addressed to the owner of the property at issue at the owner's last known address; or

5. Posted in a conspicuous place in or about the property at issue if the Notice is returned showing that the Notice was not delivered.

## **SECTION 108 WARNING CITATIONS**

**108.1 Warning Citation:** It is the policy of Bazetta Township to use fair and reasonable judgment in the administration of its enforcement actions. To this end, a Warning Citation may be issued for the first occurrence of a violation of this Code. The Warning Citation shall identify the premises and the nature of the violation, as well as what is necessary to correct the violation and a time limit for such corrections to be made. If the premises owner fails to correct the violation within the time limit given in the Warning Citation, a Notice of Violation shall be issued. The Code Official has the right to forgo issuance of a Warning Citation and proceed to issue a Notice of Violation, in his/her discretion. The Warning Citation is in no way a prerequisite for a Notice of Violation. There shall be no right of appeal from the issuance of a Warning Citation.

**SECTION 109  
PENALTIES AND FINES**

**109.1 Violation Penalties.** Pursuant to Revised Code Section 505.99, any person or entity who is found by the Trumbull County Municipal Court to have violated a provision of this code shall be guilty of a minor misdemeanor and shall be fined in accordance with law.

**109.2 Administrative Fee.** In addition to the fine imposed by the Court, Bazetta Township will charge an administrative fee for the processing of all citations. The administrative fee shall be that fee established on Bazetta Township's fee schedule adopted for the relevant year.

**109.3 Continuing Violations.** Each day that a violation continues after due notice has been served shall be deemed a separate offense.

**SECTION 110  
CIVIL CITATIONS**

**110.1 Civil Citation Issued.** If a person or entity to whom a Notice of Violation has been sent does not bring the property at issue into compliance with the provisions of this code by the deadline established in the Notice of Violation or by the granted deadline extension, if any, the Code Official, in lieu of initiating a citation for a minor misdemeanor, may issue such person a Civil Citation (hereinafter referred to as "Citation" or "Civil Citation").

**110.2 Form of Civil Citation.** Civil Citations issued for a failure to comply with the Notice of Violation by the deadline established therein, or by the granted deadline extension, if any, shall be given in accordance with all of the following:

1. The Citation shall be in writing on a form specifically designated as a Civil Citation form;
2. The Citation shall include a statement advising the person charged that he must answer the citation within fourteen (14) days after the date on which the Citation is served upon him;
3. The Citation shall include a statement indicating the allowable answers that may be made and that the person will be afforded a court hearing if he/she denies committing the violation;
4. The Citation shall include a statement specifying that the answer must be made in person, or by mail, to the Bazetta Township Fiscal Officer;
5. The Citation shall include a statement indicating the amount of the fine arising from the violation;

6. The Citation shall include a statement advising the person of the violation charged, the date, time and place of the violation charged; and

7. The Citation shall include the signature and affirmation of the code official or his designee.

**110.3 Method of Service.** The Civil Citation shall be deemed to be properly served if it is:

1. Delivered personally by a Bazetta Township Police Officer; or

2. Sent by certified or express mail, return receipt requested, addressed to the owner of the property at issue at the address listed as the owner's tax mailing address by the Trumbull County Auditor; or

3. Sent by certified or express mail, return receipt requested, addressed to the owner of the property at issue at the owner's last known address; or

4. Delivered personally to the usual place of residence of the owner of the property at issue to the owner or some person of suitable age and discretion then residing at that residence; or

5. Any other method of service permitted by the Ohio Rules of Civil Procedure.

**110.4 Appeals Board** The Bazetta Township Board of Zoning Appeals shall function as the appeals board for Exterior Property Maintenance Code violations.

**110.5 Procedure** The Board of Zoning Appeals may adopt rules of procedure that are consistent with this Code. No member of the Board shall take part in any appeal or determination in which he has a personal or financial interest.

**110.6 Authority** The Board shall hear appeals relative to the enforcement of this Code, and by a concurring vote of the majority of those members hearing the appeal, may reverse or affirm, wholly or in part, or may modify, the decision appealed from, and shall make such order or determination in its opinion. Failure to secure concurring votes shall be deemed a confirmation of the decision of the Code Official.

