

First Reading

PASSED:  
BY:

ORDINANCE NO. 2020-8

ORDINANCE TO AMEND THE PROPERTY MAINTENANCE CODE

**WHEREAS**, Amberley Village is a suburban oasis characterized by open views, spacious natural vistas, greenery, and a picturesque setting; residential structures are typically exemplified by quality construction that provides permanent and long lasting buildings that also have a desirable appearance and aesthetic that are compatible with surrounding properties;

**WHEREAS**, it is important to preserve property values and the quality of the residential environment;

**WHEREAS**, in order to promote the health, safety, and welfare of residents and the community as a whole, the Property Maintenance Code strives to protect and enhance the attractive appearance of all residential structures in the Village;

**WHEREAS**, Council finds and determines that changes to the Property Maintenance Code are necessary to protect and promote the public health, safety, and welfare;

**WHEREAS**, Village staff worked extensively to draft new regulations, in response to input from the Planning Commission, the Law Committee, and Village Council, and comments received at duly noticed public hearings before the Planning Commission and Village Council, respectively;

**WHEREAS**, the Planning Commission and Law Committee recommend the adoption of changes to the Property Maintenance Code as set forth herein;

**WHEREAS**, Council finds and determines that the proposed changes serve the public interest and protect the public health safety and welfare, and constitute measured and reasonable restrictions on the use of one's property in order to balance and protect the rights of neighboring property owners and the community as a whole;

**NOW, THEREFORE, BE IT ORDAINED BY THE** Council of Amberley Village, State of Ohio, seven (7) members elected thereto concurring:

**SECTION 1:** Section 159.172 of the Property Maintenance Code shall be retitled and amended to read as follows:

**§ 159.172 TOYS, RECREATIONAL OR SPORTS EQUIPMENT AND FURNITURE.**

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No toys, recreational or sports equipment may be located in the front yard of any premises for a period in excess of seventy-two (72) hours. Furniture located in the front yard of any premises shall be in good repair and not located in the right of way.

**SECTION 2:** Section 159.191 of the Property Maintenance Code shall be amended to read as follows:

### **§ 159.191 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.

Any surface found to have algae, mold, or like growth shall be cleaned and maintained free from growth.

**SECTION 3:** Section 159.164 of the Property Maintenance Code shall be retitled and amended to read as follows:

### **§ 159.164 WEEDS AND FIREWOOD PILES.**

Except for those publicly owned lands which have been designated as meadowlands by the Village Council, all premises and exterior property shall be maintained free from weeds in excess of ten inches. All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs, provided however, this term shall not include cultivated flowers, decorative grasses and gardens. The designation of meadowland is reserved exclusively for publicly owned lands and cannot be applied to residentially owned property. All firewood piles must be neatly stacked and cannot be located in the front yard of any residence.

**SECTION 4:** Section 159.063 of the Property Maintenance Code shall be amended as follows:

### **§ 159.063 PENALTIES.**

(A) Violation of chapter. Any person who shall violate a provision of this chapter, or fail to comply therewith, or with any of the requirements thereof, or with the orders or notices issued under this chapter, shall be prosecuted within the limits provided by state

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or local laws. If due notice has been served, each day that a violation continues after the time to remedy the violation expires shall be deemed a separate offense.

(B) Repeat offender. For each offense including the third and thereafter violation of this chapter in any calendar year, the property owner may be cited and fined \$150 as a repeat offender. Each repeat offense may be a violation of a new and separate provision of this chapter, or of the same provision as any prior offense. For the purposes of this division, notwithstanding division (A) of this section, a repeat offense shall not be deemed to occur each day the violation exists. Instead, a repeat offense is deemed to occur upon each additional notice issued by the village if the owner does not remedy the violation within the time prescribed by the notice. This penalty supplements and is in addition to any other penalty provided for in this code.

**SECTION 5:** Section 159.081 of the Property Maintenance Code shall be amended in the following manner: The language contained in the current subsection (E) shall be deleted and replaced with the language contained in the current subsection (F) to read as follows:

### **§ 159.081 NOTICE.**

The notice prescribed in § 159.080 shall be in accordance with all of the following:

- (A) Be in writing.
- (B) Include a description of the real estate sufficient for identification.
- (C) Include a statement of the violation or violations and why the notice is being issued.
- (D) Include a correction order allowing a reasonable time to make the repairs and improvements required to bring the property into compliance with the provisions of this code. Violations of § 159.164 shall be brought into compliance within five (5) days of service of notice.
- (E) Include a statement of the right to file a lien in accordance with § 159.062 and may be cited to Amberley Village Mayor's Court.

**SECTION 6:** Sections 159.130 through § 159.136 of the Property Maintenance Code relating to Means of Appeal are hereby repealed and those section numbers are reserved for use at a later time.

**SECTION 7:** Section 159.161 of the Property Maintenance Code shall be amended to read as follows:

### **§ 159.161 GRADING AND DRAINAGE.**

- (A) All premises shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water thereon, or within any structure located thereon. Exception: Approved retention areas and reservoirs.

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(B) The keeping, storing, depositing or accumulating of dirt, sand, gravel, concrete, mulch or other similar materials in a manner that constitutes visual blight or reduces the aesthetic appearance of the premises for more than 30 days is prohibited.(

C) All work related to the replacement of a residential sanitary line must be completed within 6 months of commencement. This time frame is to include restoration to the dirt and grass of the yard so as not to create blight and prevent erosion.

**SECTION 8:** This Ordinance shall take effect and be enforced from and after the earliest period allowed by law.

Passed this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

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Mayor Thomas C. Muething

Attest:

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Tammy Reasoner, Clerk of Council

Ordinance Vote:

Moved: \_\_\_\_\_ Seconded: \_\_\_\_\_

Muething	_____
Wolf	_____
Bardach	_____
Conway	_____
Hattenbach	_____
Kamine	_____
Warren	_____

I, Clerk of Council of Amberley Village, Ohio, certify that on the \_\_\_\_\_ day of \_\_\_\_\_, 2020, the foregoing Ordinance was published pursuant to Article IX of the Home Rule Charter by posting true copies of said Ordinance at all of the places of public notice as designed by Sec. 31.40(B), Code of Ordinances.

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Tammy Reasoner, Clerk of Council