

VILLAGE OF PENINSULA, OHIO  
ORDINANCE NO.: 09-2022  
INTRODUCED BY: Mayor Daniel Schneider  
DATE PASSED: June 14, 2022

**AN ORDINANCE ESTABLISHING CHAPTER 1351 OF THE VILLAGE'S BUILDING CODE RELATING TO PROPERTY MAINTENANCE REQUIREMENTS**

WHEREAS, the Village Planning Commission has recommended that Council adopt the within Property Maintenance Code within the Village Building Code; and

WHEREAS, the Mayor and Council feel it is in the best interests of the health, safety, and welfare, preservation of property values, and quiet enjoyment of property of Village residents and commercial property owners to establish and adopt Section 505.15 of the Codified Ordinances relating to property maintenance requirements.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Village of Peninsula, Summit County, Ohio, to wit:

SECTION 1. Council hereby establishes Chapter 1351 of the Village's Building Code relating to property maintenance requirements as set forth in the attachment hereto.

SECTION 2. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public and/or in compliance with all legal requirements including Section 121.022 of the Ohio Revised Code.

SECTION 3. This Ordinance shall take effect and be in force after the earliest period permitted by law.

SECTION 4. Effective Date. This Ordinance shall take effect on the 14 day of JUNE, 2022.

IN WITNESS WHEREOF, we have hereunto set our hands this 14 day of JUNE, 2022.

Passed:   
Daniel Schneider, Jr., Mayor

Attest:   
Katie Iaconis, Fiscal Officer

Approved as to Legal Form.

  
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Bradric T. Bryan, Solicitor

I, Katie Iaconis, Fiscal Officer of the Village of Peninsula, Summit County, Ohio, do hereby certify that the foregoing Ordinance was duly passed by the Council of the Village of Peninsula, at a meeting held on the 14 day of June, 2022.

  
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Katie Iaconis, Fiscal Officer

Posting Certificate

I, Katie Iaconis, Fiscal Officer of the Village of Peninsula, Summit County, Ohio, hereby certify that there is no newspaper published in the Municipality, and publication of the foregoing Ordinance was made by posting true and accurate copies thereof at five of the most public places in the Village as previously determined by Council, each for a period of at least fifteen days, commencing on the 15 day of June, 2022, as follows:

1. Terry Lumber & Supply;
2. Valley Fire District;
3. Peninsula Library & Historical Society;
4. Peninsula Village Hall Lobby; and
5. Peninsula Post Office.

  
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Katie Iaconis, Fiscal Officer

## CHAPTER 1351 Property Maintenance Code

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## **GENERAL PROVISIONS**

### **1351.01 PURPOSE AND INTENT.**

This Code shall be known as the "Property Maintenance Code of the Village of Peninsula". The purpose of this Code is to protect the public health, safety, and general welfare by establishing minimum standards governing the exterior maintenance, condition, and appearance of structures and premises; to fix responsibilities and duties upon owners and tenants of structures with respect to sanitation, repair, and maintenance; to authorize and establish procedures for the inspection of premises; and to fix penalties for violation of this Code.

### **1351.02 VALIDITY.**

The provisions in this Property Maintenance Code shall not be construed to prevent the enforcement of other ordinances or regulations which prescribe standards other than are provided herein. In the event of a conflict between any provisions of this Code, including any rules and regulations adopted pursuant to this Code, and any provisions of the Codified Ordinances or other ordinances of the Village, including rules and regulations adopted pursuant to such ordinances, the more restrictive provisions shall prevail. Any repairs or alterations to a structure, or changes of use herein, 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 of the Village.

### **1351.03 SEVERABILITY.**

If any section, subsection, paragraph, sentence, clause, or phrase of this Code is 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.

### **1351.04 APPLICABILITY.**

This Property Maintenance Code shall apply to all structures and premises within the Village of Peninsula.

