

RECORD OF ORDINANCES

Ordinance No. 63 - 14 - 2019Passed 3-19-, 20 19

AN ORDINANCE AMENDING CHAPTER 1335 OF THE CODIFIED ORDINANCES OF THE CITY OF CIRCLEVILLE TO ADOPT THE 2018 VERSION OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE TO BE ENFORCED WITHIN THE CITY AND AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY TO ENFORCE ALL PROVISIONS OF THIS MAINTENANCE CODE. *And Declaring an Emergency.*

WHEREAS, Council has previously adopted the International Property Maintenance Code, 2012 Edition, to establish minimum regulations to govern the condition and maintenance of all property, buildings and structures within the City; to provide the standards for supplying utilities and other facilities to structures within the City; to ensure that structures are safe, sanitary, and fit for occupancy and use; and to establish regulations for the condemnation of buildings and structures unfit for human habitation and use; and

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AS AMENDED
CHANGES MARKED
See minutes for
confirmation
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WHEREAS, the International Property Maintenance Code, 2012 Edition has been modified thereby rendering it necessary to now adopt the International Property Maintenance Code, 2018 Edition as part of the Circleville Property Maintenance Code; and

WHEREAS, Council further desirous to grant the Director of Public Safety the authority to enforce all provisions of the Property Maintenance Code; and

WHEREAS, the amendment of the International Property Maintenance Code to the 2018 Edition and granting authority to the Director of Public Safety to enforce this code is in the best interest of the citizens of the City of Circleville and the same ought to be done.

NOW THEREFORE, BE IT ORDAINED by the Council of the City of Circleville, Pickaway County, Ohio, as follows:

SECTION I. That Ordinance 05-40-2012 and Chapter 1335 of the Codified Ordinance of the City of Circleville are hereby amended so as to provide as follows:

1335.01 ADOPTION, PURPOSE AND INCORPORATION BY REFERENCE

Pursuant to Ohio Revised Code Section 731.231, there is hereby adopted, for the purpose of establishing minimum regulations to govern the conditions and maintenance of all property, buildings and structures within the City; to provide the standards for supplying utilities and other facilities to structures within the City; to ensure that structures are safe, sanitary and fit for occupancy and use, and to establish regulations for the condemnation of buildings and structures unfit for human habitation and use, the City deems it necessary to adopt the International Property Maintenance Code, 2018 Edition as amended or updated, including appendices or supplements.

1335.02 ADDITIONS, INSERTIONS AND CHANGES

The International Property Maintenance Code as adopted pursuant to Section 1335.01 is hereby amended and revised in the following respects.

a. Section PM-101.1 These regulations shall be known as the Property Maintenance Code of the City of Circleville, hereinafter referred to as the "Code". "Code Official" as used in this Code, means the Director of Public Safety of the City of Circleville or his designee(s). Designee(s) shall be any City of Circleville employee, or contracted firm or person, designated by the Director of Public Safety.

b. Section PM-106.2 Penalty: The owners, agents, builders, general contractors, tenants or other persons in charge or control of any building, structure or premises where anything in violation of this Code is placed or exists, and any person who violates or causes or knowingly permits any violation of this code in buildings, structures or on premises under his charge or control, and any person who violates any provisions of this Code or fails to comply therewith shall, for each violation or non-compliance be punished in accordance with Section 1335.99 of the Codified Ordinances with each day of such violation or failure to comply to constitute

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a separate offense.

c. Section PM-111.2 Membership of Board: The Board of Appeals shall consist of not less than three members who are qualified by experience and training to pass on matters pertaining to property maintenance and who are not employees of the jurisdiction. The code official shall be an ex-officio member but shall not vote on any matter before the board. The board shall be appointed by the Mayor and shall serve staggered and overlapping terms.

d. Section PM-110.1 General: Subject to any requirements as set forth under Chapter 1327 of the Codified Ordinance of the City of Circleville, the code official shall order the owner or owner's authorized agent of any premises upon which is located any structure, which in the code official's or owner's authorized agent judgment after review is so deteriorated or dilapidated or has become so out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human habitation or occupancy, and such that it is unreasonable to repair the structure, to demolish and remove such structure; or if such structure is capable of being made safe by repairs, to repair and make safe and sanitary, or to board up and hold for future repair or to demolish and remove at the owner's options; or where there has been a cessation of normal construction of any structure for a period of more than two years, the code official shall order the owner or owner's authorized agent to demolish and remove such structure, or board up until future repair. Boarding the building up for future repair shall not extend beyond one year, unless approved by the code official.

e. Section PM-112.4 Failure to Comply: Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable for a fine of not less than \$100.00 or more than \$500.00.

f. Section PM-302.4 Weeds: Premises and exterior property shall be maintained free from weeds or plant growth in excess of 12 inches. Noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens.

