

CODIFIED ORDINANCES OF CANAL FULTON
PART THIRTEEN - BUILDING CODE

Chap. 1301. Ohio Building Code.

Chap. 1311. Stark County Residential Building Code.

Chap. 1321. National Electrical Code.

Chap. 1331. Demolition of Structures.

Chap. 1341. Property Numbering System.

Chap. 1351. Oil and Gas Well Regulations.

Chap. 1361. Exterior Property Maintenance.

CODIFIED ORDINANCES OF CANAL FULTON
PART THIRTEEN - BUILDING CODE

CHAPTER 1301
Ohio Building Code

1301.01	Adoption.	1301.06	Violations.
1301.02	Purpose.	1301.07	Stop work order.
1301.03	Scope.	1301.08	Conflict.
1301.04	Compliance.	1301.09	Enforcement.
1301.05	Existing structures.	1301.99	Penalty.

CROSS REFERENCES

See sectional histories for similar State law
 Removal of unsafe structures - see Ohio R.C. 715.26(B), 715.261
 Power to enact further and additional regulations - see Ohio R.C. 3781.01
 Authorization by Board of Building Standards - see Ohio R.C. 3781.12
 Enforcement - see Ohio R.C. 3781.03, 3781.031, 3781.10(E), 3781.102, 3781.19
 Final jurisdiction - see Ohio R.C. 3781.04
 Application - see Ohio R.C. 3781.06, 3781.10(E), 3781.11(A)
 Submission of plans - see Ohio R.C. 3791.04
 Dead bolt locks in apartment buildings - see Ohio R.C. 3781.103
 Smoke detection system for apartments and condominiums - see
 Ohio R.C. 3781.104
 Automatic sprinkler systems - see Ohio R.C. 3781.105, 3791.041 et seq.
 Fire suppression systems - see Ohio R.C. 3781.108
 Use of public buildings by handicapped persons - see Ohio R.C. 3781.111
 Energy conservation - see Ohio R.C. 3781.181, 3781.182, 3781.21
 Abandoned service stations - see Ohio R.C. 3791.11 et seq.
 Safety standards for refuse containers - see Ohio R.C. 3791.21

1301.01 ADOPTION.

There is hereby adopted by the Municipality, the Ohio Building Code (OBC) and related codes as adopted by the Ohio Board of Building Standards, Department of Industrial Relations, effective January 1, 2002, and as identified and published in Division 4101:1 et seq. of the Ohio Administrative Code (OAC).

1301.02 PURPOSE.

The purpose of the Ohio Building Code is to establish uniform minimum requirements for the erection, construction, repair, alteration, and maintenance of buildings, including construction of industrialized units. Such requirements shall relate to the conservation of energy, safety, and sanitation of buildings for their intended use and occupancy with consideration for the following:

- (a) Performance. Establish such requirements, in terms of performance objectives for the use intended.
- (b) Extent of Use. Permit to the fullest extent feasible, the use of materials and technical methods, devices, and improvements which tend to reduce the cost of construction without affecting minimum requirements for the health, safety, and security of the occupants of buildings without preferential treatment of types or classes of materials or products or methods of construction.
- (c) Standardization. To encourage, so far as may be practicable, the standardization of construction practices, methods, equipment, material and techniques, including methods employed to produce industrialized units.

The rules of the Board of Building Standards and proceedings shall be liberally construed in order to promote its purpose. When the Building Official finds that the proposed design is a reasonable interpretation of the provisions of this Code, it shall be approved. Materials, equipment and devices approved by the Building Official pursuant to Section 118 of the Ohio Building Code shall be constructed and installed in accordance with such approval.
(OBC 101.3)

1301.03 SCOPE.

The provisions of the Ohio Building Code shall apply to the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance, removal and demolition of every building or structure or any appurtenances connected or attached to such buildings or structures. No building or its equipment or accessories, to which the rules of the Board of Building Standards apply shall be erected, constructed, or installed, except in conformity with the rules of the Board. Exceptions:

- (a) Detached one-, and two-, and three-family dwellings and structures incidental to those dwellings which are not constructed as industrialized units shall comply with local residential codes, of any, adopted by the authority having jurisdiction. This exception does not include the energy provisions required in "Chapter 13, Energy Efficiency" of the OBC (see Sections 3781.06, 3781.181 and 3781.182 of the Ohio Revised Code);
- (b) Buildings owned by and used for a function of the United States Government;

