

## Home Rule Regulations Governing Property Maintenance

**BOARDMAN TOWNSHIP TRUSTEES  
MAHONING COUNTY, OHIO  
AMENDED HOME RULE RESOLUTION 99-02  
RESOLUTION AMENDING CODIFIED HOME RULE RESOLUTION 99-02 FOR BOARDMAN  
TOWNSHIP REGARDING "PROPERTY MAINTENANCE REGULATIONS".**

The Board of Trustees of Boardman Township, Mahoning County, Ohio met in Regular Session at the Boardman Township Government Center on the 12th day of June 2000, with the following members present: Elaine R. Mancini, Thomas P. Costello.

Moved by Mr. Costello, seconded by Mrs. Mancini, to approve and adopt Home Rule Resolution 99-02 as amended, to be effective thirty (30) days from the date of adoption upon a First Reading pursuant to Ohio Revised Code Section 504.10 and publication as follows:

**WHEREAS**, the Boardman Township Board of Trustees adopted a Limited Home Rule Government in accordance with the Ohio Revised Code Section 504.01(B) by Resolution duly adopted and approved October 12, 1999;and,

**WHEREAS**, the Boardman Township Board of Trustees constitutes an Urban Township with Limited Home Rule Authority as provided in Ohio Revised Code Section 504.01(B)1, vested with the powers, rights and immunities granted therein; and,

**WHEREAS**, it is the desire of the Boardman Township Board of Trustees to amend the previously adopted Home Rule Resolution 99-02 to address the need for providing for regulations governing property maintenance for agricultural, residential, business, commercial and industrial premises, structures and related issues for the general health, safety and welfare of the general public;

**NOW, THEREFORE, BE IT RESOLVED, THAT THE FOLLOWING REGULATIONS AMENDING PREVIOUSLY ENACTED HOME RULE RESOLUTION 99-02, BE AND HEREBY ARE ADOPTED AND APPROVED UPON ITS FIRST READING, PUBLICATION AND CODIFICATION:**

### **SECTION 1: PROPERTY MAINTENANCE CODE**

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 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 a notice posted under the provisions of this code.

### **SECTION 2: NOTICES AND ORDERS**

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, a Notice of Violation shall be given to the owner or the person or persons responsible therefore in the manner prescribed herein. Notices for condemnation procedures shall also comply with the manner prescribed herein. For purposes of this Home Rule Resolution, the "code official" shall be deemed as the Boardman Township Zoning Inspector and/or his designee. Such Notices of Violation 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 as determined by the code official, not to exceed thirty (30) for the repairs and improvements required to bring the dwelling unit or structure into compliance with the provisions of this code.

Such Orders shall:

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.

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 registered mail, with return receipt requested, addressed to the owner at the last known address. If the letter is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice. 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.

### **SECTION 3: EXTERIOR PROPERTY MAINTENANCE**

#### **A. GENERAL REQUIREMENTS**

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.
2. RESPONSIBILITY: The owner of the premises shall maintain the structures and exterior property in compliance with this Home Rule Resolution in compliance with these requirements.
3. VACANT STRUCTURES AND LAND: The owner of all vacant structures and premises thereof or vacant land shall maintain 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.

#### **B. DEFINITIONS**

1. GENERAL: The following words and terms shall, for the purpose of this chapter and as stated elsewhere in this code, have the meanings shown herein.
2. EXTERIOR PROPERTY: The open space on the premises and on adjoining property under the control of owners or operators of such premises.
3. OPERATOR: Any person who has charge, care or control of a structure or premises which is let or offered for occupancy.
4. OWNER: Any person, agent, operator, firm or corporation having a legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.
5. PERSON: An individual, corporation, partnership or any other group acting as a unit.
6. PREMISES: A lot, plot or parcel of land including any structures thereon.
7. PUBLIC NUISANCE: Includes the following:
  - a. The physical condition or occupancy of any premises regarded as a public nuisance at common law; or
  - b. 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; or

- c. Any premises that has unsanitary sewerage; or
- d. Any premises designated as unsafe for human habitation; or
- e. Any premises that is manifestly capable of being a fire hazard, or is manifestly unsafe or unsecured so as to endanger life, limb or property; or
- f. Any premises that is unsanitary, or that is littered with rubbish or garbage, or that has an uncontrolled growth of weeds; or
- g. 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.

