

**CHAPTER 1400
CITY OF MORaine, OHIO
PROPERTY MAINTENANCE CODE**

1400.0 ADMINISTRATION

- 1400.1 Title.
- 1400.2 Scope.
- 1400.3 Intent.
- 1400.4 Referenced standards.
- 1400.5 Existing remedies.
- 1400.6 Workmanship.
- 1400.7 Application of other codes.

1401.0 VALIDITY

- 1401.1 Validity.
- 1401.2 Saving clause.

**1402.0 DUTIES AND POWERS OF THE CODE
OFFICIAL**

- 1402.1 General.
- 1402.2 Modifications.
- 1402.3 Notices and orders.
- 1402.4 Right of entry.
- 1402.5 Access by owner or operator.
- 1402.6 Identification.
- 1402.7 Coordination of enforcement.
- 1402.8 Relief from personal responsibility.

1403.0 VIOLATIONS

- 1403.1 Unlawful acts.
- 1403.2 Penalty.
- 1403.3 Prosecution.

1404.0 NOTICES AND ORDERS

- 1404.1 Notice to owner or to person or persons responsible.
- 1404.2 Form.
- 1404.3 Method of service.
- 1404.4 Repeat violators.
- 1404.5 Penalties.
- 1404.6 Transfer of ownership.

1405.0 UNSAFE STRUCTURES AND EQUIPMENT

- 1405.1 General.
- 1405.2 Abandonment of construction project.
- 1405.3 Closing of vacant structures.
- 1405.4 Notice.
- 1405.5 Placarding.
- 1405.6 Prohibited occupancy.

1406.0 EMERGENCY MEASURES

- 1406.1 Imminent danger.
- 1406.2 Temporary safeguards.
- 1406.3 Closing streets.
- 1406.4 Emergency repairs.
- 1406.5 Costs of emergency repairs.
- 1406.6 Hearing.

1407.0 DEMOLITION

- 1407.1 General.
- 1407.2 Order.
- 1407.3 Failure to comply.
- 1407.4 Salvage materials.

1408.0 MEANS OF APPEAL

- 1408.1 Appeals general

1409.0 DEFINITIONS

- 1409.1 Scope.
- 1409.2 Interchangeability.
- 1409.3 Terms defined in other codes.
- 1409.4 Terms not defined.
- 1409.5 Parts.

1410.0 GENERAL DEFINITIONS

1411.0 GENERAL REQUIREMENTS

- 1411.1 Scope.
- 1411.2 Responsibility.
- 1411.3 Vacant structures and land.

1412.0 EXTERIOR PROPERTY AREAS

- 1412.1 Sanitation.
- 1412.2 Parking.
- 1412.3 Outdoor storage.
- 1412.4 Defacement of property.
- 1412.5 Grading and drainage.
- 1412.6 Sidewalks and driveways.
- 1412.7 Vermin harborage.
- 1412.8 Exhaust vents.
- 1412.9 Accessory structures.
- 1412.10 Weeds.
- 1412.11 Trimming or Removal of trees, plants and shrubbery.
- 1412.12 Storage of junk, disabled vehicles and rubbish on premises.

1413.0 EXTERIOR STRUCTURE

- 1413.1 General.
- 1413.2 Exterior of Premises.
- 1413.3 Structural members.
- 1413.4 Foundation walls.
- 1413.5 Exterior walls.
- 1413.6 Roofs and drainage.
- 1413.7 Decorative features.
- 1413.8 Overhang extensions.
- 1413.9 Stairways, decks, porches and balconies.
- 1413.10 Chimneys and towers.
- 1413.11 Handrails and guards.
- 1413.12 Window and door frames.
- 1413.13 Insect screens.
- 1413.14 Doors.
- 1413.15 Basement entrances.
- 1413.16 Guards for basement windows.

1414.0 RUBBISH AND GARBAGE

- 1414.1 Accumulation of rubbish or garbage.
- 1414.2 Disposal of rubbish.

1415.0 EXTERMINATION

- 1415.1 Infestation.
- 1415.2 Owner.
- 1415.3 Single occupant.
- 1415.4 Multiple occupancy.
- 1415.5 Occupant.

1416.0 INTERIOR STRUCTURE

- 1416.1 General.
- 1416.2 Structural members.
- 1416.3 Interior surfaces.

1417.0 SANITARY AND STORM DRAINAGE REQUIREMENTS

- 1417.1 Sanitary drainage system.
- 1417.2 General.
- 1417.3 Maintenance.

1417.4 STORM DRAINAGE.

- 1417.5 General.
- 1417.6 Detention facilities.

1418.0 FIRE SAFETY REQUIREMENTS

- 1418.1 General
- 1418.2 Responsibility.
- 1418.3 Accumulations
- 1418.4 Hazardous material.

1460.0 REFERENCED STANDARDS

1400.0 ADMINISTRATION

1400.1 Title.

These regulations shall be known as the Property Maintenance Code of City of Moraine hereinafter referred to as "this code."

