

CHAPTER 1450. PROPERTY MAINTENANCE CODE¹

Sec. 1450.01. Purposes.

This chapter is enacted for the purpose of establishing minimum standards to govern the condition, maintenance, and rehabilitation of all existing structures; to govern supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary, and fit for occupancy and use; and to govern the condition of dwellings offered for rent. This chapter is also enacted for the purpose of fixing certain responsibilities and duties of owners and occupants of structures; providing for the condemnation and/or demolition of structures unfit for human habitation; and fixing penalties for violations.

Sec. 1450.02. Administration and enforcement.

- (a) *Title.* This chapter shall be known as the Property Maintenance Code of the City, hereinafter referred to as the Property Maintenance Code or "this Code."
- (b) *Scope.* This Code is enacted to protect the public health, safety, and welfare in all existing structures, residential and nonresidential, and on all existing premises, as hereinafter provided, by:
 - (1) Establishing minimum maintenance standards for all structures and premises for safety from fire; for space, use and location; and for safe and sanitary maintenance of all structures and premises now in existence;
 - (2) Providing for rehabilitation and re-use of existing structures and allowing differences between the application of the requirements of this chapter to new construction and the application of such requirements to alterations and repairs;
 - (3) Fixing the responsibilities of owners, operators, and occupants of all structures; and
 - (4) Providing for administration, enforcement, and penalties.
- (c) *Intent.* This Code shall be construed liberally and justly to ensure public health, safety, and welfare insofar 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.
- (d) *Other regulations.* The provisions of this Code shall not be construed to prevent the enforcement of other ordinances or regulations which prescribe standards other than those that are provided herein.
- (e) *Application of other codes.* Any repairs or alterations to a structure, or changes of use therein, which may be caused directly or indirectly by the enforcement of this Code, shall be done in accordance with the procedures and provisions of the Building Code, the Plumbing Code, the Mechanical Code, and all other applicable Codes.

¹Cross reference(s)—Dangerous or abandoned buildings, see Sec. 660.09; Housing Officer, see Sec. 890.04.

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- (f) *Existing remedies.* The provisions of this Code shall not be deemed to abolish or impair existing remedies of the City or its officers or agencies relating to the removal or demolition of any buildings which are deemed to be dangerous, unsafe, and unsanitary.
 - (g) *Workmanship.* All repairs, maintenance work, alterations, or installations which are required for compliance with this Code shall be executed and installed in an acceptable, workmanlike manner and installed in accordance with the manufacturer's installation instructions.
 - (h) *Severability.* If any section, subsection, paragraph, sentence, clause, or phrase in this Code shall be declared invalid for any reason whatsoever, such determination shall not affect the remaining provisions of this Code, which remaining Code provisions shall continue to be in full force and effect. To this end, the provisions of this Code are hereby declared to be severable.
 - (i) *Saving clause.* This Code shall not affect violations of any other ordinance, code, or regulation existing prior to the effective date hereof, and any such violation shall be governed and shall continue to be punishable to the full extent of the law under the provisions of those ordinances, codes, or regulations in effect at the time the violation was committed.
 - (j) *Requirements not covered by 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 or, if applicable, the Ohio Revised Code, shall be determined by the Code Official.

Sec. 1450.03. Bellbrook Property Review Commission (BPRC).

- (a) *Establishment.* In order to execute the purposes declared in this Code, there is hereby created a commission to be called the Bellbrook Property Review Commission (BPRC). The duties and responsibilities of the BPRC are hereby assigned to the Bellbrook Zoning Appeals Board.
- (b) *Duties of the BPRC.*
 - (1) *Review violation orders.* When the Code Official requests prosecution of a violation order, the BPRC shall review that violation order. If the Code Official finds that an emergency exists under the provisions of this Code, he or she may request prosecution of that violation order without the review of that violation order by the BPRC. However, the Code Official shall notify the BPRC of the emergency action taken.
 - (2) *Hear appeals.* The BPRC shall serve as the Code Appeals Board.
 - (3) *Hiring of a consultant.* The BPRC, with the proper authorization and approval of the City Manager and/or Council, may, in special instances, temporarily retain the services of a consultant to assist the BPRC in performing its duties.
 - (4) *Additional powers.* The BPRC shall have all additional powers granted by Council.
 - (5) *Conflicts of interest.* No member of the BPRC shall vote or participate in the discussion of any question before the BPRC in which he or she has a personal or pecuniary interest.
 - (6) *Compensation.* Members of the BPRC shall serve without compensation.
- (c) *Appeal of BPRC action.* Any person, firm or corporation, or any officer, department, board or agency of the City, or any interested elector of the City, who has been aggrieved or affected by any decision of the BPRC, may appeal from such decision in the same manner as appeals are taken from actions of the Board of Zoning Appeals (BZA).

Sec. 1450.10. Powers and duties of the Code Official.