### **C. EXTERIOR PROPERTY AREAS**

1. **SANITATION:** All exterior property and premises shall be maintained in a clean, safe and sanitary condition. The owner/occupant shall keep that part of the exterior property, which such occupant occupies or controls, in a clean and sanitary condition.
2. **GRADING AND DRAINAGE:** All premises shall be graded and maintained 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.
3. **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.
4. **WEEDS:** All premises and exterior property shall be maintained free from weeds or plant growth in excess of 10 inches (254 mm). 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. On all lots that have been cleared for development within a platted subdivision, all premises and exterior property shall be maintained free from weeds in excess of ten inches.
5. **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.
6. **ACCESSORY STRUCTURES:** All accessory structures, including detached garages, sheds, swimming pools, fences and walls, shall be maintained structurally sound and in good repair.
7. **GENERAL:** The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare.
8. **STREET NUMBERS:** Each structure to which a street number has been assigned shall have such number displayed in a position easily observed and readable from the public right-of-way. All numbers shall be in Arabic numerals at least 3 inches (76 mm) high and 1/2 inch (13 mm) stroke.
9. **FOUNDATION WALLS:** All foundation walls shall be maintained plumb and free from open cracks and breaks and shall be kept in such condition so as to prevent the entry of rats.
10. **EXTERIOR WALLS:** All exterior walls shall be free from holes, breaks, loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent deterioration.
11. **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 water shall not be discharged in a manner that creates a public nuisance.

12. OVERHANG EXTENSIONS: All canopies, marquees, signs, metal awnings, stairways, 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 safe and 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.

13. 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.

14. WINDOW AND DOOR FRAMES: Every window, door and frame shall be kept in sound condition, good repair, and weather tight.

15. INSECT SCREENS: Every door, window and other outside opening utilized or required for ventilation purposes serving and 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 for out-swinging doors or other types of openings which make screening impractical, provided other approved means, such as air curtains or insect repellent fans are employed.

16. 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.

#### **D. RUBBISH AND GARBAGE**

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. Rubbish shall be defined as combustible and noncombustible waste materials, cartons, boxes, wood, tree trunks, tree branches, yard trimmings, tin cans, metals, glass, or anything else of an unsightly or unsanitary nature.

2. DISPOSAL OF RUBBISH: Every occupant of a structure shall dispose of all rubbish in a clean and sanitary manner by placing such rubbish in approved containers.

3. RUBBISH STORAGE FACILITIES: The owner of every occupied premise shall supply approved covered containers for rubbish, and the owner of the premises shall be responsible for the removal of rubbish.

4. DISPOSAL OF GARBAGE: Every occupant of a structure shall dispose of garbage in a clean and sanitary manner by placing such garbage in an approved garbage disposal facility or approved garbage containers.

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5. GARBAGE FACILITIES: The owner of every dwelling shall supply an approved leak proof, covered, outside garbage container.

6. CONTAINERS: The operator of every establishment producing garbage shall provide, and at all times cause to be utilized, leak proof approved containers provided with close-fitting covers for the storage of such materials until removed from the premises for disposal.

#### **SECTION 4: PENALTIES**

A violation of this Resolution shall constitute an unclassified civil misdemeanor punishable by a civil fine as follows:

- a. First Offense: \$250.00
- b. Second Offense: \$500.00
- c. Third Offense: \$750.00
- d. Fourth and Subsequent Offenses: \$1,000.00

**SECTION 5: EFFECTIVE DATE OF RESOLUTION**

This Resolution shall be effective thirty (30) days from the date of adoption upon a First Reading, publication and codification thereof:

The Roll Call resulted as follows:

Mrs. Elaine R. Mancini Aye  
Mr. Thomas P. Costello Aye

**Home Rule Resolution 99-02 amended and adopted upon First Reading this 12th day of June 2000.**

Date of First Reading: June 12, 2000

Effective Date: July 12, 2000

**BY ORDER OF THE BOARDMAN TOWNSHIP BOARD OF TRUSTEES, MAHONING COUNTY, OHIO:**

Elaine R. Mancini, Chair  
John C. Cox, Vice-Chair  
Thomas P. Costello, Trustee

**CERTIFICATION**

I, William D. Leicht, Clerk of Boardman Township, do hereby that the foregoing is taken and copied from the Minutes of Boardman Township, that the same has been compared by me with Home Rule Resolution 99-02 of said Minutes, and that same is a true copy thereof.

William D. Leicht, Clerk