

Ordinance No. 8-2011

Passed OCTOBER 3, 2011 19

ORDINANCE ADOPTING PROPERTY MAINTENANCE CODE CHAPTER 151, TITLE 15, LAND USAGE, OF THE VILLAGE OF NAVARRE CODE OF ORDINANCES

WHEREAS, the Council of the Village of Navarre desires to establish standards for the maintenance of property within the Village of Navarre

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF NAVARRE THAT:

SECTION 1: The Village of Navarre Code of Ordinances are hereby amended with the addition of Chapter 151 under Article XV Land Usage, regulating the maintenance of properties as appears in the addendum attached hereto:

PROPERTY MAINTENANCE CODE

GENERAL PROVISIONS

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GENERAL PROVISIONS

- 1. PURPOSE AND INTENT

This Chapter shall be known as the "Navarre Property Maintenance Code." The purpose of this Chapter is to protect the public health, safety, and general welfare by establishing minimum standards governing the exterior maintenance, condition and appearance of residential and nonresidential structures and premises; to fix responsibilities and duties upon owners and occupants of structures with respect to sanitation, repair and maintenance; and to fix penalties for violations of this Code.

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2. VALIDITY

(A) The provisions in this Chapter shall not be construed to prevent the enforcement of other ordinances or regulation, which prescribe standards other than those prescribed herein. In the event of conflict between any provisions of this Chapter and any provisions of any other ordinance of the Village, including rules and regulations adopted pursuant to such ordinance, the more restrictive provisions shall prevail.

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

3. APPLICABILITY

This Chapter shall apply to all structures and premises within the Village of Navarre.

4. DEFINITIONS

For the purpose of this Chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

DETERIORATION. The condition or appearance of the exterior of the building or part thereof, characterized by holes, breaks, rot, crumbling, cracking, peeling, rusting, or other evidence of physical decay, neglect or lack of maintenance.

EXTERIOR. Those portions of a building which are exposed to public view and the open space of any premises outside of any building.

GARBAGE. Animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food.

INFESTATION. The presence of insects, rodents, vermin or other pests on the premises, which constitute a health hazard.

NUISANCE. That which is defined by the statutes of the State of Ohio and the Village of Navarre Code of Ordinances, and declared thereby to be a nuisance.

OCCUPANT. Any person living and sleeping in a dwelling unit or having actual possession of the dwelling unit or any person who leases or rents a nonresidential building, structure or any portion thereof.

OWNER. Any person who, alone or jointly or severally with others, shall have legal or equitable title to any premises, with or without the accompanying actual possession thereof, or shall have charge, care or control as owner or agent of the owner, or as executor, administrator, trustee, receiver or guardian of the estate, or as a mortgagee in possession.

PERSON. Includes any individual, corporation, association, partnership, trustee, lessee, agent, or assignee.

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

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PROPERTY MAINTENANCE OFFICER. The Zoning Inspector of the Village of Navarre or his/her duly assigned representative.

REFUSE. All putrescible and non-putrescible solid waste (except body wastes) including but not limited to garbage, rubbish, ashes, dead animals, and industrial wastes; an accumulation of brush, broken glass, stumps and roots that present a safety hazard and includes garbage, trash and debris which present an unsanitary and/or safety hazard.

RUBBISH. Non putrescible solid waste consisting of both combustible and non-combustible wastes such as paper, wrappings, tin cans, yard clippings, leaves, wood, glass, crockery, plastics and similar materials.

5. MAINTENANCE RESPONSIBILITY.

(A) No owner, agent or occupant of any premises shall maintain or permit to be maintained at or on the exterior property areas of such premises any condition which deteriorates or debases the appearance of the neighborhood; or creates a fire, safety or health hazard; or which is a public nuisance.

(B) The owner shall be responsible for ensuring that the premises are maintained in good repair and appearance in compliance with this Chapter. Occupants shall be responsible for maintaining, in a clean and sanitary condition those premises, or portion thereof, which they occupy and/or control. In the case of commonly held properties associated with condominiums or similar projects, it shall be the responsibility of the designated homeowner's association or similar organization to maintain those items that are under their direct ownership or control.

6. MAINTENANCE REQUIRED.

(A) All exterior parts of every dwelling structure and accessory structures, including decorative additions, chimneys, fences and all other exterior structures, either above or below the roof line, shall be maintained in a safe condition, weather tight, and so as to resist decay or deterioration from any cause.

(B) Any dwelling structure or accessory structure whose exterior surface is deteriorated shall be repaired or razed.

7. INFESTATION.

All structures and the premises thereof shall be maintained free from vermin, rodents and other pests, and free of sources of breeding, harborage and infestation by such vermin, rodents and other pests.

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EXTERIOR PROPERTY AREAS

8. PREMISES TO BE MAINTAINED.

No owner or occupant or any premises shall maintain or permit to be maintained at or on the exterior property areas of such premises any of the following

- (A) Broken or dilapidated fences, walls, or other structures;
- (B) Rugs, rags, or other materials hung on lines or in other places on the premises which materials are not being used for general household or housekeeping purposes;
- (C) Broken, dilapidated or unusable furniture, mattresses or other household furniture, broken glass, plastic materials, paints, miscellaneous coverings, and/or any other material, including those described in this section, placed at or on the premises in such a manner as to be patently unsightly, grotesque or offensive to the senses.
- (D) Any garbage of animal and vegetable waste resulting from handling, preparation, cooking or consumption of food.

