

ORDINANCE 2019-02
BY
MAYOR RAYMOND ARRIOLA

AN ORDINANCE AMENDING CHAPTER 96 PROPERTY MAINTENANCE §96.01; §96.18 THROUGH §96.99 AND §152.013 OF THE MUNICIPAL CODE OF ORDINANCES OF THE VILLAGE OF NEW LEBANON, OHIO.

WHEREAS, it is desirous to amend the New Lebanon Code of Ordinances; and

WHEREAS, the amending of these sections will help maintain property levels and possibly increase their value, and at the same time promote the health, safety and welfare of the residents of the Municipality of New Lebanon’

NOW, THEREFORE, BE IT ORDAINED by the Council of the Municipality of New Lebanon, Ohio as follows.

§ 96.01 ZONING INSPECTOR AND PROPERTY MAINTENANCE CODE ENFORCEMENT ADMINISTRATOR

(A) There is established the office of the New Lebanon Zoning Inspector and Property Maintenance Code Enforcement Administrator. It shall be the duty of the Zoning Inspector and Property Maintenance Code Enforcement Administrator to enforce this Zoning Code and the provisions therefore for property maintenance, as provided under O.R.C. § 713.06, et seq, to enforce this Zoning Code and Property Maintenance Code in accordance with the provisions of this Code. The condition of all premises and the exterior of all buildings and structures thereon shall be maintained at a level with the standards of the Village. The purpose of this Chapter shall be the elimination and prevention of blighting effects and hazards to health, safety and welfare.

(B) *Title.*

These Regulations and Rules shall be known as the Property Maintenance Code of the Village of New Lebanon, Ohio, hereinafter referred to as “this Code”.

(1) *Scope.*

The provisions of this Code shall apply to all residential and non-residential structures and premises and constitute minimum requirements and standards for premises,

structures, equipment and facilities, for safe and sanitary maintenance; the responsibilities of owners, operators and occupants; the occupancy of structures and premises, and for administration, enforcement and penalties.

(2) *Intent.*

This Code shall be construed to secure its express intent, which is to ensure public health, safety, and welfare insofar as they are affected by the continued occupancy and maintenance of structures and premises.

(3) *Severability.*

If a Section, sub-Section, 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.

(4) *General.*

The provisions of this Code shall apply to all matters effecting or relating to structures and premises as set forth in the Zoning Code. Where in a specific case, different Sections of this Code specify different requirements, the most restrictive shall govern.

(5) *Maintenance.*

The owner or the owner's designated agent, any tenant or person in possession of the premises, shall be responsible for the maintenance of all structures and premises. No condition shall be permitted to exist which, in any way, adversely affects the health, safety and morals of the community or adversely affects the health, safety and morals of property owners in the community or, in any way, constitutes a nuisance, which would affect property values of real estate in the immediate vicinity of the subject property. The maintenance of unmowed yards, collections of trash, debris, unlicensed vehicles, unkempt yards, both unmowed yards and fence lines and other miscellaneous debris or junk shall be deemed to be prima-facie violation of the Property Maintenance Code and shall constitute a nuisance.

(6) *Application of other Codes.*

Repairs, additions, alterations to a structure or changes of occupancy shall be done in accordance with any Codes pertaining to such action that exists under the New Lebanon, Ohio, Code of Ordinances. Nothing in this Code shall be construed to cancel, modify, or set aside any provisions of the New Lebanon, Ohio Zoning Code.

(7) *Existing remedies.*

The provisions of this Code shall not be construed to abolish or impair existing remedies of the jurisdiction or its officers or agencies relating to the removal or demolition of any structure, which is dangerous, unsafe, or unsanitary.

(8) *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.

(9) *Referenced Codes and Standards.*

The Codes and Standards referenced in this Code shall be those that are listed in Chapter 152.094(C)(14) and considered part of the requirements of this Code to be prescribed to the extent of each such reference. Where differences occur between provisions of this Code and the referenced Standards, the provisions of this Code shall apply.

(10) Liability of Code Enforcement Department personnel for any tortuous act will be determined by the Ohio Courts to the applicable provisions of Chapter 2744 of the Ohio Revised Code.

§ 96.02 DEFINITIONS

(A) **GENERAL**

(1) *Scope.*

Unless otherwise expressly stated, the following terms shall, for the purposes of this Code, have the meanings shown in this chapter.

(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.

(3) *Terms defined in other Codes.*

Where terms are not defined in this Code and are defined in other Code provisions of the Village of New Lebanon, such terms shall have the meanings ascribed to them as in those Codes.

(4) *Terms not defined.*

Where terms are not defined through the methods authorized by this section, such terms shall have ordinarily accepted meanings such as the context implies.

(5) *Parts.*

Whenever the words “dwelling unit”, “dwelling”, “premises”, “building”, “rooming house”, “rooming unit”, “housekeeping unit”, or “premises” are stated in this Code, they shall be construed as though they were followed by the words “or any part thereof”.

(6) *General definitions.*

These definitions are in addition to those set forth in §152.005.

(B) **TERMS.**

(1) **ACCESSORY STRUCTURE.** A structure that: is subordinate in size and bulk to the principal structure; whose use is customarily incidental and secondary to the use of the principal structure; and, which is located on the same lot.

(2) **APPROVED.** Approved by the Code Enforcement Administrator.

(3) **AUTOMOBILE PARTS.** Any portion of or part of any motor-driven vehicle as detached from the vehicle as a whole.

(4) **BUILDING or STRUCTURE.** Shall be deemed to include the word **PREMISES.**

(5) **CODE ENFORCEMENT ADMINISTRATOR.** The Zoning Inspector or his/her designee is charged with the enforcement of this Code.

(6) **CULTIVATE.** To loosen or dig (soil) around growing plants.

(7) **DETERIORATION.** Refers to a diminution of quality, character, or value of a structure because of lack of maintenance. Such deterioration, if left unchecked, can lead to dilapidation. Deterioration is frequently the result of inadequate paint protection, faulty roofing, absence of proper gutters and downspouts, lack of screening, loose doors and windows, access by or infestation by vermin, blockage of drains, inadequately designed structural support systems, and the like.