- (c) Buildings or structures which are incident to the use for agricultural purposes of the land on which said buildings or structures are located, provided such buildings or structures are not used in the business of retail trade; for the purposes of this section, a building or structure is not considered used in the business of retail trade if fifty percent or more of the gross income received from sales of products in the building or structure by the owner or operator is from sales of products produced or raised in a normal crop year on farms owned or operated by the seller. (See Sections 3781.06 and 3781.061 of the Ohio Revised Code);
- (d) Agricultural labor camps;
- (e) Type A or Type B family day-care homes;
- (f) Buildings or structures which are designed, constructed and maintained in accordance with federal standards and regulations and are used primarily for federal and state military purposes where the U.S. Secretary of Defense, pursuant to 10 U.S.C. Sections 18233(a)(1) and 18237, has acquired by purchase, lease, or transfer, and constructs, expands, rehabilitates, or corrects and equips, such buildings or structures as he determines to be necessary to carry out the purposes of Chapter 1803 of the U.S.C.;
- (g) Manufactured homes constructed under "24 CFR Part 3280", "Manufactured Home Construction and Safety Standards".
(OBC 101.2)

1301.04 COMPLIANCE.

(a) No owner or any other person shall construct, erect, build or equip any building or structure to which the Ohio Building Code is applicable, or make any addition thereto or alteration thereof, except in case of repairs for maintenance without affecting the construction, sanitation, safety or other vital feature of such building or structure, without complying with this chapter, Ohio R.C. Chapters 3781 and 3791 or the Ohio Building Code, or fail to comply with any lawful order issued pursuant thereto.

(ORC 3791.01, 3791.02)

(b) No architect, builder, engineer, plumber, carpenter, mason, contractor, subcontractor, foreman or employee shall violate or assist in violating this chapter, Ohio R.C. Chapters 3781 and 3791 or the Ohio Building Code, or fail to comply with any lawful order issued pursuant thereto.

(ORC 3791.01, 3791.03)

(c) No owner or any other person shall proceed with the construction, erection, alteration or equipment of any building or structure to which the Ohio Building Code is applicable without complying with this chapter and the plan and specification submission and processing requirements of the Municipality, and until plans or drawings, specifications and data have been approved, or the industrialized unit has been inspected at the point of origin.

(ORC 3791.04)

1301.05 EXISTING STRUCTURES.

The provisions of Chapter 34 of the Ohio Building Code shall control the alteration, repair, addition, and change of occupancy of any existing structure.

The occupancy of any structure currently existing on the date of adoption of this Code shall be permitted to continue without change provided the alleged occupancy can be shown to have existed for more than two years and there are no orders of the Building Official pending, no evidence of fraud, or no serious safety or sanitation hazard.

Buildings constructed in accordance with plans which have been approved prior to the effective date of this Code are existing buildings.

(OBC 102.6)

1301.06 VIOLATIONS.

(a) Adjudication Orders Required Before Legal Proceedings. Before the Municipality attempts to enforce Chapters 3781 and 3791 of the Ohio Revised Code or any rules adopted pursuant thereto, by any remedy, civil or criminal, it shall issue an adjudication order within the meaning of Sections 119.06 to 119.13 of the Ohio Revised Code or a stop work order as provided in Section 1301.07. Every adjudication order shall:

- (1) Cite the law or rules directly involved and shall specify what appliances, site preparations, additions, or alterations to structures, plans, materials, assemblages or procedures are necessary for the same to comply with Chapters 3781 and 3791 of the Ohio Revised Code.
- (2) Include notice to the party of the procedure for appeal and right to a hearing if requested within thirty days of the mailing of the notice. The notice shall also inform the party that at the hearing he may be represented by counsel, present his arguments or contentions orally or in writing and present evidence and examine witnesses appearing for or against him.

(b) Notice of Violation. The Building Official is authorized to serve a notice of violation or order on the person responsible for the erection, construction, alteration, extension, repair, moving, removal, demolition or occupancy of a building or structure. When the Building Official finds that work or equipment is contrary to approved construction documents and the rules of the Board of Building Standards, the Building Official shall send a notice in writing to the owner of said building or the owner's agent which shall state where and in what respect the work or equipment does not conform to the approved plans for same and the rules of the Board. The notice shall specify a reasonable period of time in which to conform to said plans or the rules of the Board. Before any work may continue on the construction, erection, alteration, or equipment of any building for which the approval is invalid, the owner of the building shall resubmit the plans or drawings and specifications for approval as required under Section 105.3 of the Ohio Building Code.

(c) Prosecution of Violation. Upon the issuance of any order provided for in this section or Section 1301.07, the person receiving an order shall cease work upon the site preparations or structure to be constructed, or in the case of an industrialized unit, the installation of the unit, or shall cease using the appliance, materials, assemblages or manufactured product identified in the order until such time as the appeal provided for in accordance with the provisions of Section 3781.19 of the Ohio Revised Code and all appeals from such hearing have been completed, or the order has been released.