- (a) *In General.*
- (1) The Code Official, who is assigned by the City Manager, shall enforce all the provisions of this Code, except as may otherwise be specifically provided for by other Code sections, regulations, or Ohio law.
 - (2) The Code Official is hereby authorized and directed to enforce the provisions of this Code. The Code Official shall have the authority to render interpretations of this Code and to adopt policies and procedures to clarify the application of its provisions. Such interpretations, policies, and procedures shall be in compliance with the intent and purpose of this Code. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this Code.
 - (3) Any Code Official, officer, or employee, who acts in good faith and without malice in the discharge of his or her duties of enforcement of this Code, is relieved of all personal liability for any damage that may accrue to persons or property as a result of such acts or alleged failure to act and shall be defended by the City in any civil action. Further, he or she shall not be held liable for any costs in action, suit, or proceeding that may be instituted against him or her regarding the enforcement of this Code.
- (b) *Access by owner or operator.* Every occupant of a structure or premises shall give the owner or operator thereof, or the duly authorized agent or employee of the owner or operator, access to any part of such structure or its premises at reasonable times for the purpose of making such inspections, maintenance, repairs, or alterations as are necessary to comply with the provisions of this Code.
- (c) *Coordination of enforcement.* Inspection of premises, the issuance of notices and orders, and the enforcement thereof shall be the responsibility of the Code Official so charged by the City. Whenever, in the opinion of a Code Official initiating an inspection under this Code, it is deemed necessary or desirable to have inspections performed by any other department, the Code Official shall make a reasonable effort to arrange for the coordination of such inspections so as to minimize the number of visits by inspectors, and the Code Official shall confer with the other departments for the purpose of eliminating conflicting orders before any are issued. A department shall not, however, delay the issuance of any emergency orders which it determines must be issued.
- (d) *Identification.* The Code Official, or the Code Official's authorized representative, shall disclose and produce for inspection by the property owner, agent, or occupant, proper identification of his or her respective office for the purpose of inspecting any and all buildings and premises in the performance of his or her duties under this Code.
- (e) *Nonconforming conditions.* If additional nonconforming conditions are encountered during the course of any approved alteration or repair which were not considered or known initially by the Code Official, the Code Official shall have the authority to require compliance with this Code concerning such additional conditions. The determination of what may be necessary to bring such conditions into compliance with this Code shall take into consideration the use of alternatives and equivalent approaches as provided for in this Code. A duly authorized Code Official shall have the authority to approve construction changes in the field when conditions are encountered which make the originally approved work impractical, provided such changes in approved work can be readily determined by a duly authorized Code Official to be in compliance with this Code and when approval of said construction changes is requested by the owner or the owner's duly authorized agent prior to such construction changes. Such changes shall be specifically documented by the owner or the owner's agent, which documentation shall describe the change in work and the reasons and justification for the change, and which documentation shall be provided to the Code Official and with the permit application for the project.
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- (f) *Notices and orders.* The Code Official shall issue all necessary notices and orders to ensure compliance with the requirements of this Code for the safety, health, and general welfare of the public.
 - (g) *Official records.* An official record shall be kept of all business and activities of the department specified in the provisions of this Code, and all such records shall be open to public inspection at all appropriate times and under reasonable regulations established by the Code Official to maintain the integrity and security of such records.
 - (h) *Right of entry.* Where it is necessary to make an inspection to enforce the provisions of this Code, or whenever the Code Official has reasonable cause to believe that there exists in a structure or upon a premises a condition in violation of this Code, the Code Official is authorized to enter the structure or premises at reasonable times to inspect or perform the duties imposed by this Code, provided that if such structure or premises is occupied, the Code Official shall present identification to the occupant and shall then request entry. If such structure or premises is unoccupied, the Code Official shall first make a reasonable effort to locate the owner or other person having charge or control of the structure or premises and request entry. If entry is refused, the Code Official shall have recourse to the remedies provided by law to secure entry, including but not limited to requesting an administrative search warrant from a court situated in Greene County with appropriate jurisdiction.

Sec. 1450.11. Notices and orders.