9. RANK VEGETATION.

Lawns and landscaping on private property shall be kept from becoming overgrown and unsightly and shall be maintained so as not to constitute a blighting or deteriorating effect on the surrounding neighborhood.

10. DEAD TREES AND BRANCHES

No owner or occupant of any premises shall permit a dead tree to stand so near to a public sidewalk or roadway as to endanger users thereof, should all or part of it fall. No such owner or occupant shall permit a dead branch to overhang a public sidewalk or roadway.

ADMINISTRATION AND ENFORCEMENT.

11. PROPERTY MAINTENANCE OFFICER.

It shall be the responsibility and duty of the Property Maintenance Officer to enforce and administer the provisions of this Chapter with the assistance of the Navarre Police Department as necessary.

12. RESPONSIBILITIES OF OWNERS.

Owners shall have the duties and responsibilities as prescribed in this Chapter and no owner shall be relieved from any such duty and responsibility nor be entitled to defend against any charges of violation thereof by reason of the fact that the occupant is also responsible therefor and in violation thereof.

13. NOTICE OF VIOLATION.

- (A) Where a violation of this Chapter is found to exist, a written notice from the Property Maintenance Officer shall be served upon the person or persons responsible for the corrections thereof. The notice shall specify the violation or violations committed and a reasonable period of time to correct or abate the violation.

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(B) Service of the notice shall be by certified mail addressed to the owner and/or occupant at his residence or to the tax mailing address as indicated by the records of the Village of Navarre or by delivery to the residence of the owner and/or occupant by delivery to the individuals at the premises.

14. TIME EXTENTION FOR COMPLIANCE.

Where the owner and /or occupant of a premises is unable to comply with a notice of violation within the time period specified, the owner, within two weeks of the notice of nonconformance, may enter into an agreement with the Property Maintenance Officer detailing a program to abate non-conformance within a reasonable time limit.

15. FAILURE TO COMPLY.

Whenever the owner and/or occupant of a structure or premises fails, neglects, or refuses to comply with any notice of the Property Maintenance Officer within the time period specified in the notice, the Property Maintenance Officer shall proceed as provided by law.

16. ABATEMENT OF VIOLATIONS.

Where the owner and/or occupant of any premises fails to comply with a notice of violation of any of the provisions within the time period specified in the notice, the Property Maintenance Officer may cause such violation to be corrected, removed or abated. The Property Maintenance Officer may contract with a private person or firm to accomplish the task. The actual cost of bringing the property into compliance plus 15% for inspections and administration shall be billed to the owner. If the bill is not paid within 30 days after submission, then the Clerk of Council shall certify said costs together with a 10% penalty to the Stark County Auditor for placement on the tax duplicate to be collected as other taxes for return to the Village of Navarre.

17. PROSECUTION OF VIOLATIONS.

Where the owner and/or occupant of any premises fails to comply with a notice of violation of any of the provisions of this Chapter, the owner and/or occupant shall be considered to be in violation of this Chapter and the Property Maintenance Officer may proceed at law to compel compliance and to prosecute the violation.

18. APPEALS.

Any owner and/or occupant who is/are served a notice of violation of any of the provision of this Chapter may within ten days of receipt of the notice appeal the findings of the Property Maintenance Officer. Such appeal shall be made by filing with the Village Mayor a notice of appeal. The appeal shall be scheduled for a hearing before the Board of Zoning Appeals. Except as otherwise provided for herein, the hearing before the Board of Zoning Appeals shall be conducted in the same manner as provided for appeals under the Village Zoning Ordinance.

19. PENALTY.

Any person, firm or corporation or his/her or their agents who violates any provisions of this Chapter or who fails or refuses to obey a lawful order of the Property Maintenance Officer or the Navarre Police Department issued pursuant to this Chapter, is guilty of a minor misdemeanor for each offense. A separate offense shall be deemed committed each day during which a violation continues.

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SECTION 2: This Ordinance will become effective on the earliest date provided by law.

Robert L. Benson
Mayor Robert L. Benson

ATTEST:

Anne L. Johnson
Clerk - Treasurer Anne Johnson

I, Anne L. Johnson, Clerk-Treasurer for the Village of Navarre, Ohio, do hereby certify that the foregoing is a true copy of ORDINANCE 8-2011 duly passed and adopted by the Council of the Village of Navarre on the 3RD DAY OF OCTOBER, 2011, as compared by me with the original on file in my office.

Anne L. Johnson

I, Anne L. Johnson, Clerk-Treasurer for the Village of Navarre, Ohio, do hereby certify that there is no newspaper in said Village and that publication of the above ORDINANCE was duly made by posting one copy thereof at each of the five places designated by Council and that said ORDINANCE will remain posted for at least fifteen days thereafter.

Kraus' Pizza Shop, Huntington Bank, Navarre Post Office,
Surbey Feed & Supply, Village Clean Laundromat

Anne L. Johnson