1400.2 Scope.

This code is to protect the public health, safety and welfare in all existing structures, residential and nonresidential, and on all existing premises by establishing minimum requirements and standards for premises, structures, equipment, heating, sanitation, protection from the elements, life safety, safety from fire and other hazards, and for safe and sanitary maintenance; fixing the responsibility of owners, operators and occupants; regulating the occupancy of existing structures and premises, and providing for administration, enforcement and penalties. Additional purposes of this code are to conserve and protect the value of premises, to protect and improve aesthetic aspects of premises and the City of Moraine, and to provide for protection against and elimination of nuisances.

1400.3 Intent.

This code shall be construed to secure its expressed 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. 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.

1400.4 Referenced standards.

The standards referenced in this code and listed in section 1460.0 shall be considered part of the requirements of this code to the prescribed extent of each such reference. Where differences occur between provisions of this code and referenced standards, the provisions of this code shall apply.

1400.5 Existing remedies.

The provisions in 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 and unsanitary.

1400.6 Workmanship.

All 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.

1400.7 Application of other codes.

Any repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the building, plumbing and mechanical codes and NFPA 70 listed in section 1420.0

1401.0 VALIDITY

1401.1 Validity.

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

1401.2 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.

1402.0 DUTIES AND POWERS OF THE CODE OFFICIAL

1402.1 General.

The Code Official, City Manager or his designee, shall enforce all of the provisions of this code.

1402.2 Modifications.

Where there are practical difficulties involved in carrying out provisions of this code, the code official shall have the right to vary or modify such provisions upon application of the owner or the owner's representative, provided that the spirit and intent of the law is observed and that the public health, safety and welfare is assured.

1402.3 Notices and orders.

The code official shall issue all necessary notices or orders to ensure compliance with the code.

1402.4 Right of entry.

The code official is authorized to enter the structure or premises at reasonable times to inspect subject to constitutional restrictions on unreasonable searches and seizures. If entry is refused or not obtained, the code official is authorized to pursue recourse as provided by law. Whenever necessary for the purpose of enforcing the provisions of the Property Maintenance Code or whenever there exists any cause for investigation of a complaint or suspected violation, the Code Official or his designee may enter such property at all reasonable times to inspect the same or to perform any duty imposed on the Code Official by the Code, provided that if such property be occupied he shall first present proper credentials and request entry. If no response is received to the request for entry, the Code Official or his designee shall leave notice reasonably calculated to advise of impending inspection and the means by which the City may be contacted with regard to such inspection. If no objection is made to the City, the Code Official or his designee shall proceed with the inspection as stated in the notice. If such entry is refused, the Code Official or his designee shall have recourse to every remedy at law to affect such entry.

1402.5 Access by owner or operator.

Every occupant of a structure or premises shall give the Code Official access to any part of such structure or its premises at reasonable times for the purpose of making such inspection, maintenance, repairs or alterations as are necessary to comply with the provisions of this code. The Code Official shall be deemed to be an agent of the owner or operator to the extent the owner or operator has agreed to allow the code official access to the structure or premises.

1402.6 Identification.

The Code Official shall carry proper identification when inspecting structures or premises in the performance of duties under this code.

1402.7 Coordination of enforcement.

Inspection of premises, the issuance of notices and orders and enforcement thereof shall be the responsibility of the code official so charged by the jurisdiction. Whenever inspections are necessary by any other department, the Code Official shall make reasonable effort to arrange for the coordination of such inspections so as to minimize the number of visits by inspectors, and to 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.

1402.8 Relief from personal responsibility.

The code official, officer or employee charged with the enforcement of this code, while acting for the jurisdiction, shall not thereby be rendered liable personally, and is hereby relieved from all personal liability for any damage accruing to persons or property as a result of any act required or permitted in the discharge of official duties. Any suit instituted against an officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be defended by the legal representative of the jurisdiction until the final termination of the proceedings. The code official or any subordinate shall not be liable for costs in any action, suit or proceeding that is instituted in pursuance of the provisions of this code; and any officer of the department of building inspection, acting in good faith and without malice, shall be free from liability for acts performed under any of its provisions or by reason of any act or omission in the performance of official duties in connection therewith.

1403.0 VIOLATIONS**1403.1 Unlawful acts.**

It shall be unlawful for any person, firm or corporation to erect, construct, alter, extend, repair, remove, demolish, maintain, fail to maintain, provide, fail to provide, occupy, let to another or occupy or permit another person to occupy any premises, property, structure or equipment regulated by this code, or cause same to be done, contrary to or in conflict with or in violation of any of the provisions of this code, or to fail to obey a lawful order of the code official, or to remove or deface a placard or notice posted under the provisions of this code.

1403.2 Penalty.

Whoever violates any provision of this Property Maintenance Code shall, upon conviction thereof, be subject to the following penalties:

- (a) For the first offense, a minor misdemeanor.
- (b) For the second offense, (whether or not of the same section of the Property Maintenance Code), occurring not sooner than twenty (20) days and not later than two (2) years after the first offense a misdemeanor of the fourth degree.
- (c) For the third offense (whether or not of the same section of the Property Maintenance Code), occurring not sooner than twenty (20) days of the second offense and not later than two (2) years after the first offense, a misdemeanor of the first degree.