**110.7 Hearings** Any person affected by a Notice of Violation which has been issued in connection with the enforcement of this Code, may request, and shall be granted a hearing on the matter before the Board of Zoning Appeals provided that such person shall file in the office of the Code Official an appeal on forms provided by the township. The appeal shall be filed within ten (10) days after the date of the Notice of Violation or revocation or denial of a permit. Upon receipt of the appeal, the Board shall give the person appealing written notice of the hearing date by first class mail postmarked at least ten (10) days prior to said hearing. The hearing shall be held no less than ten (10) days and no more than thirty (30) days from the date the appeal was filed. At the hearing, the person appealing will be given the opportunity to be heard and to show cause as to why any part of the Notice of Violation should be modified or withdrawn. Failure of

the person appealing, or his/her representative, to appear at the hearing shall have the same effect as if no appeal had been filed.

**110.8 Findings** Prior to sustaining any Notice of Violation and subsequent compliance order, the Board shall make the following findings:

- a. A Notice of Violation was served on the appropriate party as per the terms of this Code.
- b. The Notice of Violation included the specific nature of the violation(s), the corrective action required to remedy same and a specific time period for such remedy.
- c. That within the time frame allowed for the remedy of the violation(s), the person responsible failed to comply with the necessary corrective action(s).
- d. Upon expiration of the time period allowed for remedy in the Notice of Violation, the violation(s) still existed on the property/premises.
- e. A determination that a violation does indeed exist on the property.

**110.9 Authority of Appeals Board** Within thirty (30) days of the close of the hearing, the Board shall render a decision sustaining, modifying or withdrawing the violation(s), or any portion thereof, as appearing on the Notice of Violation.

**110.10 Civil Remedies** If the recipient of a Notice of Violation fails to comply with said notice, within the period of time stated in the notice, the Board of Trustees may institute any action described herein, or a civil action for injunction, mandamus, abatement, or any other appropriate action or proceeding to enjoin, correct or abate the violation(s).

## **SECTION 111 PERMISSIBLE ANSWERS TO CIVIL CITATION**

**111.1 Permissible Answers.** Any person or entity to whom a Civil Citation has been served may answer said Citation in one of the following ways:

1. Admission that the person or entity committed the violation charged filed in the manner and within the time permitted by Section 112 of this code;
2. Express denial of the violation charged by the person or entity charged filed in the manner and within the time permitted by Section 113 of this code; or
3. Implicit denial of the violation charged by the failure of the person or entity charged to file an answer or pay the fine set forth in the Civil Citation within the time permitted by Sections 112 and 113 of this code.

**SECTION 112**  
**ADMISSION OF VIOLATION CHARGED IN CIVIL CITATION**

**112.1 Admission of Guilt.** Persons or entities served with Civil Citations may admit to the violation charged by paying the fine set forth in the Civil Citation as required by Sections 116.1 and 116.2 of this code.

**112.2 Admission of Guilt of Violations Charged in Civil Citations & Payment of Fine by Hand Delivery.** Persons or entities served with Civil Citations may admit to the violation charged in the Civil Citation by paying the fine or fines set forth in the Civil Citation in person to the Bazetta Township Fiscal Officer. Such payments must be hand-delivered within fourteen (14) days of the date that the Civil Citation was served upon such person or entity.

**112.3 Admission of Guilt of Violations Charged in Civil Citations & Payment of Fine by Mail.** Persons or entities served with Civil Citations may admit to the violation charged in the Civil Citation by paying the fine or fines set forth in the Civil Citation by mailing the payment, postage prepaid, to the Bazetta Township Fiscal Officer, 3372 St. Route 5, Cortland, Ohio 44410. Such admissions and payments must be received by the Township no later than fourteen (14) days after the date that the Civil Citation was served upon such person or entity.

**112.4 Effect of Admission and Payment of Fine.** Persons or entities who admit guilt as to the violation charged in a Civil Citation and who pay the fine set forth in the Citation are in no way absolved from resolving, removing, repairing, or otherwise abating the condition which resulted in the issuance of the Civil Citation. If such persons or entities fail to resolve, remove, repair, or otherwise abate that condition, Bazetta Township may continue to issue Civil Citations each day it determines that the condition continues to violate the provisions of this code. Civil Citations issued for such continuing, unresolved violation of this code need not be preceded by additional Notices of Violation as the initial Notice of Violation shall suffice to notify the persons or entity involved as to the nature of the violation charged. Further, the admission of guilt and payment of the fines set forth in the Civil Citation shall in no way preclude the Bazetta Township Board of Trustees from instituting, by and through its Township attorney, appropriate action to enjoin, restrain, correct or abate a violation, or to prevent illegal occupancy of a building, structure or premises, or to stop an illegal act, conduct, business or utilization of the building, structure or premises.