(8) **DILAPIDATION.** Refers to structures evidencing a state of ruin, decay, or disrepair. The severity of dilapidation shall be judged by examination of major structural components like foundations, bearing walls, floor joints, rafters and roofs, and by examination of minor structural components like windows, doors, siding, roofing, and guttering. The sources of dilapidation will not necessarily be included within the preceding lists of structural components. The term implies a hazard to life or property.

(9) **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.

(10) **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 the said lot or lots.

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

(12) **GARBAGE AND OFFAL.** All refuse and waste of animals, fish, fowl, fruit, and vegetable matter and other material or materials so designated by the Department of Health of Montgomery County or the State of Ohio, liquefied or otherwise, which accumulate in the use and preparation of food for the table, that has been discarded and abandoned and is no longer of value to the owner for ordinary purposes of domestic consumption and also includes all refuse arising from the dealing in or storing of the substances.

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

(14) **LABELED.** Devices, equipment, appliances, or materials to which has been affixed a label, seal, symbol or other identifying mark of a nationally recognized testing laboratory, inspection agency or other organization concerned with product evaluation that maintains periodic inspection of the production of the above-labeled items and by whose label the manufacturer attests to compliance with applicable nationally recognized standard.

(15) **LET FOR OCCUPANCY OR LET.** To permit, provide or offer possession or occupancy of a dwelling, dwelling unit, rooming unit, building, premises 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 sale of land.

(16) **LOT.** Includes the words “zoning lot,” “piece,” “parcel,” and “plot.”

(17) **MAINTENANCE AND PROTECTION.** All operations of trimming, pruning, spraying, injecting, fertilizing, treating, bracing, doing surgery work, and cutting above or below ground.

(18) **MAY.** Is permissive.

(19) **MOTOR VEHICLE IN AN INOPERATIVE CONDITION.** Any type of motor vehicle or motor driven vehicle used or useful for the conveyance of persons or property, which is or appears to be in any of the following states: (a) unable to move under its own power (b) in a dangerous condition due to defective or missing parts (c) in a condition generally as to be unfit for further use as a conveyance and/or (d) not properly licensed so that it can be legally operated on the public streets or highways.

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

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

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

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

(24) **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.

(25) **PAVED SURFACE.** Surface paved with asphalt, concrete, concrete pavers, or brick but excluding gravel, crushed rock, and similar materials.

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

(27) **PORTABLE.** Capable of being transported or conveyed.

(28) **PREMISES.** A lot, plot, or parcel of land, including all buildings or structures thereon, and including the area known as the parkway, tree lawn, situated between the sidewalk and the street or the front, side or rear lot line adjoining the street and extending along the front, back or sides of such a lot, plot or parcel of land.

(29) **PUBLIC AREA.** All public ways, parks, and other lands owned or leased by the Village.

(30) **PUBLIC NUISANCE.** Any fence, wall, shed, building, structure or any part of the aforesaid, or lot, lots, or parcel of land, basement, cellar, sidewalk, subspace, dock, wharf, or landing dock which in its entirety or in any part thereof, by reason of condition in which the same is permitted to be or remain, shall or may endanger health, life, limb or property, or cause any hurt, harm, inconvenience, discomfort, damage or injury to any one or more persons in the Village, or any one or more of the following particulars:

- (i) Being a nuisance to the general health of the community.
- (ii) Being a fire hazard.
- (iii) Being unsafe for occupancy or use on, in, upon, about, or around the aforesaid premises.

(iv) Being a nuisance because of long continued vacancy, lack of reasonable or adequate maintenance of structure and/or premises adjacent thereto, thereby depreciating the enjoyment and use of the property in the immediate vicinity to extent that it is harmful to the community in which the structure is situated.

(31) **REFUSE.** Unused or discarded matter and material having no substantial market value, and which includes, among other items: rubbish, refuse, debris, and similar matter including but not limited to rubble, asphalt, concrete, plaster, tile, rocks, bricks, soil, building materials, crates, cartons, containers, boxes, machinery, or parts thereof, scrap metal and other pieces of metal (ferrous or non-ferrous), furniture, inoperative motor vehicles and parts, trimmings from plants and trees, cans, bottles and barrels.

(32) **RUBBISH.** Automobile part, refuse, scrap metal, used building materials, waste, ashes, cans, paper, cartons, furniture, appliances, plastic, coal, coke, rubber, leather, yard trimmings, excelsior, mineral matters, oil of an unsightly or unsanitary nature, wire,

chips, shavings, bottles, glass, crockery, tin, wood, boxes, rags, dead weeds, brush, tree branches, bushes, other combustible material or anything else of an unsightly or unsanitary nature other than garbage and offal.

(33) **SCRAP METAL.** Pieces of or parts of steel, iron, tin, zinc, copper, aluminum or any alloy thereof, whether intact or in parts, which has served its usefulness in its original form and can no longer be used or is useful for its originally intended purpose.

(34) **SHALL.** Is mandatory and not discretionary.

(35) **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.

(36) **STRUCTURE.** An assembly of materials forming a construction or occupancy or use including among other: buildings, stadiums, gospel and circus tents, reviewing stands, platforms, observation towers, radio towers, water tanks, swimming pools and their enclosures, domes such as plastic, geodesic, air-supported, etc., open sheds, coal bins, shelters, fences and display signs.

('80 Code, §98.02) (Ord. 84-17, passed 12-18-84; Am. Ord. 2001-21, passed 9-4-01)

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

(38) **TREES AND/OR SHRUBS.** All woody vegetation presently or hereafter planted on any public areas.

(39) **USED BUILDING MATERIALS.** Any materials such as wood, stone, brick, cement blocks, or any composition or combination thereof used or useful in the erection of

any building or structure which has been used previously for the erection or construction by the same person or other persons

(40) **WEEDS.** All grasses, annual plants, vines, and vegetation other than trees or shrubs provided, however, this term shall not include cultivated flowers and gardens.