1403.3 Prosecution.

In case of any unlawful acts the code official may institute an appropriate action or proceeding at law to exact the penalty provided in Section 1403.2 Also, the code official may ask the jurisdiction's legal representative to proceed at law or in equity against the person responsible for the violation for the purpose of ordering that person:

- 1. To restrain, correct or remove the violation or refrain from any further execution of work;
- 2. To restrain or correct the erection, installation, maintenance, repair or alteration of such structure;
- 3. To require the removal of work in violation; or
- 4. To prevent the occupancy of the structure that is not in compliance with the provisions of this code.

1404.0 NOTICES AND ORDERS**1404.1 Notice to owner or to person or persons responsible.**

Whenever the code official determines that there has been a violation of this code or has grounds to believe that a violation has occurred, notice shall be given to the owner or the person or persons responsible therefore in the manner prescribed in Sections 1404.2 and 1404.3 Notices for condemnation procedures shall also comply with Section 1404.2 and 1404.3

1404.2 Form.

Such notice prescribed in Section 1404.1 shall:

1. Be in writing;
2. Include a description of the real estate sufficient for identification;
3. Include a statement of the reason or reasons why the notice is being issued; and
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.

1404.3 Method of service.

Such notice shall be deemed to be properly served if a copy thereof is (a) delivered to the owner personally; or (b) sent by certified or registered mail addressed to the owner at the last known address with return receipt requested or (c) posted at the usual place of residence or usual place of business of the owner, agent, lessee, occupant or person having the care or management of such premises. Service of such notice in the foregoing manner upon the owner's agent or upon the person responsible for the structure shall constitute service of notice upon the owner.

1404.4 Repeat Violators.

For the second violation of the same general character occurring not sooner than twenty (20) days and not later than two (2) years after the first violation, the written statement may be omitted and a violation notice specifying that the violation shall be corrected within twenty-four hours of receipt of said violation notice may be sent. If the violation is not corrected by the specified compliance date, appropriate action or proceeding may be instituted in a Court of proper jurisdiction. For the third violation of the same general character occurring not sooner than twenty (20) days after the second violation and not later than two (2) years after the first violation, appropriate action or proceeding may be instituted immediately in a Court of proper jurisdiction without notification to the property owner.

1404.5 Penalties.

Penalties for noncompliance with orders and notices shall be as set forth in Section 1403.2

1404.6 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 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 or lessee a true copy of any compliance 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 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.

1405.0 UNSAFE STRUCTURES AND EQUIPMENT**1405.1 General.**

When a structure or equipment is found by the code official to be unsafe, or when a structure is found unfit for human occupancy, a public nuisance, or is found unlawful, such structure shall be condemned pursuant to the provisions of this code.

1405.1.1 Unsafe structure.

An unsafe structure is one that is found to be dangerous to the life, health, property or safety of the public or the occupants of the structure by not providing minimum safeguards to protect the public or the occupants or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe, or of such faulty construction or unstable foundation, that it creates a safety hazard.

1405.1.2 Unsafe equipment.

Unsafe equipment includes any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers or other equipment on the premises or within the structure which is in such disrepair or condition that such equipment is a hazard to life, health, property or safety of the public or occupants of the premises or structure.

1405.1.3 Structure unfit for human occupancy.

A structure is unfit for human occupancy whenever the code official finds that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is unsanitary, vermin or rat infested, contains filth and contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by this code, or because the location of the structure constitutes a hazard to the occupants of the structure or to the public.

1405.1.4 Unlawful structure.

An unlawful structure is one found in whole or in part to be a public nuisance, or which was erected, altered or occupied contrary to law.

1405.2 Abandonment of construction project.

Any building or structure for which a Building Permit has been issued, and except for circumstances beyond the property owner's control (e.g., labor strikes, inclement weather, etc.), all construction work shall be diligently pursued to completion. Any construction project, upon which no substantial work has been undertaken for a period of one hundred and twenty (120) days, shall be deemed abandoned. Upon any construction project being deemed abandoned, all buildings or structures not completed to the degree such buildings or structures have been indicated on the plans submitted in support of a Building Permit, and all building materials and construction equipment shall be removed from the site or declared a public nuisance.

1405.3 Closing of vacant structures.

If the structure is vacant and unfit for human habitation and/or occupancy, 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 closed up so as not to be an attractive nuisance.

1405.3.1 Storage.

No outdoor storage of any type, no vehicles of any type nor any portable or movable object may be stored on the premises except within a completely enclosed structure.

1405.3.2 Method of Closure.

If a building remains vacant for a period of 6 months, the doors and windows of the building shall be closed by durable means such as plywood which shall be painted the same color as the building so as not to be obtrusive.

1405.3.3 Failure to Comply.

Upon failure of the owner to close up the premises within the time specified in the order, the code official may cause the premises to be closed 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.

1405.4 Notice.

Whenever the code official has condemned a structure or equipment under the provisions of this section, notice shall be posted in a conspicuous place in or about the structure affected by such notice and served on the owner or the person or persons responsible for the structure or equipment in accordance with Section 1404.3 The notice shall be in the form prescribed in Section 1404.2

1405.5 Placarding.

Upon failure of the owner or person responsible to comply with the notice provisions within the time given, the code official shall post on the premises or on defective equipment, a placard bearing the word "Condemned" and a statement of the penalties provided for occupying the premises, operating the equipment or removing the placard.

1405.1 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 provided by this code.