### **1351.05 MAINTENANCE RESPONSIBILITY.**

No owner, agent, or tenant of any premises shall maintain or permit to be maintained at or on the exterior property areas of such premises any condition which deteriorates or debases the appearance of the neighborhood; or creates a fire, safety, or health hazard; or which is a public nuisance. The owner shall be responsible for ensuring that premises are maintained in good repair and appearance in compliance with this Property Maintenance Code. Tenants shall be responsible for maintaining in a clean and sanitary condition those premises or portion thereof which they occupy and/or control. In the case of commonly held properties associated with condominium, or similar projects, it shall be the responsibility of the designated homeowner association or similar organization to maintain those items which are under their direct ownership or control.

### **1351.06 DEFINITIONS.**

For the purpose of this chapter, certain terms and words are hereby defined. Words used in the present tense shall include the future; the singular number shall include the plural; and the

plural, the singular; the word "building" shall include the word "structure"; and the word "shall" is mandatory and not directory.

(a) "Deterioration" means the condition or appearance of the exterior of a building, or part thereof, characterized by holes, breaks, rot, crumbling, or cracking, peeling, rusting, or other evidence of physical decay, neglect, or lack of maintenance.

(b) "Exterior of the premises" means those portions of a building which are exposed to public view and the open space of any premises outside of any building.

(c) "Garbage" means animal and vegetable waste resulting from the handling, preparation, cooking, and consumption of food.

(d) "Infestation" means the presence of insects, rodents, vermin, or other pests on the premises which constitute a health hazard.

(e) "Landscaping" means the decorative and functional alteration and planting of grounds as part of a developed building site.

(f) "Noxious weed" means any plant that is currently listed as a prohibited and restricted noxious weed by the Director of Agriculture in the Ohio Administrative Code.

(g) "Nuisance" means that which is defined by the statutes of the State and declared thereby to be a nuisance, and also includes conditions dangerous to human life or detrimental to the health of persons on or near the premises where the conditions exist, where the conditions are perilous by active and negligent operation thereof, and unsanitary conditions or anything offensive to the senses or dangerous to health.

(h) "Owner" means any person, who, alone or jointly or severally with others, shall have legal or equitable title to any premises, with or without the accompanying actual possession thereof; or shall have charge, care, or control as owner or agent of the owner; or as executor, administrator, trustee, receiver, or guardian of an estate; or as a mortgagee in possession.

(i) "Person" includes any individual, corporation, association, partnership, trustee, lessee, agent, or assignee.

(j) "Premises" means a lot, plot, or parcel of land, including the buildings or structures thereon.

(k) "Refuse" means all putrescible and non-putrescible solid wastes, except body wastes, including, but not limited to, garbage, rubbish, ashes, dead animals, and industrial wastes; an accumulation of brush, broken glass, stumps, and roots that present a safety hazard; and includes garbage, trash, and debris which present an unsanitary and/or safety hazard.

(l) "Rubbish" means non-putrescible solid wastes consisting of both combustible and noncombustible wastes, such as paper, wrappings, tin cans, yard clippings, leaves, wood, glass, crockery, plastics, and similar materials.

(m) "Tenant" means any person living and sleeping in a dwelling unit or having actual possession of such dwelling unit or any person who leases or rents a building, structure, or any portion thereof for any purpose.

(n) "Zoning Officer" means the Zoning Inspector of the Village or his duly designated representative.

(o) "Uncontrolled growth" means all grasses and/or weeds, except rain gardens, storm water management areas, wildflower meadows, and other naturalized areas, growing at a height of 12 inches or higher.

## **EXTERIOR STRUCTURE**

### **1351.07 MAINTENANCE REQUIRED.**

All exterior parts of every structure and accessory structure, including decorative additions, chimneys, fences, and all other exterior structures, either above or below the roof line, shall be maintained in a safe condition, weather tight, and so as to resist decay or deterioration from any cause. Any structure or accessory structure which exterior surface is deteriorated must be repaired or razed.

### **1351.08 FOUNDATIONS.**

All foundations of every structure shall be structurally sound, in good condition, and maintained so as to prevent damage to the structural integrity of same.

### **1351.09 STAIRS, PORCHES, DECKS, AND BALCONIES.**

Every stair, porch, deck, balcony, and all appurtenances attached thereto, shall be kept in sound condition and good repair so as to be safe to use and capable of supporting the loads to which they are subjected.