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

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

§ 96.03 INTERPRETATIONS.

(A) *Minimum requirements.* The provisions of this chapter shall be held to be the minimum requirements for the promotion of the public health, safety, morals, and general welfare. In the event provisions of this chapter impose the same requirement or obligation upon more than one person, each such person shall be equally responsible for the performance of such requirement or obligation.

(B) *More restrictive requirement to govern.* Where the conditions imposed by any provision of this chapter, upon the use or maintenance of land or buildings, are either more restrictive or less restrictive than comparable conditions imposed by any other provision of this chapter or any other regulation, the regulations, laws, ordinances, and the like which are more restrictive or which impose higher standards or requirements shall govern.

(C) *Status of private agreements.* This chapter is not intended to repeal or interfere with any easement, covenant, or other private agreement, provided that where the regulations of this chapter are more restrictive or impose higher standards or requirements than the easements, covenants or other private agreements, the requirements of this chapter shall govern.

(D) *Municipal exemption.* The provisions of this chapter shall not be deemed to apply to municipal operations or personnel, or contractors to the Village when such personnel or contractors are acting in the performance of functions for the municipality.

('80 Code, § 98.03) (Ord. 84-17, passed 12-18-84)

§ 96.04 NUISANCES.

The following conditions, acts, and items are declared to be nuisances:

(A) *Fire hazards.* Dry or dead shrubs, dead trees, combustible refuse and waste, or any material upon either public or private property which by reason of its size, location or manner of growth constitutes a fire hazard to a building, improvement, crop, or other property, or which, when dry, will in reasonable probability constitute a fire hazard.

(B) *Hazardous obstructions.* Landscaping or an obstacle or thing installed or maintained in the zoning front yard setback area of a corner yard, reaching a height of higher than three feet above the adjoining curb at the applicable corner of the street intersection, or three feet above the nearest pavement surface where there is no curb, hazard obstructions neither mean existing nor future permanent buildings otherwise constructed or maintained in accordance with applicable zoning and building regulations nor public utility poles nor trees trimmed at the trunk at least eight feet above the level of the ground surface; provided trees are spaced so that trunks do not obstruct the vision of motorists.

(C) *Polluted water.* A swimming pool, pond, or other body of water, which is abandoned, unattended, unfiltered or not otherwise maintained, resulting in the water becoming polluted by bacterial growth, algae, remains of insects, remains of deceased animals, reptiles, rubbish, refuse, debris, or any other foreign matter or material which because of its nature or location constitutes an unhealthy, unsafe, or unsightly condition.

(D) *Public burning.* The intentional, unauthorized, outdoor burning of any material, structure, matter or thing.

(E) *Refuse and waste.* Refuse and waste matter, which, by reason of its location and character, is unsightly and interferes with the reasonable enjoyment of property by

neighbors, detrimentally affects property values in the surrounding neighborhood or community, or which would materially interfere with the prevention or suppression of fire upon the premises.

(F) *Use of private property by vehicles.* The use of private property by any form of motorized or motor-driven bicycle, bike, scooter or vehicle.

(G) *Improper motor vehicle storage.* Inoperative, abandoned, wrecked, or dismantled motor vehicle, or any parts thereof, stored outside a completely enclosed structure or visible from either the street, alley, or neighboring properties.

(H) *Inadequate property maintenance.* It is hereby declared a public nuisance for any person owning, leasing, occupying, or having charge or possession of any premises in this municipality to maintain such premises in such manner that any of the following conditions are found to exist thereon:

(1) Buildings, which are abandoned, dilapidated, improperly secured, partially destroyed, or left in a state of partial construction.

(2) All exterior property, premises and the interior of every structure shall be free from the accumulation of rubbish or garbage.

(3) Unpainted buildings, resulting in dry rot, warping, and termite infestation.

(4) Broken windows constituting hazardous conditions and inviting trespassers and malicious mischief.

(5) Noxious weeds, as determined by the State Director of Agriculture, pursuant to the authority granted him or her by R.C. § 907.10(B)(2), or other vegetation, including grasses, which is seven (7) inches or more in height, or any weed or vegetation growth

causing a hazardous condition to pedestrian or vehicular traffic, or which is likely to harbor rats, vermin, or other pests.

(6) Dead trees and litter which, for purposes herein, shall include garage waste, peelings of vegetables or fruits, rubbish, ashes, cans, bottles, wire, paper, cartons, boxes, parts of automobiles, wagons, furniture, glass, oil of an unsightly or unsanitary nature, or anything else of an unsightly or unsanitary nature.

(7) Attractive nuisances, dangerous to children and other persons, in the form of abandoned and broken equipment, hazardous pools, ponds, and excavations, and neglected machinery.

(8) Broken or discarded furniture and household equipment in visible yard areas.

(9) Clothesline in front yards.

(10) Garbage cans stored in front yard.

(11) Packing boxes and crates or other debris stored in visible yard areas.

(12) Property, such as building exteriors, which is maintained in such condition as to become so defective, unsightly, or in such condition of deterioration or disrepair that the same will probably cause diminution in values of surrounding property or is materially detrimental to proximal properties and improvements. This includes, but is not limited to, the keeping, disposing or scattering over the premises of lumber, junk, trash, debris; abandoned, discarded or unused objects or equipment such as automobiles, or parts thereof, furniture, stoves, refrigerators, freezers, cans or containers; or any device, decoration, design, fence, or structure which is unsightly by reason of condition or inappropriate location.

(13) Maintenance of premises so out of harmony or conformance with maintenance standards of adjacent properties so as to cause probable and substantial diminution of the enjoyment, use or value of adjacent properties, or so as to cause economic maladjustments to such an extent that capacity to pay taxes is reduced and tax receipts from such an area are inadequate for the cost of public services rendered therein.