- (a) *Informal resolution of violation.* The Code Official may, at his or her discretion, attempt to informally resolve violations or suspected violations of this Code without issuing the notices and orders in the manner prescribed below. The Code Official shall be encouraged to utilize this procedure to the extent practical to achieve efficiency in securing compliance with this Code.
 - (b) *Formal resolution of violations; notice.*
 - (1) When the Code Official is unsuccessful in achieving compliance with this Code using the informal procedure described above, or, when at his or her discretion the Code Official does not utilize the informal procedure described above, then the Code Official shall utilize the following formal procedure to resolve a violation or suspected violation of this Code.
 - (2) Whenever the Code Official determines that there has been a violation of this Code, or has reasonable grounds to believe that a violation has occurred, or whenever the Code Official has condemned any structure or equipment under the applicable provisions of this Code, notice shall be given to the owner, the owner's duly authorized agent, if any, and the occupant(s) of the property in the manner prescribed below. If a duly authorized Code Official has condemned the property or part thereof, the Code Official shall give notice to the owner, the owner's duly authorized agent, if any, and to the occupants of the property of the Code Official's intent to placard the property and the Code Official shall ensure that the property is promptly vacated in compliance with this Code, or shall order any equipment out of service, if applicable.
 - (c) *Form of notice.* Such formal notice prescribed above shall:
 - (1) Be in writing;
 - (2) Include a description of the real estate sufficient for proper identification;
 - (3) Include a statement of the reason or reasons why it is being issued;
 - (4) Include a correction order allowing a reasonable time for the repairs and improvements required to bring the dwelling unit or structure into compliance with the provisions of this Code;
 - (5) Include a statement that civil and criminal penalties may be assessed if the repairs and improvements required are not completed by the stated date;
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- (6) Inform the property owner of the right to appeal the Code Official's determination to the Bellbrook Property Review Commission. If a property owner desires such an appeal, a notice of appeal must be filed with the Code Official within twenty (20) days from receipt of the notice; and
 - (7) When applicable, include a statement of the right to file a lien.
- (d) *Method of service.* Except as otherwise required by this chapter, such notice shall be deemed to be properly served if a copy thereof is:
- (1) Delivered personally; or
 - (2) Sent by certified mail, return receipt requested. In the event certified mail service to any owner or other party entitled to notice is returned to the City as "refused" or "unclaimed," the City shall reissue service of the notice to that party via ordinary mail, which shall be evidenced by a Certificate of Mailing issued by the U.S. Post Office; or
 - (3) If the current address of any property owner or other party entitled to notice is unknown and cannot be ascertained after diligent search efforts, and when service of the notice cannot be completed by personal delivery or mail as set forth above, by posting the notice and correction order in a prominent place on the property where the violation exists.
- (e) *Service on occupant.* When a condemnation order is served on an occupant of the property who is not the property owner or the property owner's duly authorized agent, a reasonable time to vacate the property after noncompliance shall be stated. Property owners and duly authorized agents of a property owner must vacate the property immediately upon the expiration of the time set for correction of defects if there is failure of compliance.
- (f) *Penalties.* Penalties for noncompliance with orders and notices shall be as set forth in this Code.
- (g) *Transfer of ownership.* No owner of any dwelling unit or structure who has received a correction order or upon whom a notice of violation has been served, shall sell, transfer, mortgage, lease or otherwise dispose of the property to another until the provisions of the correction 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 correction 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 correction order or notice of violation and fully accepting the responsibility without condition for making the corrections or repairs required by such correction order or notice of violation.

Sec. 1450.12. Minor nuisances.

- (a) *General.* A minor nuisance exists when a property is in violation of any provisions of this Code, unless the condition of the property has deteriorated to such a condition that enforcement under Sections 1450.13, 1450.14 or 1450.15 are determined by the Code Official to be more appropriate.
 - (b) *Notice.* Whenever the Code Official has determined a violation of the property maintenance standards set forth in this Code exists, and such conditions endanger public health, welfare, or safety, or materially interfere with the peaceful enjoyment of the occupants of such property or the owner or occupants of adjacent property, the Code Official shall issue a notice according to Section 1450.11.
 - (c) *Abatement.* Upon failure of the owner to correct the minor nuisance within the time specified in the notice and accompanying correction order, the Code Official, or the Code Official's designated agent, shall cause the minor nuisance to be abated through any available public agency, by contract, or by arrangements with private persons, or by utilization of appropriate City employees, and the cost thereof shall be charged as a lien against the real estate upon which the structure is located in accordance with Ohio law.
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- (d) *Cost of abatement.* Costs incurred in the performance of minor nuisance abatement shall initially be paid by the City. The City Manager and City Council shall take any and all action required to put a lien on the property consistent with Ohio law where the unsafe structure or property is or was located in order to recover the costs incurred by the City to abate the nuisance. The total costs may include all labor, equipment, materials, and costs of service of notice or publication costs to correct or remove such nuisance.

Sec. 1450.13. Unsafe structures and equipment.