Upon failure of the owner or agent having charge of a property to cut and destroy weeds after service of a notice of violation, they shall be subject to prosecution in accordance with Section 106.3 and as prescribed by the City of Circleville. Upon failure to comply with the notice of violation, any duly authorized employee of the City of Circleville or contractor hired by the City shall be authorized to enter upon the property in violation and cut and destroy the weeds growing thereon, and the costs of such removal shall be paid by the owner or agent responsible for the property.

g. Section PM-304.14 Insect Screens: During the period from April 1, to November 1, every door, window and 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 minimum 16 mesh per inch (16 mesh per 25 mm), and every screen door used for insect control shall have a self-closing device in good working condition.

Exception: Screens shall not be required where other approved means, such as air curtains or insect repellent fans, are employed.

h. Section PM-602.3 – Heat Supply: Every owner and operator of any building who rents, leases or lets one or more dwelling units or sleeping units on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat during the period from October 1, to May 15th to maintain a minimum temperature of 68 ° F (20 ° C) in all habitable rooms, bathrooms and toilet rooms.

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Exceptions:

1. When the outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room temperature shall not be required provided that the heating system is operating at its full design capacity. The winter outdoor design temperature for the locality shall be as indicated in Appendix D of the International Plumbing Code.
2. In areas where the average monthly temperature is above 30 ° F (-1 degree C), a minimum temperature of 65 ° F (18 ° C) shall be maintained.
- i. Section PM-602.4 Occupiable Work Spaces: Indoor occupiable work spaces shall be supplied with heat during the period from October 1 to May 15, to maintain a minimum temperature of 65 ° F (18 ° C) during the period the spaces are occupied.

Exceptions:

1. Processing, storage and operation areas that require cooling or special temperature conditions.
2. Areas in which persons are primarily engaged in vigorous physical activities.

1335.04 RULES AND REGULATIONS

The Director of Public Safety is hereby granted authority to establish rules and regulations governing the issuance of permits and enforcement of the Property Maintenance Code.

1335.05 ALTERNATE MATERIALS AND SYSTEMS

- (a) General. The provisions of this code are not intended to limit the appropriate use of materials, appliances, equipment, or methods of design or construction specifically prescribed by this code, provided that the Code Official determines that the proposed alternate materials, appliances, equipment, or methods of design or construction are substantially equivalent of those prescribed in the International Property Maintenance Code in suitability, quality, strength, effectiveness, fire resistance, durability, dimensional stability, and safety.

The Code Official may require that evidence or proof be submitted to substantiate any claims that may be made regarding the proposed alternate.

- (b) Tests. Determination of equivalence shall be based on design or test methods specified by the International Property Maintenance Code or other such standards approved by the Code Official. The Code Official shall accept as supporting data to assist in this determination duly authenticated research reports from the Building Officials and Code Administrators International, Committee on Research and compliance reports of the Southern Building Officials, research reports of the National Research Board of the Council of American Building Officials, acceptance documents from the Department of Housing and Urban Development or from other approved authoritative sources for all materials or assemblies proposed for use which are not specifically provided for in the International Property Maintenance Code. The costs of all tests, reports, and investigations required under these provisions shall be paid by the applicant.

1335.06 WORKMANSHIP

Workmanship in the fabrication, preparation and installation of materials shall conform to generally accepted commercial practice in the industry. The Code Official may promulgate rules embodying the requirements of generally accepted commercial practice, it being the intent of this requirement that the standards of the

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federal or state bureaus, national technical organizations or fire underwriters, as the same may be amended from time to time, shall serve as a guide in fixing minimum rules of practice.