(14) Materials used to build, maintain, and repair structures shall be like the materials used similarly elsewhere on the structure so as not to create a patchwork appearance. Intermediate construction materials, such as asphaltic-coated papers for roofing and masonite for siding, shall not be submitted for permanent construction materials customarily utilized in new finished construction.

('80 Code, § 98.04) (Ord. 84-17, passed 12-18-84; Am. Ord. 87-03, passed 3-3-87; Am. Ord. 2000-17, passed 6-26-00) Penalty, see § 96.99

Cross-reference:

Animal nuisances, see § 90.10

Barking and howling dogs, see § 90.11

Statutory reference:

Authority to abate nuisances, see R.C. § 715.44

§ 96.05 STRUCTURAL DEFECTS.

Any building, structure, or paved area exhibiting any of the following conditions or defects to a significant degree shall be deemed a nuisance and shall be altered or repaired so as to abate the nuisance forthwith.

(A) Whenever any door, aisle, passageway, stairway, or other means of exit is not of sufficient width or size, or is not so arranged as to provide safe and adequate means of exit, in case of fire or panic, for all persons housed assembled therein who would be required to, or might use such door, aisle, passageway, stairway, or other means of exit.

(B) Whenever any portion therefore has been damaged by earthquake, wind, flood, or by any other cause, in such a manner that the structural strength or stability thereof is appreciably less than the minimum code requirements for a new building or similar structure.

(C) Whenever any portion, member, or appurtenance thereof is likely to fall, become detached or dislodged, or to collapse, and thereby injure person or persons or damage property.

(D) Whenever any building, portion therefore, or any member, appurtenance or ornamentation on the exterior there is not of sufficient strength or stability or is not so anchored,

attached, or fastened in place so as to be capable of resisting exceeding the working stresses permitted in applicable building codes.

(E) Whenever any portion thereof has settled to such an extent that walls or other structural portions have materially less resistance to winds or design forces than is required in the case of new construction.

(F) Whenever the buildings or structure, or any portion thereof, because of dilapidation, deterioration, decay, faulty construction, or because of the removal or movement of some portion of the ground necessary for the purpose of supporting such building or portion thereof, or some other cause, is likely to partially or completely collapse, or some portion of the foundation or underpinning is likely to fail or give way.

(G) Whenever, for any reason, a building or structure, or any portion thereof, is manifestly unsafe for the purpose for which it is used.

(H) Whenever a building or structure has been so damaged by fire, wind, earthquake, flood, or other cause, or has become so dilapidated or deteriorated, as to become an attractive nuisance to children who might play therein to their danger, or as to afford a harbor for vagrants, criminals, or immoral persons, or as to enable persons who resort thereto for the purpose of committing nuisance, unlawful or immoral acts.

(I) Any building or structure which has been constructed or which now exists or is maintained in violation of any specific requirement or prohibition of the building regulations of this municipality, or of any law or ordinance of this state, county, or municipality relating to the condition, location, or structure of buildings.

(J) Whenever a building or structure, used or intended to be used for dwelling purposes, because of dilapidation, decay, damage, or faulty construction or arrangement, or

otherwise, is unsanitary, unfit for human habitation, or is in a condition that is likely to cause sickness or disease, when so determined by the Code Enforcement Administrator, or is likely to work injury to the health, safety, or general welfare of those living within or nearby.

(K) Whenever a building or structure, used or intended to be used for dwelling purposes, has light, air, and sanitation facilities inadequate to protect the health, safety, or general welfare of persons living within.

(L) Whenever a building or structure, by reason of obsolescence, dilapidated condition, deterioration, damage, electric wiring, gas connections, heating apparatus, or other cause, is in such condition as to be a fire hazard and is so situated as to endanger life or other buildings or property in the vicinity or provide a ready fuel supply to augment the spread and intensity of fire arising from any cause.

(M) Any sidewalk or driveway which is debilitated, broken, damaged, or raised to such a degree as to be injurious to persons using said driveway or sidewalk.

('80 Code, § 98.05) (Ord. 84-17, passed 12-18-84) Penalty, see § 96.99

Statutory reference:

Authority to regulate and inspect buildings, see R.C. § 715.26

§ 96.06 MAINTENANCE AFTER PROPERTY DAMAGE.

(A) Within a period of 30 days after damage to any real estate exceeding \$1,000, the owner, or person or persons having possession or control of such real estate, shall have taken the following steps:

- (1) Contracted for the demolition and removal of any aspects of the premises not to be repaired or restored, and also for the removal of debris in connection therewith;

- (2) Contracted for repair and restoration of damaged areas and the removal of debris in connection therewith;
- (3) Arranged for dates of performance under such contracts, which will result in the work, being completed within 60 days from the contract date, except to the extent that delay is caused by weather, strikes, acts of God, or other events beyond the control of the owner and contractor.

(B) Any damaged property posing an immediate threat to the general health and safety because of property damage shall be closed securely or as necessary, rendered safe through additional support to prevent collapse or threat to life and property.

(C) In addition to other remedies provided by law, failure to comply with provisions of this section may result in the municipality taking action to remove, repair, or secure structures pursuant to authority derived from R.C. §§ 715.23 and 715.261.

('80 Code, § 98.06) (Ord. 84-17, passed 12-18-84) Penalty, see § 96.99

§ 96.07 CLOSING OF VACANT STRUCTURES.

(A) Structures which are vacant or unfit for human habitation, occupancy, or use, but not in danger of structural collapse, may be ordered closed by the Code Enforcement Administrator. The order for closure shall be conveyed to the owner of the property at the address most recently on file with the County Auditor's office, or to the person or persons having control of the real estate or via a placard of condemnation posted on the premises. Having received the order for closure, structures shall be secured with sturdy plywood, or other materials approved by the Code Enforcement Administrator, within the time specified in the order.

(B) Vacant or condemned structures, with or without a closure order from the

municipality, shall have at least one “no trespassing” sign posted on a prominent place on each outside wall.