- (a) *General.* When a structure or part thereof, or any equipment situated on the property is found by the Code Official to be unsafe, or when a structure or part thereof is found unfit for human occupancy or use, or is found unlawful, it may be condemned pursuant to the provisions of this Code and may be placarded and vacated. It shall not be re-occupied without approval of the Code Official. Unsafe equipment may be placarded and placed out of service.
- (1) *Unsafe structures.* An unsafe structure is one in which all or part thereof is found to be dangerous to life, health, property, or the safety of the public or its occupants because it does not provide minimum safeguards for protection from fire, or because it is so damaged, decayed, dilapidated, structurally unsafe, or of such faulty construction or unstable foundation that it is likely to partially or completely collapse.
- (2) *Unsafe equipment.* Unsafe equipment includes any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers, mechanical devices, or other equipment on the premises or within the structure, which is in such disrepair or condition that it is found to be a hazard to life, health, property, or the safety of the public or occupants of the premises or structure. Unsafe equipment may contribute to the finding that the structure is unsafe or unfit for human occupancy or use.
- (3) *Structure unfit for human occupancy.* A structure is unfit for human occupancy or use whenever the Code Official finds that it is unsafe or unlawful, or because of the degree to which it lacks maintenance, is in disrepair, is unsanitary, is vermin or rat infested, contains filth and contamination, or lacks ventilation, illumination, sanitation, heating facilities, or other essential equipment required by this Code or any other applicable codes, or because its location constitutes a hazard to its occupant or to the public.
- (4) *Unlawful structures.* An unlawful structure is one found in whole or in part to be occupied by more persons than permitted under the Zoning Code, or to have been or to be erected, altered, or occupied contrary to law.
- (b) *Closing of vacant structures.* If the structure or part thereof is vacant and unfit for human habitation, occupancy, or use and is not in danger of structural collapse, the Code Official is authorized to post a placard of condemnation on the premises and order the structure secured so it will not be an attractive nuisance. Upon failure of the owner to secure the premises within the time specified in the order, the Code Official shall cause 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.
- (c) *Notice.* Whenever the Code Official has condemned a structure under the provisions of this section, notice shall be issued according to Section 1450.11.
- (d) *Placarding.* Upon the failure of the owner or person responsible to comply with the notice provision within the time given, the Code Official shall post on the premises a placard bearing the word "Condemned," along with a brief statement for the reason for the condemnation. The placard shall also contain a statement of the penalties authorized under the Code for occupying the premises or removing the placard.
- (1) *Removal of placard.* 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 authorized under this Code.

- (e) *Prohibited occupancy.* Any person who unlawfully occupies a condemned, placarded premises, or part thereof, or uses condemned, placarded equipment, and any owner or any person responsible for the premises who allows anyone else to use or occupy a placarded premises which has been condemned, shall be liable for the penalties provided by this Code.

Sec. 1450.14. Emergency orders.

- (a) *In general.* Whenever a Code Official finds that an emergency exists on any premises, or in any structure or part thereof, or with respect to any defective equipment situated on the property, which emergency requires immediate action to protect the occupants of the property or the public health and safety, the Code Official may, with proper notice and service in accordance with the provisions of this Code, issue an order reciting the existence of such an emergency and requiring the vacation of the property or such other action that may be required as determined by the Code Official to meet such emergency. Notwithstanding other provisions of this Code, such order shall be effective immediately, and the premises or equipment involved shall be placarded immediately upon service of the order.
- (b) *Hearing.* Any person to whom such an order is directed shall timely comply therewith. Such person may thereafter, upon petition directed to the Code Official, be afforded a hearing as prescribed in this Code. Depending upon the findings of the Bellbrook Property Review Commission (BPRC) at such hearing as to whether the provisions of this Code and the rules and regulations adopted pursuant thereto have been complied with, the BPRC shall continue such order or modify or revoke it.

Sec. 1450.15. Demolition.

- (a) *Demolition standards.*
- (1) *Purpose.* It is the purpose of this section to ensure that demolition projects conducted in the City of Bellbrook are done in a safe and complete manner. The end product of demolition will be a "park-like" graded grass lot.
- (2) *Applicability.* These standards apply to all demolitions of residential, commercial, and industrial principal and accessory structures. No structure that is required to meet the standards of this section shall be demolished, in whole or in part, without the issuance of a Demolition Permit prior to commencing work.
- a. *Exceptions.* Fences, storage sheds (no larger than 250 square feet) and above-ground swimming pools shall be exempt from demolition permit requirements and security deposits required pursuant to Section 1450.15(c) in its entirety, unless such structures constitute a nuisance which must be abated by the City.
- (b) *Ordered demolition.*
- (1) *In general.* The Code Official may order the owner of the premises upon which any structure or part thereof is situated, which in the Code Official's judgment is so deteriorated or dilapidated or in such a state of disrepair so as to be dangerous, unsafe, unsanitary, or otherwise unfit for human habitation, occupancy or use, and which structure or part thereof cannot reasonably be repaired, to raze and remove such structure or part thereof. If the structure can be made safe by repairs, as determined by the Code Official, the Code Official may issue an order requiring the owner to repair the property and make it safe, sanitary, and in compliance with this Code, or to raze it and remove it at the owner's option. If there has been a cessation of normal construction on property for a period of two (2) or

more years without completion of a structure held to be in violation of this Code for a period of more than two years, to raze and remove such structure or part thereof.