1405.6 Prohibited occupancy.

Any person who shall occupy a placarded premises, or shall operate placarded equipment, and any owner or any person responsible for the premises who shall let anyone occupy a placarded premises or operate placarded equipment shall be liable for the penalties provided by this code.

1406.0 EMERGENCY MEASURES**1406.1 Imminent danger.**

When, in the opinion of the code official, there is imminent danger of failure or collapse of a building or structure which endangers life, or when any structure or part of a structure has fallen and life is endangered by the occupation of the structure, or when there is actual or potential danger to the building occupants or those in the proximity of any structure because of explosives, explosive fumes or vapors or the presence of toxic fumes, gases or materials, or operation of defective or dangerous equipment, the code official is hereby authorized and empowered to order and require the occupants to vacate the premises forthwith. The code official shall cause to be posted at each entrance to such structure a notice reading as follows.

"This Structure is Unsafe and its Occupancy has been Prohibited by the Code Official." It shall be unlawful for any person to enter such structure except for the purpose of securing the structure, making the required repairs, removing the hazardous condition, or of demolishing the same.

1406.2 Temporary safeguards.

Notwithstanding other provisions of this code, whenever, in the opinion of the code official, there is imminent danger due to an unsafe condition, the code official is hereby authorized and empowered to order the necessary work to be done, including the boarding-up of opening, to render such structure temporarily safe whether or not the legal procedure herein described has been instituted; and is hereby authorized and empowered to cause such other action to be taken as the code official deems necessary to meet such emergency.

1406.3 Closing streets.

When necessary for the public safety, the code official is authorized and empowered to close temporarily structures and close, or order the authority having jurisdiction to close, sidewalks, streets, public ways and places adjacent to unsafe structures, and prohibit the same from being utilized.

1406.4 Emergency repairs.

For the purposes of this section, the code official is hereby authorized and empowered to employ, subject to compliance with city charter and ordinance requirements as to making contracts or financial commitments on behalf of the city, the necessary labor and materials to perform the required work as expeditiously as possible.

1406.5 Costs of emergency repairs.

Costs incurred in the performance of emergency work may be paid from the treasury of the City on approval of the code official, subject with compliance with city charter and ordinance requirements as to making contracts or financial commitments on behalf of the city. The legal counsel of the City may institute appropriate action against the owner of the premises where the unsafe structure is or was located for the recovery of such costs. The costs of such emergency work to correct hazardous conditions shall be certified by the Finance Department of the City to the county auditor as a tax lien upon the premises in the manner provided in Ohio Revised Code 715.261. Based on the emergency nature of such costs, notice to owners and lien holders of the emergency work may be given by other than prescribed in Section 1404.0, or may be dispensed with entirely. If no advance notice at all is given, however, the lien authorized by O.R.C. 715.261 for such costs shall be subordinate to any liens of prior record.

1406.6 Hearing.

Any person ordered to take emergency measures shall comply with such order forthwith. Any affected person shall thereafter, upon petition be directed to the Board of Zoning Appeals. See section 1408.0

1407.0 DEMOLITION**1407.1 General.**

The code official shall order the owner of any premises upon which is located any structure, which in the code official's judgement is so 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 raze 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 raze and remove at the owner's option; or where there has been a cessation of normal construction of any structure for a period of more than one year, to raze and remove such structure.

1407.2 Order.

All notices and orders shall comply with Section 1404.0

1407.3 Failure to comply.

If the owner of a premises fails to comply with a demolition order within the time prescribed, the code official may cause the structure 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.

1407.4 Salvage materials.

When any structure has been ordered razed and removed, the governing body or other designated officer under said contract or arrangement aforesaid shall have the right to 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 person who is 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.

1408.0 MEANS OF APPEAL**1408.1 Appeals general.**

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 Board of Zoning Appeals, provided that a written application for appeal is filed within 20 days after the day the decision, notice or order was served. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means, or that the strict application of any requirement of this code would cause an undue hardship.

See Chapter 1125 of the City of Moraine Codified Ordinances.

1409.0 DEFINITIONS**1409.1 Scope.**

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

1409.2 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.

1409.3 Terms defined in other codes.

Where terms are not defined in this code and are defined in the building, plumbing or mechanical codes listed in Chapter 1460.0, such terms shall have the meanings ascribed to them as in those codes.

1409.4 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.

1409.5 Parts.

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

1410.0 GENERAL DEFINITIONS

Approved: Approved by the code official.

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

Blighting: An impairing or frustrating influence; a deteriorated condition.

Building: Any structure occupied or intended for supporting or sheltering any occupancy.

Building code: The building code officially adopted by the legislative body of this jurisdiction, or other such codes officially designated by the legislative body of the jurisdiction for the regulation of construction, alteration, addition, repair, removal, demolition, location, occupancy and maintenance of buildings and structures.

Code official: The City Manager or his designee who is charged with the administration and enforcement of this code.

Condemn: To adjudge unfit for occupancy.

Construction documents: All the written, graphic and pictorial documents prepared or assembled for describing the design, location and physical characteristics of the elements of the project necessary for obtaining a building permit. The construction drawings shall be drawn to an appropriate scale.