(C) Plywood or other materials used to close up vacant or condemned structures shall be painted a color compatible with the color of the structure to which such materials are attached.

(’80 Code, § 98.07) (Ord. 84-17, passed 12-18-84) Penalty, see § 96.99

§ 96.08 FENCES AND WALLS.

(A) All fences, walls, or similar structures shall be anchored firmly to the ground, shall be constructed in a workmanlike manner, shall be maintained in a manner that such fences, walls, or similar structures shall always be in a state of good structural repair. All wooden and metal fences shall be treated periodically with such chemicals and paint as will retard deterioration.

(B) Fences, walls, and similar structures not in a state of good structural repair shall be rehabilitated or removed as necessary.

(’80 Code, § 98.08) (Ord. 84-17, passed 12-18-84) Penalty, see § 96.99

§ 96.09 PLACEMENT OF RECEPTACLES.

When not at the curb for pickup, all garbage receptacles and recycle bins shall be in an enclosed building or in the rear or side yard placed upright against the principal building or an accessory building.

§ 96.10 PERMITS REQUIRED.

(A) Remodeling, rehabilitation, and new construction activities shall require the same permits from the village, county, or other authorizing source, and the payment of the same fees, as would be required on a new structure or undeveloped premises. This requirement shall pertain

to structural and building support systems and shall not pertain to superficial structural embellishments like new siding, roofing, and the like.

§ 96.11 DUTIES AND POWERS OF THE CODE OFFICIAL.

(A) *General.*

Enforcement of this Code shall be the responsibility of the Zoning Enforcement Administrator to be also known as the Property Maintenance Enforcement Administrator and such other appropriate personnel as may be designated by the Village Manager.

The Property Maintenance Code Enforcement Administrator shall hereafter be referred to as the “Code Enforcement Administrator”.

(B) *Authority.*

The Code Enforcement Administrator shall have judgment as necessary in the interest of public health, safety and general welfare of the community to utilize judgment 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 effect of waiving structural fire performance requirements specifically provided for by other provisions of the Codes of New Lebanon, Ohio or of violating accepted engineering methods involving public safety.

(C) *Inspections.*

The Code Enforcement Administrator 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 Enforcement Administrator is authorized to engage in such expert as deemed necessary to report upon unusual technical issues that arise, subject to the approval of the appointing authority.

(D) *Right of entry.*

The Code Enforcement Administrator is authorized to enter upon the subject premises/yard for the purposes of inspecting the premises as to the outside condition and status of the structure and the adjoining real estate. If entry is refused or not obtained, the Code Enforcement Administrator is authorized to pursue recourse as provided by law.

(E) *Identification.*

The Code Enforcement Administrator shall carry proper identification when inspecting the premises in performance of duties under this Code.

(F) *Notices and orders.*

The Code Enforcement Administrator shall issue all necessary notices or orders to ensure compliance with this Code.

(G) *Department records.*

The Code Enforcement Administrator 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 structure and real estate to which such records relate, remain in existence unless otherwise provided for by other regulations.

(H) *Coordination of inspections.*

Whenever in the enforcement of this Code or another Code or Ordinance, the responsibility of more than one Code Enforcement Administrator of the jurisdiction is involved, it shall be the duty of the Code Enforcement Administrators involved to coordinate their inspections and administrative orders as fully as practicable so that the owners and occupants of the premises shall not be subjected to visits by numerous inspectors or multiple or conflicting orders. Whenever an inspector from any agency or department observes an apparent or actual violation of some provision of the law, Ordinance or Code not within the inspector's authority to enforce,

the inspector shall report the findings to the Code Enforcement Administrator having jurisdiction.

(I) APPROVAL

(1) *Modifications.*

Whenever there are practical difficulties involving in carrying out the provisions of this Code, the Code Enforcement Administrator shall have the authority to grant modifications for individual cases, provided the Code Enforcement Administrator 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.

§ 96.12 VIOLATIONS.

(A) *Unlawful acts.*

It shall be unlawful for any person, firm, corporation, or other entity, as owner of a premises within New Lebanon, Ohio or as a tenant, lessee, or other such person having possession of a parcel of real estate in New Lebanon, Ohio to be in violation of any of the provisions of this Code.

(B) *Violations.*

It shall be a violation of this Property Maintenance Code for any owner, owner's designated agent, tenant or person in possession and/or occupancy of a premises to permit or allow conditions of property to constitute a public nuisance. The following shall constitute a minimum condition and responsibilities for the maintenance of structures and exterior property

and any failure to meet these minimum standards shall constitute a violation of the Property Maintenance Code.

(1) It shall be the responsibility of the owner, owner's designated agent, tenant, or person in possession and/or occupancy of a premises to 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 or 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 a clean, sanitary and safe condition that part of the dwelling unit, rooming unit, housekeeping unit or premises, which they occupy, and control.

(2) *Vacant structures and land.*

All vacant structures and premises thereof including land surrounding the said structure 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.

(3) *Sanitation.*

All exterior property and premises shall be maintained in a clean, safe, and sanitary condition. The occupant/owner shall keep that part of the exterior property, which such occupant occupies or controls, in a clean and sanitary condition.

(4) *Sidewalks, curbs and driveways.*

All sidewalks, curbs, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair, free of grass or other vegetation, and maintained free from hazardous conditions, including but not in any way limited to refuse of any kind.

(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 re-infestation.

(6) *Exhaust vents.*

Pipes, ducts, conductors, fans or blowers shall not discharge gasses, steam, vapor, hot air, grease, smoke, odors, and other gaseous or particulate wastes directly upon abutting or adjacent property or that of another tenant.

(7) *Accessory structures.*

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

§ 96.13 GRASS AND NOXIOUS WEEDS.

(A) The Code Enforcement Administrator shall notify the owner when the grass/weeds exceed the height of seven (7) inches. Such notice shall specify that weeds shall be cut thereafter without further notice or publication in order to prevent spreading, maturing or exceeding seven (7) inches in height.