- (2) *Unreasonable repairs.* Whenever the Code Official determines that the cost of such repairs would exceed one hundred percent (100%) of the current value of such structure, such repairs shall be presumed to be unreasonable and it shall be presumed, for the purpose of this section, that such structure is a public nuisance which may be ordered to be razed without option on the part of the owner to repair. Any such affected property owner may appeal the decision of the Code Official to the Bellbrook Property Review Commission pursuant to Section 1450.16 "Means of Appeal."
 - (3) *Order.* The order shall be in compliance with Section 1450.11 "Notices and Orders," and it shall be served on all owners of record, any duly authorized agent of the property owner, upon any occupants of the property, and upon any holder of any encumbrance of record, in the manner provided for service of a summons by the Greene County Common Pleas Court, except that if the property owner or a holder of an encumbrance of record cannot be found after a reasonable attempt has been made to locate that party, service of the demolition order shall be completed by publishing the notice and demolition order once per week for three consecutive weeks in a newspaper of general circulation. In addition to service of the demolition order as specifically set forth in this section, the order shall also be served on the owner, occupants, and lienholders of record by posting it on the main entrance of the building.
 - (4) *Right to appeal.* Anyone affected by any such order may appeal the Code Official's determination and order in accordance Section 1450.16. In the event the BPRC affirms the Code Official's determination, the affected party may, within thirty (30) days after service of the BPRC's determination, apply to the Greene County Common Pleas Court for an order restraining the Code Official from razing and removing such structure or parts thereof.
 - (5) *Failure to comply.* Whenever the owner of a property fails to comply with a demolition order within the time prescribed, the Code Official shall cause the structure or part there to be razed and removed, either through an available public agency or by contract or arrangement with private persons, and the cost of such razing and removal shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.
 - (6) *Salvage materials from an ordered demolition.* When any structure has been ordered to be razed and removed, the governing body or other designated officer under such contract or arrangement aforesaid, may sell the salvage and valuable materials at the highest price obtainable. The net proceeds of such sale, after deducting the expenses of such razing 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 use of the person who may be 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.
- (c) *Demolition process.*
- (1) *Security deposit.* Property owners intending to demolish a building or structure must obtain a permit from the City and make a security deposit in the amount specified below.

a. Residential Accessory Structure	\$5,000.00
b. Single-Family Dwelling	\$10,000.00
c. Multi-Family Dwelling (3 units or less)	\$5,000.00 per unit
d. Nonresidential and Multi-Family Residential (4 units or more)	\$5.00 per square foot

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- (2) *Bond in lieu of security deposit.* In lieu of the security deposit required, as set forth above, an owner or authorized representative may deposit with the City a performance bond or irrevocable letter of credit, in a sum equal to the security deposit that would be required pursuant to this section, to ensure the completion of the demolition per the standards set forth herein.
- (3) *Forfeiture of bond or security deposit.* In the event that demolition is not completed per the standards set forth herein, the required security deposit, bond, or irrevocable letter of credit shall be forfeited and paid over to the City. However, if the bond, security deposit, or letter of credit is not sufficient to cover all inspection or demolition costs, additional fees shall be charged by the City to cover any remaining balance due. Such fees will be the responsibility of the property owner.
- (d) *Demolition requirements:*
- (1) *Safety precautions.* The owner or the owner's duly authorized representative shall take appropriate safety precautions in order to prevent injury, property damage, and unauthorized entry. Reasonable control measures shall be in place at all times as necessary including, but not limited to, guard rails, barriers, warning lights, fences, and warning notices. Trenches, ditches, or other excavations that are falling or tripping hazards shall not be left unattended unless protected by temporary fencing or other barrier designed to prevent unauthorized entry.
- (2) *Dust and debris control.* The demolition site shall at all times be maintained in such a manner to reduce the impact of dust on adjacent properties and prevent debris from falling on adjacent properties or in public rights-of-way.
- (3) *Maintenance of the right-of-way.* All streets, sidewalks, and other areas in the public right-of-way shall be kept free of mud and debris resulting from the demolition activities, including hauling and grading activities.
- (4) *Utilities.* All utilities, including sanitary sewer, water, gas, and electric shall be disconnected and capped per the appropriate utility's regulations. The contractor is responsible for contacting the Ohio Utilities Protection Service (OUPS) to locate utilities and each individual utility to confirm the status of abandonment, retirement, or capping of those utilities.
- (5) *Foundations.* All footers and foundation walls shall be removed in their entirety.
- (6) *Concrete and asphalt.* All slabs, driveways, parking areas, driveway approaches, and other areas of impervious surface shall be removed unless agreed upon in writing by the City prior to commencement of demolition. Public sidewalks shall remain. New curbing shall be installed in accordance with City specifications where driveway approaches were removed.
- (7) *Removal of accessory structures.* When demolition includes demolition of the principal structure, all accessory structures, including but not limited to fences, decks, storage sheds, garages, and signs, shall be removed along with the principal structure unless otherwise agreed to by the City prior to demolition.
- (8) *Landscaping.* All landscaping shall be removed from the site unless otherwise agreed to by the City prior to demolition.
- (9) *Finish grading.* All excavations shall be leveled with approved clean fill and compacted substantially to prevent future settling. Finish grade shall be level, smooth, and free of rocks and/or other debris.
- (10) *Grass.* Grass shall be replaced on the lot either by seed or sod. Seed shall be reasonably free of weeds or coarse grass and shall be evenly sown onto the topsoil. Unless otherwise agreed to by the City, demolition shall not be considered completed until grass has been restored to the site.
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- (e) *Demolition plan.* A demolition plan is required upon submittal of a Demolition Permit Application. The plan shall include the following items:
 - (1) Erosion control plan;
 - (2) Projected start and end date;
 - (3) Staging requirements;
 - (4) Site plan showing structure(s) to be demolished, location of construction fences, barriers, railings, and walkways (can be copied from Greene County GIS);
 - (5) Copy of the approved Greene County Demolition Permit; and
 - (6) Certificate of Appropriateness, if located in the Old Village District.
 - (f) *Transfer of permit.* A demolition permit, once approved, may be transferred upon the sale of the property. A letter from the original permit holder stating they wish to transfer the approved permit to a new owner must be submitted to the City.