Disabled motor vehicle: any used vehicle propelled or intended to be propelled by power other than human power and which is in an inoperative or partially dismantled condition. Portions of disabled motor vehicles, including, but not limited to, hoods, fenders, radiators, rims or motor parts not being utilized for the repair of a motor vehicle, shall be considered junk.

Dwelling: Any building, which contains one or two “dwelling units” used, intended, or designed to be built, used, rented, leased, let or hired out to be occupied, or which is occupied for living purposes.

Dormitory: A space in a building where group-sleeping accommodations are provided in one room, or in a series of closely associated rooms, for persons not members of the same family group.

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.

Exterior property: The open space on the premises and on adjoining property under the control of owners or operators of such premises.

Extermination: The control and elimination of insects, rats or other pests by eliminating their harborage places; by removing or making inaccessible materials that serve as their food; by poison spraying, fumigating, trapping or by any other approved pest elimination methods.

Family: An individual or married couple and the children thereof with not more than two other persons related directly to the individual or married couple by blood or marriage; or a group of not more than five unrelated persons, living together as a single housekeeping unit in a dwelling unit.

Garbage: The animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food.

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

Hotel: Any building containing six or more guestrooms, intended or designed to be occupied, or which are rented or hired out to be occupied, for sleeping purposes by guests.

Infestation: The presence, within or contiguous to, a structure or premises of insects, rats, vermin or other pests.

Inspection certificate: An identification applied on a product by an approved agency containing the name of the manufacturer, the function and performance characteristics, and the name and identification of an approved agency which indicates that the product or material has been inspected and evaluated by an approved agency.

Junk: any worn out, cast off or discarded article or material which is ready for destruction or has been collected or stored for salvage or conversion to some other use. Any article of material which, unaltered or unchanged and without further reconditioning, can be used for its original purpose as readily as when new shall not be considered junk.

Label: An identification applied on a product by the manufacturer which contains the name of the manufacturer, the function and performance characteristics of the product or material, and the name and identification of an approved agency and which indicates that the representative sample of the product or material has been tested and evaluated by an approved agency (see Section 1704.0 of the building code listed in Chapter 1480.700, and also Mark, Manufacturer's designation and Inspection certificate.)

Let for occupancy or let: To permit, provide or offer possession or occupancy of a dwelling, dwelling unit, rooming unit, building, premise 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 or contract for the sale of land.

One-family dwelling: A building containing one dwelling unit with not more than five lodgers or boarders.

Rooming house: A building arranged or occupied for lodging, with or without meals, for compensation and not occupied as a one-family dwelling or a two-family dwelling.

Rooming unit: Any room or group of rooms forming a single habitable unit occupied or intended to be occupied for sleeping or living, but not for cooking purposes.

Two-family dwelling: A building containing two dwelling units with not more than five lodgers or boarders per family.

Manufacturer's designation: An identification applied on a product by the manufacturer indicating that a product or material complies with a specified standard or set of rules (see also Mark, Label, and Inspection certificate).

Mark: An identification applied on a product by the manufacturer indicating the name of the manufacturer and the function of a product or material (see also Manufacturer's designation, Label and Inspection certificate.)

Occupancy: The purpose for which a building or portion thereof is utilized or occupied.

Occupant: Any person living or sleeping in a building; or having possession of a space within a building.

Operator: Any person who has charge, care or control of a structure or premises which is let or offered for occupancy.

Owner: The owner or owners of the deed or freehold of the premises or lesser estate therein, contract buyer, a mortgagee or vendee in possession, assignee of rents, receiver, executor, administrator, trustee, lessee, or other person, firm, or corporation in control of a premises; or their duly authorized agents. Any such person thus representing the owner shall be bound to comply with the provisions of this chapter to the same extent as if he were the owner.

Person: An individual, corporation, partnership or any other group acting as a unit.

Premises: A lot, plot or parcel of land including any structures thereon.

Public nuisance: Includes any of the following;

1. The physical condition or occupancy of any premises regarded as a public nuisance at common law;
2. Any physical condition or occupancy of any premises or its appurtenances considered an attractive nuisance to children, including, but not limited to, abandoned wells, shafts, basements, excavations and unsafe fences or structures;
3. Any premises that has unsanitary sewerage or plumbing facilities;
4. Any premises designated as unsafe for human habitation;
5. Any premises that is manifestly capable of being a fire hazard, or are manifestly unsafe or unsecured so as to endanger life, limb or property;
6. Any premises from which the plumbing, heating or facilities required by this code have been removed, or from which utilities have been disconnected, destroyed, removed or rendered ineffective, or the required precautions against trespassers have not been provided;
7. Any premises that is unsanitary, or that is littered with rubbish or garbage, or that has an uncontrolled growth of weeds; or
8. Any structure that is in a state of dilapidation, deterioration or decay; faulty construction; overcrowded; open, vacant or abandoned; damaged by fire to the extent so as not to provide shelter; in danger of collapse or failure; and dangerous to anyone on or near the premises.

Registered design professional: An architect or engineer registered or licensed to practice professional architecture or engineering, as defined by the statutory requirements of the professional registration laws of the state in which the project is to be constructed.