**SECTION 113**  
**EXPRESS DENIAL OF VIOLATION CHARGED IN CIVIL CITATION**

**113.1 Hand Delivery of Denial.** Persons or entities served with Civil Citations may deny the violation charged in the Civil Citation by expressly denying the violation in writing and presenting the denial in person to the Bazetta Township Fiscal Officer. Such denials must be hand-delivered within fourteen (14) days of the date that the Civil Citation was served upon such person or entity.

**113.2 Mailing of Denial.** Persons or entities served with Civil Citations may deny the violation charged in the Civil Citation by expressly denying the violation in writing and by mailing the denial, postage prepaid, to the Bazetta Township Fiscal Officer, 3372 St. Route 5, Cortland, Ohio 44410. Such denial must be received by the Township no later than fourteen (14) days after the date that the Civil Citation was served upon such person or entity.

## **SECTION 114 IMPLICIT DENIAL OF VIOLATION CHARGED IN CIVIL CITATION**

**114.1 Implicit Denial of Violation.** Persons or entities who fail to either expressly deny the violation charged in the Civil Citation in the manner and within the time permitted by Section 109 of this code or who fail to admit the violation charged in the Civil Citation by paying the fine or fines set forth in the Civil Citation in the manner and within the time permitted by Section 112 of this code shall be deemed to have denied the violation charged.

## **SECTION 115 MUNICIPAL COURT CIVIL PROCEEDINGS**

**115.1 Initiation of Civil Action in Trumbull County Municipal Court.** If the person or entity issued a Civil Citation either expressly or implicitly denies the violation charged in the Citation within fourteen (14) days after service of the Civil Citation, the Bazetta Township Fiscal Officer shall initiate a civil action in Trumbull County Municipal Court seeking enforcement of the provisions of this code in the civil division of Trumbull County Municipal Court.

**115.2 Municipal Court Hearings.** Municipal Court hearings are conducted according to the Rules of Civil Procedure. The Court shall determine whether the violation is proven by the Township by a preponderance of the evidence. If the court determines that the violation has been proven, it will order the violator to pay the fine.

**115.3 Payment of Fine after Determination of Guilt.** Persons or entities found to have violated the provisions of this code charged in the Civil Citation must pay the fines assessed by the court within ten (10) days after the judgment. Failure to pay the fine within this time period will result in the placement of a lien on the property at issue.

## **SECTION 116 PENALTIES AND FINES**

**116.1 Violation Penalties.** Any person or entity who is charged with a civil citation for violation of a provision of this code shall be fined the following amounts:

1. In the amount of one hundred dollars (\$100.00) on the first offense;
2. In the amount of two hundred-fifty dollars (\$250.00) for the second offense in a calendar year;

3. In the amount of five hundred dollars (\$500.00) for the third offense in a calendar year;
4. In the amount of seven hundred-fifty dollars (\$750.00) for the fourth offense in a calendar year; and
5. In the amount of one thousand dollars (\$1,000.00) for each subsequent offense in a calendar year.

**116.2 Administrative Fee.** In addition to the fine imposed by Section 116.1, Bazetta Township will charge an administrative fee for the processing of all civil citations. The administrative fee shall be that fee established on Bazetta Township's fee schedule adopted for the relevant year.

**116.3 Continuing Violations.** Each day that a violation continues after due notice has been served shall be deemed a separate offense.

## **SECTION 117 UNSAFE STRUCTURES**

**This section will be left in for definition purposes and the township will use its statutory authority under O.R.C. 505.86 when deemed necessary.**

**117.1 General.** When a structure or equipment is found by the code official to be unsafe, or when a structure is found unfit for human occupancy, or is found unlawful, such a structure shall be condemned pursuant to the provisions of this code.

**117.1 Unsafe Structures.** An unsafe structure is one that is found to be dangerous to the life, health, property or safety of the public or the occupants of the structure by not providing minimum safeguards to protect or warn occupants in the event of fire, or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation, that partial or complete collapse is possible.