### **1351.10 ROOFS, GUTTERS, AND DOWN SPOUTS.**

All roofs of every structure shall be maintained weather tight. All missing shingles or other roofing materials shall be replaced with materials of similar kind, nature, design, and color as the original thereof. Every structure designed to be equipped with gutters and down spouts shall maintain such gutters and down spouts as permanently affixed to the structure and outlet in an approved manner. Gutters and down spouts shall be kept in good working order free of debris, rust, and corrosion by cleaning, painting, or replacing with a similar kind, nature, design, and color.

### **1351.11 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.

### **1351.12 EXTERIOR WALLS.**

(a) All buckled, rotted, or decayed walls, doors, windows, porches, floors, steps, trim, shutters, railings, and their missing members, must be replaced and put in good condition. All replacements must be permanent and must match or be compatible with the design of the structure.

(b) All exterior wood or exterior unfinished surfaces must be sealed and painted or surface-coated with other approved protective coating or treated to prevent rot or decay and conform and match the existing paint or surface covering and original design or replacement thereof. All exterior walls and surfaces must be properly protected against the weather where such are defective or lack weather protection, including lack of paint or surface covering, or having weathered due to lack of proper protective covering.

(c) Exterior surfaces weathered with dirt and grime, or which are peeling or flaking, shall be cleaned, painted, or resurfaced.

(d) Structures shall be maintained free of broken or cracked windows, crumbling stone or brick, or other conditions reflective of deterioration or inadequate maintenance.

(e) Windows, skylights, doors, and frames shall be kept in sound condition, good repair, and weather tight.

(f) All chimneys and similar appurtenances shall be maintained structurally safe and sound and in good repair.

#### **1351.13 EXITWAYS.**

All stairs, landings, and porches, where required by the building code, shall be provided with handrails or guardrails properly maintained to minimize the hazard of falling and shall be kept structurally sound, in good repair, and free from defects.

#### **1351.14 HANDRAILS.**

Every handrail and guardrail shall be firmly fastened and capable of safely supported intended live loads and shall be maintained in good condition.

#### **1351.15 INFESTATION.**

All structures and the premises thereof shall be maintained free from sources of breeding, harborage, and infestation by insects, vermin, or rodents.

### **EXTERIOR PROPERTY AREAS**

#### **1351.16 PREMISES TO BE MAINTAINED.**

No owner or tenant of any premises shall maintain or permit to be maintained at or on the exterior property areas of such premises, any of the following:

(a) Broken or dilapidated fences, walls, or other structures.

(b) Rugs or rags hung on lines, or in other places on the premises, which materials are not being used for general household or housekeeping purposes.

(c) Broken, dilapidated, or unusable furniture, mattresses, or other household furniture, broken glass, plastic materials, paints, miscellaneous coverings, building materials when not used in conjunction with an active building permit and/or any other materials, including those described in this section, placed at or on the premises in such a manner as to be patently unsightly, grotesque, or offensive to the senses.

(d) Dismantled or inoperable vehicles and/or equipment, unless in a completely enclosed building.

(e) Unlicensed vehicles, unless in a completely enclosed building.

#### **1351.17 STORAGE OF COMMERCIAL AND INDUSTRIAL MATERIAL.**

There shall not be stored or used at a location visible from the sidewalk, street, or other public area, equipment and materials relating to commercial or industrial uses, unless specifically permitted under provisions of the Zoning Code.

### **1351.18 RANK VEGETATION AND LANDSCAPE FEATURES.**

(a) Uncontrolled growth and/or noxious weeds on private property, or within a public right of way, are a public nuisance; and such properties shall be maintained free of such public nuisance and in a manner so as not to constitute a blighting or deteriorating effect on the surrounding neighborhood.

(b) Uncontrolled growth may not obstruct the vision of motorists and pedestrian traffic on or near public roads.

(c) Uncontrolled growth and/or noxious weeds shall not be permitted on any residentially, commercially, or industrially developed lot or parcel.