Sec. 1450.16. Means of appeal.

- (a) *Application for appeal.* Any person directly affected by a decision of the Code Official or a notice or order issued under this Code shall have the right to appeal to the Bellbrook Property Review Commission (BPRC), provided that a written application for appeal is filed within twenty (20) days after the day the decision, notice or order was served, and the written application for appeal contains a specific statement indicating the grounds for the appeal.
- (b) *Open hearing.* All hearings before the BPRC shall be open to the public. The appellant, the appellant's legal representative, if any, the Code Official(s) involved, and any person or entity whose interests are affected shall be given the opportunity to be heard.
- (c) *BPRC decision.* The BPRC shall hear all appeals relative to the enforcement of this Code, and by a concurring vote of the majority of its members may reverse or affirm wholly or partly, or may modify, the decision appealed from, and shall make such order or determination as in its opinion ought to be made. Failure to secure a majority of such concurring votes shall be deemed a confirmation of the decision of the Code Official.
- (d) *Official records.* An official record shall be kept of all business and activities of the BPRC.

Sec. 1450.20. General.

- (a) *Scope.* Unless otherwise expressly stated, the terms in Section 1450.21 shall, for the purposes of this Code, have the meanings shown in this chapter.
- (b) *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.
- (c) *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.
- (d) *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."

Sec. 1450.21. General definitions.

As used in this chapter:

Anchored. Secured in a manner that provides positive connection.

Approved. Approved by the Code Official.

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

Bathroom. A room containing plumbing fixtures including a bathtub or shower.

Bedroom. Any room or space used or intended to be used for sleeping purposes.

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.

Detached. When a structural element is physically disconnected from another and that connection is necessary to provide a positive connection.

Deterioration. To weaken, disintegrate, corrode, rust or decay and lose effectiveness.

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.

Garbage. All animal, fish, fowl, fruit, vegetable, and other miscellaneous waste material from housekeeping and other mercantile.

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.

Habitable space. Space in a structure for living, sleeping, eating, or cooking. Bathrooms, toilet areas, closets, hall, storage and utility spaces, and similar areas are not considered habitable spaces.

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 reasons including but not limited to being unlicensed, wrecked, abandoned, in a state of disrepair, or incapable of being moved under its own power.

Junk. Scrap metal, scrap tin, scrap brass, scrap copper, scrap lead, scrap zinc, and other scrap ferrous and nonferrous materials; bones; rags; trash; waste; batteries; paper; rubber; rope; tin foil; bottles; and all other old, inoperable, improperly stored and/or discarded items.

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 specific periodic inspections of the production of the above-labeled items and by whose label the manufacturer attests to compliance with applicable nationally recognized standards.

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 the sale of land.

Neglect. The lack of proper maintenance for a building or structure.

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. The part of a window, skylight, or door which is available for unobstructed ventilation, and which opens directly to 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.

Pest elimination. The control and elimination of insects, rodents or other pests by eliminating their harborage places; by removing or making inaccessible materials that serve as their food or water; by other approved pest elimination methods.

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.

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

Toilet room. A room containing a water closet or urinal but not a bathtub or shower.

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.

Sec. 1450.30. General requirements.

- (a) *Scope.* The provisions of this Code shall govern the minimum conditions and the responsibilities for maintenance of structures, equipment, and exterior property.
- (b) *Responsibility.* The owner of the premises shall maintain the structures and exterior property in compliance with these requirements. 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 Code.
- (c) *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.

Sec. 1450.31. Exterior property areas.

