

ORDINANCE NO. 2017-13 (As revised 6/13/17)

BY COUNCILMEMBER SOGG

**AN ORDINANCE ADOPTING NEW CHAPTER 1377 OF
THE CODIFIED ORDINANCES TO ADOPT THE
INTERNATIONAL PROPERTY MAINTENANCE CODE;
AND DECLARING AN EMERGENCY.**

WHEREAS, the International Property Maintenance Code was developed in 2002 by building code professionals across the United States to replace the BOCA National Property Maintenance Code that has been used by governmental entities for many years; and

WHEREAS, many other municipalities across the country and in Ohio have adopted and are also adopting the International Property Maintenance Code; and

WHEREAS, this Council desires to adopt the International Property Maintenance Code as the maintenance code applicable to this Village, as many other municipalities are also doing, and with certain local provisions; and

WHEREAS, this Council finds that the within Ordinance should go into immediate effect in order to remedy existing situations of dilapidated and un-kept properties in the Village that pose a threat to the health, safety and general welfare of the Village and its inhabitants.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Village of Gates Mills, County of Cuyahoga and State of Ohio, that:

SECTION 1: Part Thirteen of the Codified Ordinances of Gates Mills is amended to add new Chapter 1377, "International Property Maintenance Code", as follows:

"CHAPTER 1377

International Property Maintenance Code

1377.01	2015 edition adopted; conflicts.	1377.04	Appeals.
1377.02	File and distribution copies.	1377.05	Revisions.
1377.03	Enforcement.	1377.09	Penalty; equitable remedies

1377.01 2015 EDITION ADOPTED; CONFLICTS.

In addition to all conditions and requirements of this Building and Housing Code, the requirements of the 2015 Edition of the International Property Maintenance Code shall be adopted throughout the Village and shall serve as the Property Maintenance Code of the Village for the control of existing buildings and structures. This International Property Maintenance Code, as adopted by this section, and the revisions thereto as set forth in this chapter shall provide standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for

occupancy and use, and for the condemnation of buildings and structures unfit for human occupancy and use, and for the demolition of such structures. Pursuant to Ohio R.C. 731.231, the requirements of the International Property Maintenance Code are hereby incorporated and made a part of this Building and Housing Code as if the same were written herein in their entirety. In case of a conflict between such requirements, the more strict provision shall prevail.

It is specifically noted in this section and provided for in Part 102.6 of Section 1377.05 of this chapter that buildings, structures and grounds in the Village's designated Historic District or that have been designated as historic buildings or structures outside of the Historic District are not exempt from the provisions of this chapter and the adopted provisions of the International Property Maintenance Code.

1377.02 FILE AND DISTRIBUTION COPIES.

A complete copy of the International Property Maintenance Code, as adopted in Section 1377.01, is on file with the Village Clerk for inspection by the public and is also on file in the Cuyahoga County Law Library. The Village Clerk also has copies available for distribution to the public, at cost.

1377.03 ENFORCEMENT.

The Building Inspector or other authorized enforcement official shall serve as the official responsible for enforcement of the International Property Maintenance Code and this Chapter.

1377.04 APPEALS.

The Village of Gates Mills' Architectural Board of Review shall serve as the "board of appeals" for any and all appeals relating to the International Property Maintenance Code as adopted in Section 1377.01. Where the International Property Maintenance Code sets a timeframe to appeal which differs from an appeals timeframe provided elsewhere in the Codified Ordinances, the broader timeframe shall govern.

1377.05 REVISIONS.

The following sections of the International Property Management Code are hereby revised to read as follows:

101.1 Title. These regulations shall be known as the *International Property Maintenance Code* of the Village of Gates Mills, hereinafter referred to as "this code."

102.3 Application of other codes. Repairs, additions or alterations to a structure, or changes of *occupancy*, shall be done in accordance with the procedures and provisions of the *Residential Building Code of Ohio*, *International Energy Conservation Code*, *Ohio Fire Code*, *International*

Fuel Gas Code, International Mechanical Code, International Residential Code, International Plumbing Code and NFPA 70. Nothing in this code shall be construed to cancel, modify or set aside any provision of any code adopted elsewhere by the Village of Gates Mills.

102.06 Historic District and historic buildings, structures and grounds outside of the Historic District. The provisions of this chapter and this code shall be mandatory for existing buildings, structures and grounds in the Village's designated Historic District or that are designated as historic but located outside of the Historic District.