(d) Agricultural Use, Exempted. Notwithstanding the provisions of this chapter, any land where grasses are grown in conjunction with the agricultural purposes of farming, dairying, and/or pasturage, shall not be subject to the provisions of this chapter.

### **1351.19 DEAD TREES AND BRANCHES.**

No owner or tenant of any premises shall permit a dead tree to stand so near to a public sidewalk or roadway as to endanger users thereof, should all or part of it fall. No such owner or tenant shall permit a dead branch to overhang a public sidewalk or roadway.

### **1351.20 ACCUMULATION OF RUBBISH, GARBAGE AND REFUSE.**

All exterior property and premises shall be free from any accumulation of rubbish, garbage or refuse. Every owner and/or tenant shall dispose of all rubbish and garbage in a clean and sanitary manner by placing such rubbish and garbage in approved containers.

### **1351.21 PARKING LOTS AND DRIVEWAYS.**

It shall be the responsibility of the owner and occupant of the property to maintain all parking and access facilities in a safe and usable condition. This includes, among other things, patching, sealing, and replenishing paving; repainting space markings; repairing or replacing curbing or wheel stops; and cleaning on-site drainage facilities. It shall also be the responsibility of the owner and occupant to maintain required landscaping in neat, clean, orderly, and healthful condition. This includes, among other things, pruning, mowing, weeding, litter removal, replacement of dead or diseased plants, repair or replacement of broken or damaged walls, and the regular feeding and watering of plant materials.

### **1351.22 SIDEWALKS.**

No owner or tenant having the control of any lot of land abutting upon a public sidewalk within the Village shall permit the sidewalk abutting the premises to be subject to obstructions or nuisance.

## **VACANT BUILDINGS AND LAND**

### **1351.23 VACANT STRUCTURES AND LAND.**

All vacant structures, and premises thereof, 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.



#### **1351.24 SECURING VACANT BUILDINGS.**

If any structure or part thereof is vacant, the Zoning Officer may order such structure secured so it will not be an attractive nuisance. Such order shall be served as set forth in Section 1351.28 and shall specify a reasonable time for compliance. Upon failure of the owner to comply within the specified time, the Zoning Officer shall cause the building to be secured using Village forces or by contract with a private person or firm, and the costs thereof shall be charged against the owner of the property as set forth in Section 1351.32.

### **ADMINISTRATION AND ENFORCEMENT**

#### **1351.25 ZONING OFFICER.**

It shall be the responsibility and duty of the Zoning Officer to enforce and administer the provisions of this Code.

#### **1351.26 RIGHT OF ENTRY.**

Upon receipt of a complaint alleging a violation of this chapter, the Zoning Officer is hereby authorized and directed to make inspections to determine the condition of buildings and premises located within the Village in order to determine compliance with these provisions. For the purpose of making such inspections, the Zoning Officer is hereby authorized to enter upon, examine, and survey at all reasonable times upon all premises. The owner or tenant of every building, or the person in charge thereof, shall give the Zoning Officer free access to such premises at all reasonable times for the purpose of such inspections, examination and survey.

#### **1351.27 RESPONSIBILITIES OF OWNER.**

(a) Owners shall have the duties and responsibilities as prescribed in this Code, and no owner shall be relieved from any such duty and responsibility nor be entitled to defend against any charge of violation thereof by reason of the fact that a tenant is also responsible therefore and in violation thereof.

(b) Any owner of rental real estate located in the Village and residing outside of the County shall designate a natural person resident of the County as agent for such nonresident owner for the purpose of receiving any and all notices of any violations of laws with relation to the construction, maintenance, and/or operation of the rental real estate located thereon.

(c) The owner shall designate a natural person of sound mind over the age of eighteen years as agent as above required and provide the agent's full name, address, and telephone number, in writing, to the Zoning Officer of the Village. It shall be the further obligation of the owner to notify the Zoning Officer in writing of any change in the name, address, or telephone number of the agent designated.

(d) The Zoning Officer is authorized and directed to secure compliance with the within requirements at any time a nonresident applicant seeks a permit for any purpose for property use in the Village and to seek out nonresident owners of real estate for compliance with the requirements herein.