Rubbish: Combustible and noncombustible waste materials, except garbage; the term shall include ashes, paper, paper circulars, handbills, boots, shoes, rags, cartons, boxes, wood, excelsior, rubber, leather, metals, tin, wire, chips, shavings, tree branches, stumps, trunks, yard trimmings, brush, dead weeds, tin cans, mineral matter, bottles, glass, broken glass, hoses, tires, crockery and dust and other similar materials, home appliances stored outdoors, furniture not intended for outdoor use, discarded parts and equipment or any waste material other than garbage or offal.

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.

Workmanlike: Executed in a skilled manner. e.g., generally plumb, level, square, in line, undamaged, and without marring adjacent work.

Yard: An open space on the same lot with a structure.

1411.0 GENERAL REQUIREMENTS

1411.1 Scope.

The provisions of this chapter shall govern the minimum conditions and the responsibilities of persons for maintenance of structures, equipment and exterior property.

1411.2 Responsibility.

The owner, occupant, agent, lessee, or person having the care or management 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 do not comply with the requirements of this chapter.

1411.3 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.

1412.0 EXTERIOR PROPERTY AREAS

1412.1 Sanitation.

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

1412.1.1 Vegetation.

All land shall be properly maintained, with lawns, hedges, bushes, tree lawns, trees and other vegetation to be trimmed and kept from becoming overgrown and unsightly. Leaves shall be raked and disposed of to avoid unreasonable accumulation where such leaves are exposed to public view or where they may constitute a blighting influence on adjoining property.

1412.1.2 Driveways, Parking Areas, Walks and Tree lawns.

All driveways, parking areas, walkways and tree lawns shall be kept in a proper state of repair and maintained free of weeds, and hazardous conditions. For the purposes of this Chapter, the words "exterior property" and "premises" shall include the strip of land sometimes referred to as the park lawn or tree lawn (i.e. the portion of right-of-way between the curb, or the paved street if there is no curb, and the sidewalk) and any other unpaved portion of right-of-way which abuts property of an owner.

1412.2 Parking.

All vehicles shall park in a designated parking area. All parking areas shall be graded and provided with a suitable parking surface of asphalt, gravel, or concrete. No parking shall be allowed in a grass or landscaped area front, side, or rear yards. This section shall not apply to permitted agricultural uses.

1412.3 Outdoor Storage.

Outdoor storage shall not be permitted in a residential district. Such storage items may include but are not limited to; bicycles, lawnmowers, construction materials, or any material that in quantities could cause a blighting problem, harborage for rodents, or adversely affect the public health or safety.

1412.4 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.

1412.5 Grading and drainage.

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.

Water retention areas and reservoirs approved by the code official.

1412.6 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.

1412.7 Vermin harborage.

All structures and exterior property shall be kept free from vermin infestation. Where vermin 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 prevent reinfestation.

1412.8 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.

1412.9 Accessory structures.

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

1412.10 Weeds.

All premises and exterior property areas (excluding those used for agricultural uses) shall be maintained free from weeds, plants, vines, grass or other vegetation in excess of eight (8) inches of height. 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 and gardens.

1412.10.1 Large Lots.

All lots within the City of Moraine having an area of one acre or greater shall be kept mowed a distance of at least 50 feet from all property lines and street rights of way or easements given for roadway purposes. The entire lot shall be kept mowed for lots with area less than one acre. In either case, the area between the right of way and the edge of pavement shall also be maintained in accordance with this section.

1412.11 Trimming or Removal of Trees, Plants and Shrubbery.

The owner of every lot or parcel of land within the City upon which a tree, plant or shrubbery stands with any part thereof upon or overhanging a public street, sidewalk, or land belonging to another, shall conform to the regulations herein provided, or the City may cause such tree, plant or shrubbery to be trimmed or cut down and removed and assess the cost thereof against the owner of such lot or parcel of land.

1412.11.1 Clear Height.

Such owner shall trim or cause to be trimmed any tree, plant or shrubbery so that a clear height between the lowest branch of the same and the sidewalk, or land belonging to another, shall be eight (8) feet, and fourteen (14) feet overhanging a street.

1412.11.2 Dead Trees.

Such owner shall trim or remove, as the case may require, every dead, decayed or broken tree, plant or shrubbery, or part thereof, so that the same shall not fall to the street, sidewalk, or land belonging to another.

1412.11.3 Bushes, Hedges.

Bushes, hedges, shrubs located in the front yard shall not exceed four (4) feet in height and shall maintain three (3) feet clearance from the front lot line.

1412.11.4 Vegetation.

All plant materials (especially trees and shrubs) which are dead, afflicted with decay, disease, insect infestation, or otherwise considered dangerous to other plant material or property shall be removed or appropriately treated.

1412.11.5 Visibility.

Such owner shall cut down and remove any tree, plant or shrubbery, or any part thereof, as may be necessary to provide a clear and unobstructed view of traffic from all directions at any street intersection, or to abate any nuisance necessary to protect life, limb or property of persons, drivers of any vehicles or pedestrians using the street or sidewalk.

1412.11.6 Notice to Comply.

Upon determination this Section has been violated, the Code official shall cause notice to be served as prescribed in Section 1404.0 advising such owner that they have not more than five (5) days in which to cause such vegetation to be cut, trimmed, or removed.