**117.1.2 Reserved.**

**117.1.3 Structure Unfit for Human Occupancy.** A structure is unfit for human occupancy whenever the code official finds that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is unsanitary, vermin or rat infested, contains filth and contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by this code, or because the location of the structure constitutes a hazard to the occupants of the structure or to the public.

**117.1.4 Unlawful Structure.** An unlawful structure is one found in whole or in part to be erected, altered or occupied contrary to law.

**117.2 Closing of Vacant Structures.** If the structure is vacant and unfit for human habitation and occupancy, and is not in danger of structural collapse, the code official is authorized to place

a placard of condemnation on the premises and order the structure closed up so as not to be an attractive nuisance. Upon failure of the owner to close up the premises within the time specified in the order, the code official shall caused the premises to be closed and secured through any available public agency or by contract or arrangement by private persons and the cost thereof shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate and may be collected by any other legal means.

**117.3 Notice.** Whenever the code official has condemned a structure under the provisions of this section, notice shall be posted in a conspicuous place in or about the structure affected by such notice and served on the owner or the person or persons responsible for the structure in accordance with Section 107.3. The notice shall be in the form prescribed in Section 107.2.

**117.4 Placarding.** Upon failure of the owner or person responsible to comply with the notice provisions within the time given, the code official shall post on the premises a placard bearing the word "Condemned" and a statement of the penalties provided for occupying the premises or removing the placard.

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

**117.5 Prohibited occupancy.** Any occupied structure condemned and placarded by the code official shall be vacated as ordered by the code official. Any person who shall occupy a placarded premises and any owner or any person responsible for the premises who shall let anyone occupy a placarded premises shall be liable for the penalties provided by this code.

## **SECTION 118 EMERGENCY MEASURES**

**118.1 Imminent danger.** When, in the opinion of the code official, there is imminent danger of failure or collapse of a building or structure which endangers life, or when any structure or part of a structure has fallen and life is endangered by the occupation of the structure, or when there is actual or potential danger to the building occupants or those in the proximity of any structure because of explosives, explosive fumes or vapors or the presence of toxic fumes, gases or materials, or operation of defective or dangerous equipment, the code official is hereby authorized and empowered to order and require the occupants to vacate the premises forthwith. The code official shall cause to be posted at each entrance to such structure a notice reading as follows: "This Structure Is Unsafe and Its Occupancy Has Been Prohibited by the Code Official." It shall be unlawful for any person to enter such structure except for the purpose of securing the structure, making the required repairs, removing the hazardous condition or of demolishing the same.

**118.2 Temporary safeguards.** Notwithstanding other provisions of this code, whenever, in the opinion of the code official, there is imminent danger due to an unsafe condition, the code

official shall order the necessary work to be done, including the boarding up of openings, to render such structure temporarily safe whether or not the legal procedure herein described has been instituted; and shall cause such other action to be taken as the code official deems necessary to meet such emergency.

**118.3 Closing streets.** When necessary for public safety, the code official shall temporarily close structures and close, or order the authority having jurisdiction to close, sidewalks, streets, public ways and places adjacent to unsafe structures, and prohibit the same from being utilized.

**118.4 Emergency repairs.** For the purposes of this section, the code official shall employ the necessary labor and materials to perform the required work as expeditiously as possible.

**118.5 Costs of emergency repairs.** Costs incurred in the performance of emergency work shall be paid by Bazetta Township. The legal counsel of Bazetta Township shall institute appropriate action against the owner of the premises where the unsafe structure is or was located for the recovery of such costs.

## **SECTION 119 DEMOLITION**

**This section will be left in for definition purposes and the township will use its statutory authority under O.R.C. 505.86 when deemed necessary.**

**119.1 General.** The code official shall order the owner of any premises upon which is located any structure, which in the code official's judgment is so old, dilapidated or has become so out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human habitation or occupancy, and such that it is unreasonable to repair the structure, to demolish and remove such structure; or if such structure is capable of being made safe by repairs, to repair and make safe and sanitary or to demolish and remove at the owner's option; or where there has been a cessation of normal construction of any structure for a period of more than two years, to demolish and remove such structure.

**119.2 Notices and orders.** All notices and orders shall comply with Section 107.

**119.3 Failure to comply.** If the owner of a premises fails to comply with a demolition order within the time prescribed, the code official shall cause the structure to be demolished and removed, either through an available public agency or by contract or arrangement with private persons, and the cost of such demolition and removal shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

**119.4 Salvage materials.** When any structure has been ordered demolished and removed, the code official shall have the right to sell the salvage and valuable materials at the highest price obtainable. The net proceeds of such sale, after deducting the expenses of such demolition and removal, shall be promptly remitted with a report of such sale or transaction, including the items of expense and the amounts deducted, for the person who is entitled thereto, subject to any order of a court. If such a surplus does not remain to be turned over, the report shall so state.