1335.99 VIOLATIONS AND PENALTIES

- (a) Unlawful Action. It shall be unlawful for any person, firm or corporation in charge or control of any building or premises wherein anything in violation of this code is placed or exists, whether as owner, agent, lessee, subj-lessee, or occupant to erect, construct, enlarge, alter, repair, improve, remove, convert, demolish, equip, use, occupy or maintain any buildings or structures subject to this code in the jurisdiction or cause to permit the same to be done, contrary to or in violation of any of the provisions of this chapter, or the International Property Maintenance Code. Occupancy of any building shall not be taken until a certificate of use and occupancy has been issued by the Code Official.
- (b) Violations. It is hereby declared that any violations of this chapter, or of the International Property Maintenance Code constitutes a public nuisance, and in addition to any other remedies provided under this chapter or by the International Property Maintenance Code for its enforcement, the City may bring civil suit to enjoin the violation of any provisions of this chapter, or of the International Property Maintenance Code. When the Code Official finds that work or equipment is contrary to any provisions of this chapter, or of the International Property Maintenance Code, he shall cause notice to be served in writing on the owner or agent and to his general contractor, if applicable, of said building. The notice shall state where and in what respect the work or equipment does not conform to this chapter, or of the International Property Maintenance Code and specify a reasonable period of time in which to conform.
- (c) Strict Liability. The failure to comply with any of the provisions of this chapter, or of the International Property Maintenance Code and any violations of such provisions shall be deemed to be a strict liability offense.
- (d) Penalty.
- (1) Any person, firm or corporation which violates or fails to comply with any of the provisions of this chapter or of the International Property Maintenance Code for which no other penalty has been provided, or fails to comply with any order or regulation made thereunder, or builds in violation of a building permit or certificate issued thereunder, or occupies a structure without the required certificate of occupancy, is guilty of a minor misdemeanor on the first offense and such person, firm or corporation shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation or failure to comply with any of the provisions of this chapter or of the International Property Maintenance Code is committed, continued or permitted, and upon conviction of any such violation of failure to comply, such person, firm or corporation may be punished by a fine, or by contempt of court penalties, as established by state or local laws.
- (2) If, within one year of an initial violation or failure to comply with any of the provisions of this chapter or of the International Property Maintenance Code, the person, firm or corporation has been previously convicted of or pled guilty to any violation or failure to comply with any of the provision of this chapter of the International Property Maintenance Code, then such person, firm or corporation is guilty of a misdemeanor of the fourth degree and may be punishable by fine, or by imprisonment, or both such fine and imprisonment, as established by state or local laws.
- (3) If, within one year of an initial violation or failure to comply with any of the provisions of this chapter or of the International Property Maintenance Code, the person, firm corporation has been previously convicted of or

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pled guilty to two or more violations or failures to comply with any of the provisions of this chapter or of the International Property Maintenance Code, then such person, firm or corporation is guilty of a misdemeanor of the third degree and may be punishable by fine, or by imprisonment, or both such fine and imprisonment, as established by state or local laws.

SECTION II. That there is hereby enacted a Section 1335.07 to the Codified Ordinances of the City of Circleville which shall provide as follows:

1335.07 AUTHORITY TO ENTER

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AS AMENDED

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Upon presentation of proper credentials any Code Official, or his duly authorized representatives, may enter at reasonable times any building, structure or premises in the jurisdiction to perform any duty imposed upon him by this chapter. If requested entry is refused or is otherwise unobtainable, a search warrant may be obtained with the aid of the Circleville Police Department before such entry or inspection is made.

SECTION III. That any previous Ordinance in conflict with this Ordinance is hereby repealed and has no further force or effect. All remaining portions of any other Ordinance not modified by this Ordinance shall remain in full force and effect.

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SECTION IV. that this this ordinance is hereby declared to be an emergency measure, necessary for the protection of the public, peace, health and safety of the residents of the City of Circleville, such emergency arising out of the immediate need to ensure the enforceability of the current of the 2018 version of the International Property Maintenance Code, so that this ordinance shall take effect and be in force immediately from and after its passage and approval by the Mayor.

APPROVED: 3/19/19
DATE

Deeann R. McElly
MAYOR

APPROVED AS TO FORM:

Gary D. Kenworthy
GARY D. KENWORTHY
LAW DIRECTOR

REVIEWED BY LAW DIRECTOR
AND APPROVED AS TO FORM