1412.11.7 Failure to Comply.

Upon expiration of five (5) days, if the owner does not trim or remove any tree, plant or shrubbery, or any part thereof, in accordance with this section, the Code Official may cause such tree, plant or shrubbery, or any part thereof, to be trimmed or removed. After such work is done, the City shall give five (5) days notice, by regular mail, to the owner of such lot or parcel of land, at his or her last known address, to pay the cost of such trimming or removal. Such notice shall be accompanied by a statement of the amount of cost incurred, and if the same is not paid within thirty days after the mailing of such notice the amount shall be certified to the County Auditor for collection the same as other taxes and assessments are collected. The remedy provided for in this subsection is in addition to the penalty provided in Section 1403.2 hereof.

1412.11.8 Penalty.

Whoever violates or fails to comply with any of the provisions of this section is guilty of a fourth degree misdemeanor for the first offense and for each subsequent offense the person shall be guilty of a misdemeanor in the third degree. A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues.

1412.12 Storage of Junk, Disabled Vehicles and Rubbish on Premises.

No person shall deposit, store, maintain or collect junk, a disabled motor vehicle and/or rubbish outside of a building within the limits of the City. Such acts are hereby declared to be a public nuisance and offensive to the public health, welfare and safety of the people of the City.

1412.12.1 Notice to Remove.

Upon determination this section has been violated, the Code Official or Police Department shall cause notice to be served as prescribed in Section 1404.0, advising such owner that they have not more than five (5) days in which to remove or cause to be removed any junk, disable motor vehicle and/or rubbish found upon any such lot or parcel of land.

1412.12.2 Failure to Comply.

If the owner, occupant or person having charge or management of any lot or parcel of land does not remove or cause to be removed such junk, disabled motor vehicle and/or rubbish in accordance with the provisions of this section, then the Code Official or his or her designee is hereby authorized to enforce the provisions of this section and to cause such junk, disabled motor vehicle and/or rubbish to be removed.

1412.12.3 Remedy of City.

If removal of junk, disabled motor vehicles and/or rubbish is effected by and at the expense of the City, the amount of money so expended shall be recovered from such owner, occupant or person in charge or in control of such premises in any court of proper jurisdiction. The expense, from the time of service of notice upon the owner, occupant or person having charge or management of such premises, shall be a lien upon such premises, which may be enforced by legal proceedings in any court having jurisdiction. The collection of expenses of removal by the City shall not be a bar to a prosecution for a violation of this section or to imposition of the penalty provided in subsection 1403.2 hereof.

1412.12.4 Penalty.

Whoever violates or fails to comply with any of the provisions of this section is guilty of a fourth degree misdemeanor for the first offense and for each subsequent offense the person shall be guilty of a misdemeanor in the third degree. A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues.

1413.0 EXTERIOR STRUCTURE**1413.1 General.**

All buildings and the exterior of all premises shall be properly maintained to achieve a presentable appearance and to avoid blighting effects and hazardous conditions.

1413.2 Exterior of Premises.

The exterior of every structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare. The owner shall keep the exterior of all premises and every structure thereon, including, but not limited to, walls, roofs, cornices, chimneys, drains, towers, porches, landings, fire escapes, stairs, windows, doors, awnings and marquees, in good repair. All surfaces thereof shall be kept painted or protected by other approved coatings or materials where necessary for the preservation of the property and the avoidance of blight or an adverse influence on adjoining properties. All exterior surfaces shall be maintained free of broken glass, loose shingles, crumbling stone or brick, peeling paint or other conditions reflective of deterioration or inadequate maintenance, to the end that the property itself may be preserved safely, fire hazards eliminated and adjoining properties and neighborhoods protected from the blighting influence of decreased property values.

1413.3 Structural members.

All structural members shall be maintained free from deterioration, and shall be capable of safely supporting the imposed dead and live loads.

1413.4 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 deterioration.

1413.5 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.

1413.6 Roofs and drainage.

The roof and flashing shall be sound, tight and not have defects that admit rain. 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.

1413.7 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.

1413.8 Overhang extensions.

All canopies, marquees, signs, metal awnings, fire escapes, standpipes, exhaust ducts and similar overhang extensions 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.

1413.9 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.

1413.10 Chimneys and towers.

All chimneys, cooling towers, smoke stacks, 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.

1413.11 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.

1413.12 Window and door frames.

Every window, door, and frame shall be kept in sound condition, good repair and weather tight.

1413.12.1 Glazing.

All glazing materials shall be maintained free from cracks and holes.

1413.12.2 Openable windows.

Every window, other than a fixed window, shall be easily openable and capable of being held in position by window hardware.

1413.13 Insect screens.

Every door, window and other outside opening utilized or required for ventilation purposes serving any structure containing 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 16 mesh per inch and every swinging door shall have a self-closing device in good working condition.

Exception;

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

1413.14 Doors.

All exterior doors and hardware shall be maintained in good condition. Locks at all entrances to dwelling units, rooming units and guestrooms shall tightly secure the door.

1413.15 Basement entrances.

Every basement entrance shall be maintained to prevent the entrance of vermin, rain and surface drainage water.

1413.16 Guards for basement windows.

Every basement window that is openable shall be supplied with vermin-proof shields, storm windows or other approved protection against the entry of vermin.