## **CHAPTER 2 DEFINITIONS**

### **SECTION 201 GENERAL**

**201.1 Scope.** Unless otherwise expressly stated, the following terms shall, for the purposes of this code, have the meanings shown in this chapter.

**201.2 Interchangeability.** Words stated in the present tense include the future; words stated in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural, the singular.

**201.3. Reserved.**

**201.4 Terms not defined.** Where terms are not defined herein, such terms shall have ordinarily accepted meanings such as the context implies.

**201.5 Parts.** Whenever the words "dwelling unit," "dwelling," "premises," "building," "rooming house," "rooming unit", "housekeeping unit" or "story" are stated in this code, they shall be construed as though they were followed by the words "or any part thereof."

### **SECTION 202 GENERAL DEFINITIONS**

**APPROVED.** Approved by the code official.

**BASEMENT.** That portion of a building which is partly or completely below grade.

**CODE OFFICIAL.** The official who is charged with the administration and enforcement of this code, or any duly authorized representative.

**CONDEMN.** To adjudge unfit for occupancy.

**DWELLING UNIT.** A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

**EASEMENT.** That portion of land or property reserved for present or future use by a person or agency other than the legal fee owner(s) of the property. The easement shall be permitted to be for use under, on or above a said lot or lots.

**EXTERIOR PROPERTY.** The open space on the premises and on adjoining property under the control of owners or operators of such premises.

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

**GARBAGE.** The animal or vegetable waste resulting from the handling, preparation, cooking and consumption of food.

**GUARD.** A building component or a system of building components located at or near the open sides of elevated walking surfaces that minimizes the possibility of a fall from the walking surface to a lower level.

**HOUSEKEEPING UNIT.** A room or group of rooms forming a single habitable space equipped and intended to be used for living, sleeping, cooking and eating which does not contain, within such a unit, a toilet, lavatory and bathtub or shower.

**IMMINENT DANGER.** A condition which could cause serious or life-threatening injury or death at any time.

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

**INOPERABLE MOTOR VEHICLE.** A vehicle which cannot be driven upon the public streets for reason including but not limited to being unlicensed, wrecked, abandoned, in a state of disrepair, or incapable of being moved under its own power.

**LET FOR OCCUPANCY OR LET.** To permit, provide or offer possession or occupancy of a dwelling, dwelling unit, rooming unit, building, premise or structure by a person who is or is not the legal owner of record thereof, pursuant to a written or unwritten lease, agreement or license, or pursuant to a recorded or unrecorded agreement of contract for the sale of land.

**OCCUPANCY.** The purpose for which a building or portion thereof is utilized or occupied.

**OCCUPANT.** Any individual living or sleeping in a building, or having possession of a space within a building.

**OPENABLE AREA.** That part of a window, skylight or door which is available for unobstructed ventilation and which opens directly to the outdoors.

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

**OWNER.** Any person, agent, operator, firm or corporation having a legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

**PERSON.** An individual, corporation, partnership or any other group acting as a unit.

**PREMISES.** A lot, plot or parcel of land, easement or public way, including any structures thereon.

**PUBLIC WAY.** Any street, alley or similar parcel of land essentially unobstructed from the ground to the sky, which is deeded, dedicated or otherwise permanently appropriated to the public for public use.

**ROOMING HOUSE.** A building arranged or occupied for lodging, with or without meals, for compensation and not occupied as a one- or two-family dwelling.

**ROOMING UNIT.** Any room or group of rooms forming a single habitable unit occupied or intended to be occupied for sleeping or living, but not for cooking purposes.

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

**SLEEPING UNIT.** A room or space in which people sleep, which can also include permanent provisions for living, eating and either sanitation or kitchen facilities, but not both. Such rooms and spaces that are also part of a dwelling unit are not sleeping units.

**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.** That which is built or constructed or a portion thereof.

**TENANT.** A person, corporation, partnership or group, whether or not the legal owner of record, occupying a building or portion thereof as a unit.