(B) When any person being the owner, lessee, agent, or tenant having charge of the lands mentioned in division (1) hereof, fails to comply with the Notice set forth in such Notice, the Code Enforcement Administrator or his/her designee shall cause such weeds to be cut and destroyed and may employ the necessary labor to perform such task. All expense incurred shall, when approved by the Village Manager, be paid out of any money in the Village Treasury not otherwise appropriated.

(C) The Village Manager or his/her designee shall make a written return to the County Auditor with a statement of charges for service in cutting such weeds, together with a proper description of the premises. Such amounts shall be entered upon the tax duplicate, shall constitute a lien upon such lands from the date of the entry, and shall be collected as other taxes and returned to the Village with the general fund.

(D) Whenever any tree, plant or shrubbery or part thereof or weeds and grass are growing in any street, public place, or upon private property contiguous to a street or sidewalk or public place, and is trimmed or removed by the Village, then, after the work is done, the Village shall give five (5) days notice, by regular mail, to the owner of such lot or parcel of land at his last known address to pay the cost of such trimming or removal of trees, plants, shrubbery, grass or weeds or parts thereof. Notice shall be accompanied by a statement of the amount of cost incurred, including an administrative fee of \$25.00 as set forth by the Codified Ordinances of the Village of New Lebanon, Ohio and in the event the same is not paid within thirty (30) days after the mailing of the notice then such amount shall be certified to the County Auditor for collection the same as other taxes and assessments to be collected.

(E) In the event a owner, tenant, renter, lessee, or other person having possession of the subject premises, does not trim or remove any tree, plant, or shrubbery, or any part thereof, in

accordance with the provisions of this section, then the Code Enforcement Administrator or his/her designee is authorized and it is declared to be their duty to have enforced the provisions of this section and to cause to be trimmed or remove such tree, plant, tree or shrubbery or part thereof, and cut and remove all grass and weeds.

§ 96.14 MOTOR VEHICLES.

(A) No person shall store, place, or allow to remain, motor vehicles in an inoperative condition, unregistered or unfit for further use, outside of a fully enclosed garage or other suitable structure on any property within the Village limits.

(1) In the event of a violation of this Section, the Village Manager or his/her designee shall give notice to the owner, occupant, or person having charge of the premises upon which the violation occurs. The issuance of such notice shall be as set forth in §94.14.

(2) If the person served with the notice as provided in sub-division (1) of this Section fails to cause the violation to cease within five (5) days of the date upon which the notice was issued for a first offense, or 24-hours for a second offense, or within 12-hours for any subsequent offense, by housing the vehicle in a fully-enclosed garage or other suitable structure or by removing the vehicle from the property, he/she shall be subject to the penalties provided in § 96.99. The fact that the vehicle is so left is prima-facie evidence of willful failure to comply with the notice.

(3) The Code Enforcement Administrator is hereby authorized to pursue removal of the vehicle as follows:

(a) If a motor vehicle in an inoperable condition is located on public property, the Code Enforcement Administrator may immediately remove or cause the removal of the vehicle.

(b) If a motor vehicle in an inoperable condition is located on private property, the Code Enforcement Administrator may remove or cause the removal of the vehicle not sooner than five (5) days after serving notice as set forth herein of its intention to remove or cause the removal of the vehicle.

All expenses incurred in removing or causing the removal of a motor vehicle in inoperative condition shall be placed upon the tax duplicate as a lien upon the land to be collected as other taxes and returned to the Village.

(c) The Code Enforcement Administrator shall forthwith notify the registered vehicle owner of the fact of the removal and impounding, reasons therefore, and the place of storage. Any person desiring to redeem an impounded vehicle shall appear at the police department to furnish satisfactory evidence of identity and ownership or right to possession. If the right to possession is in question, it shall be determined by a court of competent jurisdiction. Prior to issuance of a release form, the claimant owner, or operator shall either pay the amount due for any fine for violations on account of which the vehicle was impounded or as the court may require, post a bond in an amount set by the court, to appear to answer to such violations. The pound operator shall release each vehicle upon receipt of the release form and payment of all towage and storage charges.

(d) No owner or operator shall remove an impounded vehicle from the place of storage without complying with the above procedure. Possession of the vehicle, which

has been impounded and unlawfully taken from the place of storage by the owner or operator, shall constitute prima-facie evidence that it was so removed by the owner or operator.

(4) No person shall store, place or allow to remain motor vehicles, trailers, boats, recreational vehicles, etc. on any surface other than an approved paved surface.

§ 96.15 NOTICES AND ORDERS.

(A) *Notice to person responsible.*

Whenever the Code Enforcement Administrator determines that there has been a violation of this Code or has grounds to believe that a violation has occurred, notice shall be given by regular mail, in person, to an adult person on the premises or posted on the main entrance door of the premises.

B) *Form.*

Such notice prescribed in Section (A) shall be in accordance with all of the following:

1. Be in writing
2. Include a description of the real estate sufficient for identification
3. Include a statement of the violation or violations and why the notice is being issued
4. Include a correction order with a reasonable compliance time frame
5. Inform the property owner and occupant of the right to appeal
6. Include a statement of the right to file a lien in accordance with § 96.16 and § 96.99.

Such legal notice shall be deemed to be properly served if a copy thereof is (a) delivered to the owner, occupant or agent, in person (b) sent by certified, registered mail, regular mail,

addressed to the owner and occupant at the last known mailing address with return receipt requested or (c) posted in a conspicuous place on or about the premises affect.

C) If the registered or certified mail envelope is returned with an endorsement showing that the service was unclaimed, the notice may be served by ordinary mail to the owners last known mailing address. This mailing shall be evidenced by a certificate of mailing and service shall be deemed complete on that date of mailing.

When service is perfected by posting notice on or about the premises affected, such posting shall be evidenced by a photograph and a notarized certificate of service. Such notice, photograph, and certificate of service shall be sent by ordinary mail to the last known mailing address as evidenced by the certificate of mailing and service shall be deemed completed on that date.