- (a) *Sanitation.* All exterior property and premises shall be maintained in a clean, safe, and sanitary condition. The owner or occupant shall keep that part of the exterior property which such owner or occupant occupies or controls in a clean and sanitary condition, free from all trash, rubbish, garbage, junk, and other refuse or discarded material required to be removed.
 - (b) *Grading and drainage.* Excluding approved retention and reservoirs, 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. No stormwater (including sump pump discharge) shall be discharged so as to accumulate and create an unsafe condition on any abutting property. No stormwater shall be discharged in a manner that creates a public nuisance.
 - (c) *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. The standards outlined in Chapter 1011 of the Bellbrook Municipal Code shall determine when a sidewalk is in need of repair and/or replacement.
 - (d) *Vegetation.* All premises and exterior property shall be maintained free from weeds or plant growth in accordance with Chapter 678 of the Bellbrook Municipal Code.
 - (1) All plant materials, including trees and shrubs, afflicted with decay, disease, insect infestation, or otherwise considered dangerous to other plant material, shall be removed or appropriately treated, and dead trees and shrubs and "high risk" trees that pose an imminent danger to subject property or adjacent properties shall be removed. All sound plant materials, including trees and shrubs, shall be properly maintained and have no evident signs of neglect.
 - (2) All lawns, hedges, bushes, trees, and other vegetation shall be kept trimmed and shall not be permitted to become overgrown and unsightly where exposed to public view or where such vegetation may constitute a blighting influence on adjoining property.
 - (e) *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 pest elimination, proper precautions shall be taken to eliminate rodent harborage and prevent re-infestation.
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- (f) *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.
 - (g) *Accessory structures.* All accessory structures, including but not limited to detached garages, sheds, permanent outdoor play equipment, lighting fixtures, fences, and walls shall be maintained structurally sound and in good repair at all times.
 - (1) *Swimming pools.* Swimming pools shall be maintained in a clean and sanitary condition, and in good repair.
 - (h) *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.
 - (1) *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.
 - (i) *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.
 - (j) *Outside storage.* In business, commercial, and/or industrial zones, all outdoor storage shall be effectively screened from view and storage of miscellaneous items must be within enclosed structures or screened as required in the Zoning Code. This requirement does apply to items stored as part of an outdoor sale in a commercial zone in compliance with the Zoning Code. In residential zones, all items shall be stored within an enclosed structure, unless the items is traditionally used for outdoor activity or use and cannot be readily stored inside a structure (e.g., swing sets, trampolines, basketball hoops). No person shall accumulate, cause to be accumulated, or allow to be accumulated junk upon any property located within the City.
 - (k) *Storage of firewood.* Firewood must be stacked in a compact and orderly fashion against the main structure or an accessory structure, in an enclosed structure, or in the side or rear of the property.
 - (l) *Brush piles.* Brush piles are not permitted in residential or commercial districts. This section does not apply within the R-1AA and Agricultural Zoning Districts.
 - (m) *Construction equipment.* Unless construction equipment is actively being used for construction purposes on the property upon which the equipment is located, all construction equipment must not remain outside more than fifteen (15) days.
 - (n) *Remedy vacant or unattended properties.* Whenever the Code Official becomes aware of the existence of a vacant or unattended property which has not been maintained in a clean, safe, and sanitary manner, the Code Official shall give or cause to be given as provided in this Code, to the owner of the property, written notice of such violation and requiring the unclean, unsafe, or unsanitary conditions to be removed. If an owner fails to remove the unclean, unsafe, or unsanitary conditions within the time specified on the notice and order, the Code Official may remove or cause to be removed the unclean, unsafe, unsanitary conditions and may employ the necessary labor to perform such work or cause it to be done by the appropriate City Department or others contracting with the City to perform such labor.
 - (o) *Drainage ways.* Owners are obligated to maintain drainage ways in the same manner as the rest of their property. These tasks include all normal and routine maintenance such as mowing grass and weeding, removing brush and other vegetation, removing obstructions such as fallen trees and limbs, and policing their yards for litter and other debris. Drainage ways shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water thereon.
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- (1) *Drainage swales.* Swales are to be maintained by the owners of the parcels on which they are located, and at no time shall anyone plant shrubs and/or trees in, or discharge, or empty, or place any material, or fill or waste into any swale so as to divert or impede drainage flow.
 - (p) *Garbage and rubbish containers.* The owner and operator of every establishment producing garbage, vegetable wastes, or other putrescible materials shall provide, and at all times cause to be used, leak-proof approved containers provided with closely-fitting covers for the storage of such materials until removed from the premises for disposal. Properly constructed compost piles shall be exempted.
 - (1) Trash containers shall be removed from the public right-of-way not later than twenty-four (24) hours after trash pick-up. The containers shall be returned to the public right-of-way area not earlier than twenty-four (24) hours before the next trash pick-up.

Sec. 1450.32. Exterior structure.