**VENTILATION.** The natural or mechanical process of supplying conditioned or unconditioned air to, or removing such air from, any space.

**WORKMANLIKE.** Executed in a skilled manner; e.g., generally plumb, level, square, in line, undamaged and without marring adjacent work.

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

**CHAPTER 3  
GENERAL REQUIREMENTS**

**SECTION 301  
GENERAL**

**301.1 Scope.** The provisions of this chapter shall govern the minimum conditions and the responsibilities of persons for maintenance of structures, equipment and exterior property.

**301.2 Responsibility.** The owner of the premises shall maintain the structures and exterior property in compliance with these requirements, except as otherwise provided for in this code. A person shall not occupy as owner-occupant or permit another person to occupy premises which are not in a sanitary and safe condition and which do not comply with the requirements of this chapter. Occupants of a dwelling unit, rooming unit or housekeeping unit are responsible for keeping in a clean, sanitary and safe condition that part of the dwelling unit, rooming unit, housekeeping unit or premises which they occupy and control.

**301.3 Vacant structures and land.** All vacant structures and premises thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety.

**SECTION 302  
EXTERIOR PROPERTY AREAS**

**302.1 Sanitation.** All exterior property and premises shall be maintained in a clean, safe and sanitary condition. The occupant shall keep that part of the exterior property which such occupant occupies or controls in a clean and sanitary condition, and in aesthetical accordance with the surrounding neighborhood.

**302.2 Grading and drainage.** All premises shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water thereon, or within any structure located thereon.

**Exception:** Approved retention areas and reservoirs.

**302.3 Sidewalks and driveways.** All sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair, and maintained free from hazardous conditions.

**302.4 Weeds.** All premises and exterior property shall be maintained free from weeds or plant growth in excess of twelve inches. All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens. Upon failure of the owner or agent having charge of a property to cut and destroy weeds after service of a notice of violation, they shall be subject to prosecution in accordance with Section 106 .3 and as

prescribed by the code official. Upon failure to comply with the notice of violation, any duly authorized employee of the jurisdiction or contractor hired by the jurisdiction shall be authorized to enter upon the property in violation and cut and destroy the weeds growing thereon, and the costs of such removal shall be paid by the owner or agent responsible for the property.

**302.5 Rodent harborage.** All structures and exterior property shall be kept free from rodent harborage and infestation. Where rodents are found, they shall be promptly exterminated by approved processes which will not be injurious to human health. After extermination, proper precautions shall be taken to eliminate rodent harborage and prevent reinfestation.

**302.6 Exhaust vents.** Pipes, ducts, conductors, fans or blowers shall not discharge gases, steam, vapor, hot air, grease, smoke, odors or other gaseous or particulate wastes directly upon abutting or adjacent public or private property or that of another tenant.

**302.7 Accessory structures.** All accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in good repair.

**302.8 Motor vehicles.** Except as provided for in other regulations, no inoperative or unlicensed motor vehicle shall be parked, kept or stored on any premises, and no vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. Painting of vehicles is prohibited unless conducted inside an approved spray booth.

**Exception:** A vehicle of any type is permitted to undergo major overhaul, including body work, provided that such work is performed inside a structure or similarly enclosed area designed and approved for such purposes.

**302.9 Defacement of property.** No person shall willfully or wantonly damage, mutilate or deface any exterior surface of any structure or building on any private or public property by placing thereon any marking, carving or graffiti. It shall be the responsibility of the owner to restore said surface to an approved state of maintenance and repair.

**302.10 Maintenance of Plantings** All plant materials, especially trees and shrubs, afflicted with decay disease, insect infestation, or otherwise considered dangerous to other plant material shall be removed or appropriately treated. All sound plant materials shall be properly maintained and no evidence of signs of neglect.

**302.11 Woodland Areas** All woodland areas should be left in their natural state and condition.

## **SECTION 303 SWIMMING POOLS, SPAS AND HOT TUBS**

**303.1 Swimming pools.** Swimming pools shall be maintained in a clean and sanitary condition, and in good repair.

**303.2 Enclosures.** Private swimming pools, hot tubs and spas, containing water more than 24 inches (610 mm) in depth shall be completely surrounded by a fence or barrier at least 48 inches

(1219 mm) in height above the finished ground level measured on the side of the barrier away from the pool. Gates and doors in such barriers shall be self-closing and self-latching. Where the self-latching device is less than 54 inches (1372 mm) above the bottom of the gate, the release mechanism shall be located on the pool side of the gate. Self-closing and self-latching gates shall be maintained such that the gate will positively close and latch when released from an open position of 6 inches (152 mm) from the gatepost. No existing pool enclosure shall be removed, replaced or changed in a manner that reduces its effectiveness as a safety barrier.