D) *Penalties.*

Penalties for noncompliance with orders and notices shall be as set forth in §96.99.

§ 96.16 RIGHT TO APPEAL.

A) *Board of Zoning Appeals.*

In order to execute the purpose of this Code, shall create a Board of Zoning Appeals, which shall hereinafter be referred to as “the Board”, and said Board shall have the following duties:

(1) To decide appeals where it is alleged that there is an error in any interpretation, judgment, determination or decision made by the Code Enforcement Administrator in the administration and enforcement of this Property Maintenance Code. Filing of an appeal shall give the petitioner written notice thereof. At such hearing, the petitioner

shall be given an opportunity to be heard and show cause why any item appearing on such notice and order should be modified or withdrawn. The failure of the petitioner or his/her representative to appear and state his case at such hearing shall have the same effect as if no petitioner were filed.

(2) Findings.

After a hearing, the Board shall sustain, modify, or withdraw any items appearing on the notice and order by majority vote, depending upon its findings as to whether the provisions of this chapter have been complied with and the petitioner and the Code Enforcement Administrator shall be notified in writing of such findings.

(3) Record.

The proceedings of such hearing, including the findings and decisions of the Board and reasons therefore shall be summarized and reduced to writing and entered as a matter of public record in the office of the Code Enforcement Administrator. Such record shall also include a copy of every notice and order issued in connection with the matter.

(4) Appeal of decision.

Appeals from the Board shall be to the Montgomery County Common Pleas Court as provided by the state statutes.

§ 96.17 PROPERTY MAINTENANCE RE-INSPECTION FEE

A re-inspection fee of \$25.00 shall be instituted for any re-inspection subsequent to the first inspection and shall be paid by the owner, tenant, or person responsible for correction of violations of this chapter. Notice shall be accompanied by a statement of the amount cost incurred, and in the event the same is not paid within thirty (30) days after the mailing of the

notice, then such amount shall be certified to the County Auditor for collection the same as other taxes and assessments are collected.

§ 96.18 ABATEMENT PUBLIC NUISANCE.

In the event that the Code Enforcement Administrator determines that the violation of the Property Maintenance Code is so egregious as to constitute a Public Nuisance as set forth in § 96.04 or § 96.05, the Code Enforcement Administrator shall proceed with action to abate the Public Nuisance as follows:

(A) *Determination and notice by Code Enforcement Administrator.* When the Code Enforcement Administrator makes a determination that premises within the municipality may constitute a nuisance or contain structural defects, he or she shall determine which such problems should properly lie within the purview of municipal ordinance and which within the purview of another authority, such as the Dayton-Montgomery County Combined General Health District. When a remedy, in the judgment of the Code Enforcement Administrator, is properly the immediate concern of the municipality, he or she shall cause a notice of violation to be sent to the owner of the property and those holding tenancy in the property. The notice shall specify the conditions which constitute a public nuisance, shall inform the property owners of their right to a public hearing before the Municipal Council, shall specify a public hearing date before the Council if nuisances are not abated within 14 days from the date of service of notice, and shall inform the property owners of what action will be taken by the municipality upon failure to abate the nuisance conditions.

(B) *Requirement to abate nuisance.* Failure of the property owner or tenant to abate the nuisance within 14 days of service of a notice of violation, or to have worked out a schedule,

satisfactory to the municipality, for nuisance abatement or property repair, with sufficient surety to guarantee completion on schedule, may be cause for the Code Enforcement Administrator to seek a resolution by the Council that premises within the municipality are being maintained contrary to one or more provisions of this chapter.

(C) *Abatement resolution by Council.* A resolution may be adopted by Municipal Council, which shall specify nuisances or structural defects on given premises, and said resolution may require, within 30 days after resolution passage, correction of the situation or conditions constituting a public nuisance by persons having an interest in the specified property. This resolution shall also specify anticipated actions to be taken by the municipality in the absence of nuisance abatement. This Council resolution shall require a report from the Code Enforcement Administrator upon or after 30 days from passage, such report to summarize the actions taken thus far to abate specified nuisances. The resolution shall also solicit the property owner, tenant, or other interested persons to show cause at a subsequently specified public hearing at least 30 days hence, why additional action should not be taken to abate the nuisances specified.

(D) *Service of Council resolution notice.* A copy of the Council resolution specifying property nuisances shall be served upon the owner of the affected premises, and may be served upon the person, or entity in charge of, or in control of, such property whether as owner, lessee, agent, tenant, occupant or entity having charge of the affected premises, either in person, or by being mailed to or left at the usual place of residence of any such person or the principal office of any such entity. If such owner, lessee, agent, tenant, occupant or entity having charge of the land is a nonresident of the municipality whose address is known, such notice shall be sent by registered or certified mail. If no owner, lessee, agent, tenant, occupant or entity

having charge of the land is present on such land at the time of the attempt to serve the written notice, or if the address of such owner is unknown, or if the registered or certified mail is not delivered, it is sufficient to publish the notice once in a newspaper of general circulation in the municipality. A copy of the Council resolution shall be posted on the premises if the property is unoccupied.

(E) *Public hearing.* At the time of public hearing established at least 30 days hence by the Council resolution described by division (C) above, the Council shall hear the testimony of all competent persons desiring to testify respecting conditions constituting a nuisance, including, at the option of the Council, cost estimate information for abatement and such other matters as may be pertinent. At the conclusion of the public hearing, and after consideration of the property status report prepared by the Code Enforcement Administrator, the Council shall, by resolution, declare the findings.

(F) *Action by municipality in lieu of compliance.*

(1) A resolution by Council specifying nuisances and seeking abatement will authorize action by the Municipal Manager, on behalf of the municipality, in the absence of compliance by those having an interest named.

(2) Action by the Municipal Manager, personally or through his or her agent, shall be in one of two ways:

(a) Through such legal or administrative channels as are deemed most appropriate, or

(b) Through use of either municipal or private labor to effect the necessary nuisance abatement.