- (a) *In 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 health, safety, or welfare.
 - (b) *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 watertight. 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.
 - (c) *Street numbers.* Each structure to which a street number has been assigned shall have such a number displayed in a position easily observed and readable from the public way and be a minimum of three (3) inches in height.
 - (d) *Structural members.* All structural members shall be maintained free from deterioration and shall be capable of safely supporting the imposed dead and live loads.
 - (e) *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.
 - (f) *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.
 - (g) *Roofs and drainage.* The roof and flashing shall be sound, tight, and not have defects that admit penetration. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters, and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.
 - (h) *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.
 - (i) *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.
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- (j) *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.
 - (k) *Chimneys and towers.* All chimneys, cooling towers, smokestacks, 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.
 - (l) *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.
 - (m) *Window, skylight, and door frames.* Every window, skylight, door, and frame shall be kept in sound condition, good repair, and weathertight.
 - (1) *Openable windows.* Every window, other than a fixed window, shall be capable of being easily opened.
 - (2) *Glazing.* All glazing materials shall be maintained free from cracks and holes.
 - (n) *Insect screens.* During the period from April 1 to December 1, every door and window or other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas, or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged, or stored shall be supplied with approved tightly fitting screens of not less than sixteen (16) mesh per inch and every screen door used for insect control shall have a self-closing device in good working condition.
 - (1) *Exception.* Screens shall not be required where other approved means, such as air curtains or insect repellent fans, are employed.
 - (o) *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. Every door available as an exit shall be capable of being opened from the outside.
 - (p) *Basement hatchways.* Every basement hatchway shall be maintained to prevent the entrance of rodents, rain, and surface drainage water.
 - (q) *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.
 - (r) *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.

Sec. 1450.90. Existing structures.

- (a) *Alterations or repairs.*
 - (1) Alterations or repairs, other than increasing the height or area of a structure, may be made to any structure without requiring the existing structure to comply with all requirements of this Code for new construction, provided such work conforms to the requirements of this Code. Alterations or repairs shall not cause an existing structure to become unsafe or adversely affect the performance of the building.
 - (2) Alterations or repairs to an existing structure which are nonstructural and do not adversely affect any structural member or any part of the structure having a required fire resistance rating, may be made with the same materials of which the structure is constructed.
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- (3) Anything to the contrary herein notwithstanding, this Code shall not require the alteration of a lawful structure, existing on the effective date of the adoption or amendment of this Code, that could not be built under the terms of this Code. Such a lawfully nonconforming structure may be continued so long as it remains otherwise lawful, subject to the following provisions:
- A. No such nonconforming structure may be enlarged or altered in a way which increases its nonconformity, but any structure or portion thereof may be altered to decrease its nonconformity.
 - B. Should such nonconforming structure or nonconforming portion of a structure be destroyed by any means to an extent of more than fifty percent (50%) of its replacement cost at the time of destruction, it shall not be reconstructed except in conformity with the provisions of this Code.
 - C. Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations of this Code.
- (b) *Other ordinances.* This Code establishes minimum requirements for the initial and continued occupancy and use of all structures and premises and does not replace or modify requirements otherwise established by ordinance which may be additional or more stringent for the construction, repair, alteration, or use of structures, equipment, or facilities.

Sec. 1450.99. Violations: legal and equitable remedies.

- (a) *Unlawful acts.* 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.
 - (b) Any person failing to comply with a notice of violation or order served in accordance with this Code shall be deemed guilty of a misdemeanor of the fourth degree and shall not be fined more than two hundred fifty dollars (\$250.00) or imprisoned not more than thirty (30) days, or both, and the violation shall be considered a strict liability offense.
 - (c) 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.
 - (d) Any action taken by the City on such premises shall be charged against the real estate upon which the structure is located and shall be certified to the County Auditor for collection, the same as other taxes and assessments are collected.
 - (e) A separate offense shall be deemed committed each day during or on which a violation occurs or continues.
 - (f) In addition to any other remedy or penalty provided in the Property Maintenance Code or the Ohio Revised Code, an owner who fails to comply with a notice of violation or order served in accordance with this Code may incur a civil penalty.
 - (g) The Code Official shall provide notice to the owner of a civil penalty in accordance with Section 1450.11, "Notices and Orders."
 - (h) Any violation of the Property Maintenance Code that is a first offense shall be twenty-five dollars (\$25.00) per day, per offense, or two hundred fifty dollars (\$250.00) per offense total.
 - (i) Any violation of the Property Maintenance Code that is a second offense shall be fifty dollars (\$50.00) per day, per offense, or five hundred dollars (\$500.00) per offense total.
 - (j) Any violation of the Property Maintenance Code that is a third offense shall be seventy-five dollars (\$75.00) per day, per offense, or seven hundred fifty dollars (\$750.00) per offense total.
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(k) Nothing herein contained shall prevent the City from taking such other lawful action as necessary to prevent or remedy any violation.