**Exception:** Spas or hot tubs with a safety cover that complies with ASTM International Performance Specifications for Safety Covers shall be exempt from the provisions of this section.

## **SECTION 304 EXTERIOR STRUCTURE**

**304.1 General.** The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare.

**304.2 Protective treatment.** All exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences shall be maintained in good condition. Exterior wood surfaces, other than decay resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. All siding and masonry joints as well as those between the building envelope and the perimeter of windows, doors, and skylights shall be maintained weather resistant and water tight. All metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion and all surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.

**304.3 Premises identification.** Buildings shall have approved address numbers placed in a position to be plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be a minimum of 4 inches (102 mm) high with a minimum stroke width of 0.5 inch (12.7 mm).

**304.4 Structural members.** All structural members shall be maintained free from deterioration, and shall be capable of safely supporting the imposed dead and live loads.

**304.5 Foundation walls.** All foundation walls shall be maintained plumb and free from open cracks and breaks and shall be kept in such condition so as to prevent the entry of rodents and other pests.

**304.6 Exterior walls.** All exterior walls shall be free from holes, breaks, and loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent deterioration.

**304.7 Roofs and drainage.** The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and down spouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.

**304.8 Decorative features.** All cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.

**304.9 Overhang extensions.** All overhang extensions including, but not limited to canopies, marquees, signs, metal awnings, fire escapes, standpipes and exhaust ducts shall be maintained in good repair and be properly anchored so as to be kept in a sound condition. 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.

**304.10 Stairways, decks, porches and balconies.** Every exterior stairway, deck, porch and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads.

**304.11 Chimneys and towers.** All chimneys, cooling towers, smoke stacks, and similar appurtenances shall be maintained structurally safe and sound, and in good repair. All exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

**304.12 Handrails and guards.** Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

**304.13 Window, skylight and door frames.** Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight.

**304.13 .1 Glazing.** All glazing materials shall be maintained free from cracks and holes.

**304.13 .2 Openable windows.** Every window, other than a fixed window, shall be easily openable and capable of being held in position by window hardware.

**304.14 Insect screens.** Any screen used at any time in a door, window or other outside opening for ventilation shall be maintained with tightly fitting screens with no rips or tears therein.

**304.15 Doors.** All exterior doors, door assemblies and hardware shall be maintained in good condition. Locks at all entrances to dwelling units and sleeping units shall tightly secure the door.

**304.16 Basement hatchways.** Every basement hatchway shall be maintained to prevent the entrance of rodents, rain and surface drainage water.

**304.17 Guards for basement windows.** Every basement window that is openable shall be supplied with rodent shields, storm windows or other approved protection against the entry of rodents.

**304.18 Building security.** Doors, windows or hatchways for dwelling units, room units or housekeeping units shall be provided with devices designed to provide security for the occupants and property within.

**304.18.1 Doors.** Doors providing access to a dwelling unit, rooming unit or housekeeping unit that is rented, leased or let shall be equipped with a deadbolt lock designed to be readily operable from the side from which egress is to be made without the need for keys, special knowledge or effort and shall have a lock throw of not less than 1 inch (25 mm). Such deadbolt locks shall be installed according to the manufacturer's specifications and maintained in good working order. For the purpose of this section, a sliding bolt shall not be considered an acceptable deadbolt lock.

**304.18.2 Windows.** Operable windows located in whole or in part within 6 feet (1828 mm) above ground level or a walking surface below that provide access to a dwelling unit, rooming unit or housekeeping unit that is rented, leased or let shall be equipped with a window sash locking device.

**304.18.3 Basement hatchways.** Basement hatchways that provide access to a dwelling unit, rooming unit or house-keeping unit that is rented, leased or let shall be equipped with devices that secure the units from unauthorized entry.

**The following two (2) paragraphs apply only to commercial and industrial properties, in addition to all other portions of this Code:**

**304.18.5 Traffic Markings** All traffic markings such as directional arrows, lane division lines, parking space lines, stop signs, etc., shall be maintained so as to be clearly visible and easily recognized.