(e) Failure of a nonresident owner to comply with the designation of resident agent requirements herein within thirty days of receipt of notice from the Zoning Officer to comply shall

constitute a violation of the requirements of this section and shall constitute a misdemeanor punishable under Section 1351.99.

(f) It shall be unlawful for the owner of any structure or property who has received a compliance order or upon whom a notice of violation has been served to sell, transfer, mortgage, lease, or otherwise dispose of such structure or property to another until the provisions of the compliance order or notice of violation has been complied with, or until such owner shall first furnish the grantee, transferee, mortgagee, or lessee a true copy of such compliance order or notice of violation and furnish to the Zoning Officer a notarized statement from said grantee, transferee, mortgagee, or lessee acknowledging the receipt of such compliance order or notice of violation and fully accepting responsibility without condition for making the corrections or repairs required by such compliance order or notice of violation.

### **1351.28 NOTICE OF VIOLATION.**

Where a violation of this Code is found to exist, a written notice from the Zoning Officer shall be served upon the person or persons responsible for the corrections thereof. Such notice shall specify the violation or violations committed and a reasonable period of time to correct or abate such violation. Service of such notice may be by certified mail addressed to the owner and/or tenant at his residence, to the tax mailing address as indicated by the records of the County Fiscal Office, or by delivery to the residence of the owner and/or tenant, by delivery to such individuals at the premises, or by posting on the front door of the premises.

### **1351.29 TIME EXTENSIONS FOR COMPLIANCE.**

Where the owner and/or tenant of a premises is unable to comply with a notice of violation within the time period specified, the owner, within two weeks of the notice of nonconformance, may enter into an agreement with the Zoning Officer detailing a program to abate the nonconformance within a reasonable time limit.

### **1351.30 FAILURE TO COMPLY.**

Whenever the owner and/or tenant of a structure or premises fails, neglects, or refuses to comply with any notice of the Zoning Officer within the time period specified in such notice, the Zoning Officer shall proceed as provided in Section 1351.31, as applicable.

### **1351.31 ABATEMENT AND PROSECUTION OF VIOLATIONS.**

(a) Where the owner and/or tenant of any premises fails to comply with a notice of violation of any of the provisions of Sections 1351.16 through 1351.24 within the time period specified in such notice, the Zoning Officer shall cause such violation to be corrected, removed, or abated. The Zoning Officer may contract with a private person or firm to accomplish such task. The actual cost of bringing the property into compliance, plus fifteen percent (15%) for inspections and administration, shall be billed to the owner. If such bill is not paid within thirty days after submission, then the Fiscal Officer shall certify such costs, together with a ten percent (10%) penalty, to the County Fiscal Office for placement on the tax duplicate to be collected as other taxes for return to the Village.

(b) Where the owner and/or tenant of any premises fails to comply with a notice of violation of any of the provisions of Sections 1351.07 through 1351.15, such owner or tenant shall

be considered to be in violation of this Code, and the Zoning Officer shall proceed at law to compel compliance and/or prosecute such violation.

(c) Nothing herein shall be construed to preclude the Zoning Officer from instituting appropriate action at law or in equity to restrain, correct, or abate a violation or to prevent, terminate, or limit occupancy or uses of structures or premises which are in violation.

### **1351.32 APPEALS.**

Any owner and/or occupant who is served a notice of violation of any of the provisions of Sections 1351.07 through 1351.24, may, within ten days of receipt of such notice, appeal the findings of the Zoning Officer. Such appeal shall be made by filing with the Zoning Officer a notice of appeal on forms provided for such purpose. Such appeal shall be scheduled for a hearing before the Board of Zoning Appeals. Fees, notice requirements, procedures for such appeals, and hearings shall be as set forth in the Zoning Code.

### **1351.99 PENALTY.**

Any person, firm, or corporation, or his or their agents, who violates any provisions of this chapter or who fails or refuses to obey a lawful order of the Zoning Officer issued pursuant to this chapter, is guilty of a fourth-degree misdemeanor for each offense. A separate offense shall be deemed committed each day during which a violation continues.