103.5 Fees. The fees for activities and services performed by the Building Inspector in carrying out the Inspector's responsibilities under this code shall be as indicated in the following schedule:

(a) In addition to any other fees or deposits required by other sections of these Codified Ordinances, the Building Inspector shall charge and collect a deposit in the amount of not less than the amount paid for permit fees pursuant to Section 1311.14 to reimburse the Village for expenses incurred for additional or supplemental engineering, legal, architectural or other professional services rendered as a result of an application for a building permit, for review of a topographic survey or preliminary or final site development plans, for the location or relocation of utilities, for rezoning, or for lot splits, easements or other similar projects requiring the Village's approval or consent.

(b) Such charges for the professional services of the Village Engineer, Law Director and architectural consultants shall be at the rates customarily charged by them for similar services.

(c) Fees paid to the Building Inspector, as established by the Municipal Council from time to time.

(d) In the event that the funds deposited by an applicant, as required in subsection (a) hereof, shall not be sufficient to reimburse the Village in full, the applicant shall deposit additional funds in series of not less than the amount specified in subsection (a) hereof, as requested by the Building Inspector.

(e) Any sums not used to reimburse the Village, as provided in subsections (a), (b), and (c) hereof, shall be refunded to the applicant not later than sixty (60) days from the completion of the project, the issuance of the permit, or the decision with respect to which the applicant has requested the Village's approval or consent, as the case may be.

106.4 Violation penalties. [Deleted but see Section 1377.99 of this chapter].

111.1 Application for appeal. Any person directly affected by a decision of the Building Inspector or a notice or order issued under this code shall have the right to appeal to the Architectural Board of Review, provided that a written application for appeal is filed within twenty (20) days after the day the decision, notice or order was served. If another relevant chapter of the Codified Ordinances provides for a larger appeal timeframe, that provision shall govern. 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.

112.4 Failure to comply. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of not less than fifty dollars (\$50.00) or more than one thousand dollars (\$1,000.00).

302.4. Weeds. All premises and exterior property shall be maintained free from weeds, plant growth or grass in excess of six (6) inches in height. All noxious weeds are prohibited. Upon the failure of the owner or person having charge of the property to cut the grass and other plant growth and to destroy noxious weeds after service of a notice of violation upon the owner or person having charge of the property, the owner, the owner's agent or authorized representative, or the person in charge of the property shall be subject to prosecution in accordance with Section 1377.99 of this chapter.

1. Upon failure to comply with the notice of violation, any duly authorized employee of the Village or contractor hired by the Village is authorized to enter onto the property that is the subject of the notice of violation to cut and/or destroy the grass, weeds, other plant growth and noxious weeds thereon and the costs of the cutting and/or destruction shall be paid by the owner, the owner's agent or the person having charge of the property.
2. The Building Official shall cause an invoice for services rendered pursuant to subpart (1) of this section to be served on the owner, the owner's agent, or the person in charge of the property via regular, first-class mail and upon non-payment of the invoice, the Building Official shall report the nonpayment of and invoice to the Village Council at an appropriate time.
3. Upon the receipt of the report provided for in subpart (2) of this section, Council may make written return to the Fiscal Officer of Cuyahoga County of the Village's action under the preceding subparts hereof with a statement of the charges for its services and a proper description of the premises for the purpose

of making the same a lien upon the property and to be collected as other taxes and returned to the Village with the General Fund.”

304.3 Premises identification. Buildings shall have approved address numbers placed in a position to be plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Numbers shall be a minimum of 4 inches (102 mm) in height with a minimum stroke width of 0.5 inch (12.7 mm).

304.14. Insect screens. [Deleted].

Section 404 [Deleted].

602.3 Heat supply. Heat shall be provided between October 1 and April 30 in a manner consistent with the requirements of the Village’s Residential Building Code.

602.4 Occupiable work spaces. Occupiable work space shall be provided in a manner consistent with the requirements of the Village’s Residential Building Code.

1377.99 PENALTY, EQUITABLE REMEDIES.

(a) Whoever violates or fails to comply with any of the provisions and requirements of the International Property Maintenance Code, as adopted in Section 1377.01, and this chapter or fails to comply with any order made thereunder, or violates any detailed statement of specifications or plans submitted and approved thereunder, shall, severally, for each and every such violation and noncompliance, respectively, be subject to the penalty provisions of Section 1311.09 of the Building and Housing Code. A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues.

(b) The application of the penalty provided in subsection (a) hereof shall not be held to prevent the enforced removal of prohibited conditions.”

SECTION 2: It is found and determined that all formal actions of this Council concerning and relating to the adoption 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, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 3: This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public health, safety and general welfare and for the more specific reason of eradicating blight, unsafe and unhealthy conditions at properties that currently exist in the Village of Gates Mills; WHEREFORE, this Ordinance shall be in effect immediately upon its passage and signature by the Mayor.

Passed the 13 day of June, 2017.

Karen E. Schuider
President of Council

ATTEST:
Patricia DeCapite
Clerk

APPROVED:
Karen E. Schuider
Mayor