**304.18.6 Conduct of Business** All business activity, except for off-street loading, shall be conducted within enclosed buildings. All storage of trash and garbage containers and/or dumpsters shall be effectively screened from view. All storage of materials, goods or products, including any inoperable vehicles, shall be in an enclosed building(s).

**Exception: Those businesses which are permitted or conditionally permitted under the terms of the Bazetta Township Zoning Resolution to conduct business or maintain outdoor storage of materials, goods or products are exempt from compliance with paragraph 304.18.6.**

**SECTION 305  
INTERIOR STRUCTURE**

**This code will only deal with exterior maintenance code enforcement at this time.**

## **SECTION 306 HANDRAILS AND GUARDRAILS**

**306.1 General.** Every exterior flight of stairs having more than four risers shall have a handrail on one side of the stair and every open portion of a stair, landing, balcony, porch, deck, ramp or other walking surface which is more than 30 inches (762 mm) above the floor or grade below shall have guards. Handrails shall not be less than 30 inches (762 mm) high or more than 42 inches (1067 mm) high measured vertically above the nosing of the tread or above the finished floor of the landing or walking surfaces. Guards shall not be less than 30 inches (762 mm) high above the floor of the landing, balcony, porch, deck, or ramp or other walking surface.

**Exception:** Guards shall not be required where exempted by the Trumbull County Building Code.

## **SECTION 307 RUBBISH AND GARBAGE**

**307.1 Accumulation of rubbish or garbage.** All exterior property and premises, and the interior of every structure, shall be free from any accumulation of rubbish or garbage.

**307.2 Disposal of rubbish.** Every occupant of a structure shall dispose of all rubbish in a clean and sanitary manner by placing such rubbish in approved containers.

**307.2.1 Rubbish storage facilities.** The owner of every occupied premises shall supply approved covered containers for rubbish, and the owner of the premises shall be responsible for the removal of rubbish.

**307.2.2 Refrigerators.** Refrigerators and similar equipment not in operation shall not be discarded, abandoned or stored on premises without first removing the doors.

**307.3 Disposal of garbage.** Every occupant of a structure shall dispose of garbage in a clean and sanitary manner by placing such garbage in an approved garbage disposal facility or approved garbage containers.

**307.3.1 Garbage facilities.** The owner of every dwelling shall supply one of the following: an approved mechanical food waste grinder in each dwelling unit; an approved incinerator unit in the structure available to the occupants in each dwelling unit; or an approved leak proof, covered, outside garbage container.

**307.3.2 Containers.** The operator of every establishment producing garbage shall provide, and at all times cause to be utilized, approved leak proof containers provided with close-fitting covers for the storage of such materials until removed from the premises for disposal.

## **SECTION 308 EXTERMINATION**

**308.1 Infestation.** All structures shall be kept free from insect and rodent infestation. All structures in which insects or rodents are found shall be promptly exterminated by approved processes that will not be injurious to human health. After extermination, proper precautions shall be taken to prevent reinfestation.

**308.2 Owner.** The owner of any structure shall be responsible for extermination within the structure prior to renting or leasing the structure.

**308.3 Single occupant.** The occupant of a one-family dwelling or of a single-tenant nonresidential structure shall be responsible for extermination on the premises.

**308.4 Multiple occupancy.** The owner of a structure containing two or more dwelling units, a multiple occupancy, a rooming house or a nonresidential structure shall be responsible for extermination in the public or shared areas of the structure and exterior property. If infestation is caused by failure of an occupant to prevent such infestation in the area occupied, the occupant shall be responsible for extermination.

**308.5 Occupant.** The occupant of any structure shall be responsible for the continued rodent and pest-free condition of the structure.

**Exception:** Where the infestations are caused by defects in the structure, the owner shall be responsible for extermination.

## **CHAPTER 4 DRAINAGE**

### **SECTION 401 SANITARY DRAINAGE SYSTEM**

**401.1 General.** All plumbing fixtures shall be properly connected to either a public sewer system or to an approved private sewage disposal system.

**401.2 Maintenance.** Every plumbing stack, vent, waste and sewer line shall function properly and be kept free from obstructions, leaks and defects.

### **SECTION 402 STORM DRAINAGE**

**402.1 General.** Drainage of roofs and paved areas, yards and courts, and other open areas on the premises shall not be discharged in a manner that creates a public nuisance.