1414.0 RUBBISH AND GARBAGE**1414.1 Accumulation of rubbish or garbage.**

All exterior property and premises, and the interior of every structure shall be free from any accumulation of rubbish or garbage. The interior and exterior of every structure shall be free from any undue accumulation of rubbish or garbage to avoid detrimental effects on the physical or mental health of occupants or users of the premises and to avoid significant adverse impacts upon the value of the property, since that would, in turn, negatively impact upon the value of neighboring properties and the quality of life throughout not only the neighborhood.

1414.2 Disposal of rubbish or garbage.

Every owner or occupant of occupied premises, shall dispose of all rubbish or garbage in a clean and sanitary manner by placing such rubbish or garbage in approved leak-proof, covered containers. All containers, dumpsters, or trash receptacles shall be kept closed or covered at all times. The premises around all rubbish or garbage containers shall be kept free from glass, garbage, rubbish, or debris.

1415.0 EXTERMINATION

1415.1 Infestation.

All structures shall be kept free from insect and vermin infestation. Approved processes that will not be injurious to human health shall promptly exterminate all structures in which insects or vermin are found. After extermination, proper precautions shall be taken to prevent reinfestation.

1415.2 Owner.

The owner of any structure shall be responsible for extermination within the structure.

1415.3 Single occupant.

The occupant of a one-family dwelling or of a single-tenant nonresidential structure shall be responsible for extermination on the premises.

1415.4 Multiple occupancy.

The owner of a structure containing two or more dwelling units, a multiple occupancy, a rooming house or a nonresidential structure shall be responsible for extermination in the public or shared areas of the structure and exterior property. If infestation is caused by failure of an occupant to prevent such infestation in the area occupied, the occupants shall be responsible for extermination.

1415.5 Occupant.

The occupant of any structure shall be responsible for the continued vermin-free condition of the structure, and if the occupant fails to maintain the vermin-free condition, the cost of extermination shall be the responsibility of the occupant.

Exception;

Where vermin infestations are caused by defects in the structure, the owner shall be responsible for extermination.

1416.0 INTERIOR STRUCTURE

1416.1 General.

The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. Every occupant shall keep that part of the structure, which such occupant occupies, or controls in a clean and sanitary condition. Every owner of a structure containing a rooming house, a hotel, a dormitory, two or more dwelling units or two or more nonresidential occupancies, shall maintain, in a clean and sanitary condition, the shared or public areas of the structure and exterior property.

1416.2 Structural members.

All structural members shall be maintained structurally sound, and be capable of supporting the imposed loads.

1416.3 Interior surfaces.

All interior surfaces, including windows and doors, shall be maintained in good, clean and sanitary condition. Peeling paint, cracked or loose plaster, decayed wood, and other defective surface conditions shall be corrected.

1417.0 SANITARY AND STORM DRAINAGE REQUIREMENTS

1417.1 SANITARY DRAINAGE SYSTEM

1417.2 General.

All plumbing fixtures shall be properly connected to either a public sewer system or to an approved private sewage disposal system

1417.3 Maintenance.

Every plumbing stack, vent, waste and sewer line shall function properly and be kept free from obstructions, leaks and defects.

1417.4 STORM DRAINAGE

1417.5 General.

Drainage of roofs and paved areas, yards and courts, and other open areas on the premises shall not be discharged in a manner that creates a public nuisance.

1417.6 Detention facilities.

Maintenance of detention facilities shall be the responsibility of the owner of the property on which said facility is situated. Maintenance shall be carried out to a standard acceptable to the City Engineer. If said maintenance is not completed in a timely manner, the City of Moraine may cause necessary maintenance activities and assess the owner for all expenses.

1418.0 FIRE SAFETY REQUIREMENTS

1418.1 GENERAL.

The provisions of this chapter shall govern the minimum conditions and standards for fire safety relating to structures and exterior premises, including fire safety facilities and equipment to be provided

1418.2 Responsibility.

The owner of the premises shall provide and maintain such fire safety facilities and equipment in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any premises that do not comply with the requirements of this chapter.

1418.3 Accumulations.

Rubbish, garbage or other materials shall not be stored or allowed to accumulate in stairways, passageways, doors, windows, fire escapes or other means of egress

1418.4 Hazardous material.

Combustible, flammable, explosive or other hazardous materials, such as paints, volatile oils and cleaning fluids, or combustible rubbish, such as wastepaper, boxes and rags, shall not be accumulated or stored unless such storage complies with the applicable requirements of the building code and the fire prevention code listed in Chapter 1460.00.

1460.0 REFERENCED STANDARDS

This chapter lists the standards that are referenced in various sections of this document. The standards are listed herein by the promulgating agency of the standard. The application of the referenced standard shall be as specified in Section 1400.4

BUILDING CODES-

Ohio Residential Code for One, Two, and Three Family Dwellings , 1999 Edition including the Miami Valley Amendments.

Miami Valley Building Officials Council
4200 Dryden Rd.
Moraine, OH 45439

Ohio Building Code

Westgroup Publishers
610 Opperman Dr.
Eagan, MN 55123

FIRE CODE-

Unified Fire Code, 1999

EditionSouthwest Ohio Fire Safety Council
PO Box 171
Centerville, OH 45459