(3) Immediate action by such municipal or private labor may be authorized by a Council resolution passed after:

- (a) The public hearing called for by division (C) above,
- (b) A report from the Code Enforcement Administrator, and
- (c) The expiration of 30 days from passage of the resolution specified by division (C) above.

(4) The Council may grant any time schedule for nuisance abatement that it feels represents a reasonable response to existing conditions.

('80 Code, §98.09) (Ord. 84-17, passed 12-18-84; Am. Ord. 2004-19, passed 1-4-05)

§ 96.19 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, mortgage or lessee a true copy of any compliance order or notice of violation issued by the Code Enforcement Administrator and shall furnish the Code Enforcement Administrator 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.

§ 96.99 PENALTY

(A) Any violation or continuing violation of the provisions of Chapter 96 beyond the time limit for compliance set forth by the terms of the Chapter, a Notice of Violation, or the

compliance schedule established by the Code Enforcement Officer, shall constitute a violation punishable as provided in Paragraph (B) of this section.

(B) Any person who shall violate a provision of Chapter 96.01 et. seq. shall be subject to the following provisions:

(1) A first violation and notice shall be deemed a warning. The offender will be given an appropriate time-frame.

(2) A second offense of the same Section of this Chapter, occurring within the same calendar year after the occurrence of the first offense, shall be deemed as a Violation. The Village shall impose upon the offender a fine of \$100.00 and assessed a Re-inspection fee of \$25.00.

(3) A third offense of the same Section of this Chapter occurring within the same calendar year of the second offense shall be deemed a Violation II. The Village shall impose upon the offender a fine of \$250.00 and assessed re-inspection fee of \$25.00.

(4) A fourth or subsequent offense of the same Section of this Chapter occurring within the same calendar year after the occurrence of the third offense shall be deemed a Violation III. The Village shall impose upon the offender a fine of \$1,000.00 and assess a re-inspection fee of \$25.00.

(5) If the owner of the property or person designated as the “offender” fails to Comply with the Notice or Order within the time prescribed and fails to pay the assessed fines and re-inspection fees within thirty (30) days after the mailing of the bill for the fine and re-inspection fees, then such amount shall be entered upon the tax duplicate and shall constitute a lien upon such lands from the date of the Entry and shall be collected as other taxes and returned to the Village’s General Fund.

(C) Any fines and/or re-inspection fees assessed upon an offender or property owner, if not paid within thirty (30) days of the Notice of the charges assessed shall be Certified by the Council to the Montgomery County Auditor for collection in the same manner as other taxes and assessments to be collected.

§ 152.013 JURISDICTION OF BOARD OF ZONING APPEALS

The Board of Zoning Appeals shall have the following jurisdiction:

(A) *Administrative Appeal.*

To hear and decide Appeals where it is alleged there is error in any order, requirement, decision, or determination made by the Zoning Inspector or the Property Maintenance Enforcement Administrator in the enforcement of the provisions of the Zoning Code or the Property Maintenance Code. (§ 152.094(C))

(B) *Variances.*

(1) *Variances on lots.*

To authorize, on appeal, in specific cases, such variance from the terms of this Zoning Code as will not be contrary to the public interest, where, owing to special conditions of the land, (that is, an irregularly shaped lot having the required area; a lot of exceptional topography; or an exceptionally narrow, shallow or irregular lot) existing and of record at the time of the passage of this Zoning Code, a literal enforcement of the provisions of this Zoning Code will result in unnecessary hardship. In granting such variance, the Board of Zoning Appeals shall prescribe appropriate conditions and safeguards to maintain the intent and spirit of the zoning district in conformity with this Zoning Code.

(2) *Variances on existing buildings and structures.*

To grant the projection of an existing building or structure into a required yard to secure an addition to the building or structure practicable in its construction and arrangement. This projection shall not exceed 1/3 of the required depth or width of the required yard. In granting the variance, the Board of Zoning Appeals shall prescribe appropriate conditions and safeguards to maintain the intent and spirit of the zoning district in conformity with this Zoning Code.

(3) *Use provisions applicable.*

Divisions (B) (1) and (2) shall not be construed to permit variances, which shall in effect amend the use provisions in this chapter.

(C) *Conditional uses.*

To grant conditional certificates for the use of land, buildings, or other structures, if such certificates for specific uses are provided for in this Zoning Code.

(D) *Nonconforming uses.*

Nonconforming uses as provided in §§152.163 through 152.168.

(E) *Well field protection appeals.*

To take appeals, investigate matters related to said appeals, deny, uphold, or otherwise modify or waive the Zoning Inspector's actions on a case-by-case basis as they related to well field protection.

(F) *Determination of similar use.*

Where a specific use is proposed that is not specifically listed or provided for in a zoning district under this Zoning Code, the Board of Zoning Appeals may make a determination, upon appeal, that the proposed use is substantially similar to a specific use that is listed or provided for in such zoning district.

('80 Code, § 152.013) (Ord. 94-14, passed 7-5-94)

(G) In appeals from the Property Maintenance Enforcement Administrator, to make such findings and rulings as are set forth in § 152.094(C) (17) (A)(1).

SECTION 1: This ordinance shall take effect and be in force from and after the earliest period by law.

Passed this 18th day of June, 2019.

First Reading: May 21, 2019

Second Reading: June 4, 2019

Third Reading: June 18, 2019

Effective Date: July 8, 2019

APPROVED:

Raymond Arriola
Mayor

ATTEST:

Sandra F. Wright
Clerk of Council

APPROVED:

Glena A. Madden
Municipal Manager

Dated:

June 18, 2019

CERTIFICATE

I, Sandra F. Wright, Clerk of Council of the Municipality of New Lebanon, Ohio do hereby certify the foregoing is a true and correct copy of Ordinance 2019-02 as passed by Council and approved by the Mayor and that the same has been published as required by Section 2.18 of the Charter of the Municipality of New Lebanon, Ohio.

Sandra F. Wright
Clerk of Council