(OBC 113)

1301.07 STOP WORK ORDER.

(a) Authority. Whenever the Building Official finds any work regulated by this Code being performed in a manner contrary to the provisions of this Code or in a dangerous or unsafe manner, the Building Official is authorized to issue a stop work order whenever the Building Official finds, after inspection, that the site preparations or structure to be constructed, or in the case of an industrialized unit, the installation of the unit, or that the use of an appliance, materials, assemblage, or manufactured product does not comply with the provisions of Chapters 3781 and 3791 of the Ohio Revised Code or the rules adopted pursuant thereto. The effect of such an order shall be limited to the matter specified in the order.

(b) Issuance. The stop work order shall be in writing and shall be given to the owner of the property involved, or to the owner's agent and the person doing the work. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order, and the conditions under which the cited work will be permitted to resume.

(c) Unlawful Continuance. 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. Failure to cease work after receipt of a stop work order is hereby declared a public nuisance.
(OBC 114)

1301.08 CONFLICT.

(a) General. Where, in any specific case, different sections of the Ohio Building Code specify different materials, methods of construction or other requirements, the most restrictive shall govern. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.

(b) Other Laws. The provisions of the Ohio Building Code shall not be deemed to nullify any provisions of state or federal law. The Municipality, under Section 3781.01 of the Ohio Revised Code, may make further and additional regulations, not in conflict with Chapters 3781 and 3791 of the Ohio Revised Code or with the rules of the Board of Building Standards. However, under Section 3781.12 of the Ohio Revised Code, approval by the Board of Building Standards of any fixture, device, material, system, assembly or product of a manufacturing process, or method or manner of construction or installation shall constitute approval for their use anywhere in Ohio. The rules of the Board of Building Standards shall supersede and govern any order, standard, or rule of the Division of the Fire Marshal or Industrial Compliance in the Department of Commerce, and Department of Health and of counties and townships, in all cases where such orders, standards or rules are in conflict with the rules of the Board of Building Standards, except that rules adopted and orders issued by the Fire Marshal pursuant to Chapter 3743, of the Ohio Revised Code prevail in the event of a conflict.
(OBC 102)

1301.09 ENFORCEMENT.

(a) General. The Building Official shall enforce provisions of the rules of the Board of Building Standards and of Chapters 3781 and 3791 of the Ohio Revised Code, relating to construction, arrangement, and the erection of buildings or parts thereof as defined in the rules of the Board in accordance with the certification except as follows:

- (1) Fire. The Fire Marshal or Fire Chief shall enforce all provisions of the rules of the Board relating to fire prevention.
- (2) Health. The Department of Health, or the Boards of Health, the Division of Industrial Compliance of the Department of Commerce, or the municipal Department of Building Inspection shall enforce such provisions relating to sanitary construction.
- (3) Engineering. The Department of the City Engineer, in cities having such departments, has complete supervision and regulation of the entire sewerage and drainage system of the City, including the house drain and the house sewer and all laterals draining into the street sewers. The department shall have control and supervision of the installation and construction of all drains and sewers that become a part of the sewerage system of the City and shall issue all the necessary permits and licenses for the construction and installation of all house drains and house sewers and of all other lateral drains that empty into the main sewers. Such Department shall keep a permanent record of the installation and location of every drain and sewerage system of the City.
- (4) No officer exempted. This section does not exempt any officer or department from the obligation of enforcing any provision of the rules of the Board.
- (5) Interpretations. The Building Official shall have the authority to render interpretations of the Ohio Building Code and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be in compliance with the intent and purpose of this Code.

(b) Applications and Approvals. The Building Official shall receive applications, require the review of submitted construction documents and issue plan approvals for the erection, and alteration, demolition and moving of buildings and structures, inspect the premises for which such approvals have been issued and enforce compliance with the provisions of this Code.

(c) Notices and Orders. The Building Official shall issue all necessary notices or orders to ensure compliance with this Code. When the Building Official finds that work or equipment is contrary to approved plans therefor and the rules of the Board, the Building Official shall send a notice in writing to the owner of said building or the owner's agent. The notice shall state where and in what respect the work or equipment does not conform to the approved plans for same and the rules of the Board, and specify a reasonable period of time in which to conform to said plans or the rules of the Board.

(d) Inspections. If the plans for the erection, construction, repair, alteration, relocating, or equipment of a building are subject to inspection by the Building Official, under Section 109 of the Ohio Building Code, the Building Official shall cause to be made such inspections, investigations, and determinations as are necessary to determine whether or not the work which has been performed and the installations which have been made are in conformity with the approved plans and to safety and sanitation, except special inspections required under Section 1704 of the Ohio Building Code.

(e) Identification. The Building Department personnel shall show, when requested, proper identification when entering structures or premises in the performance of duties under this Code.

(f) Right of Entry. The Building Official, or Building Official's designee, is authorized to enter a structure or premises at reasonable times to inspect or to perform the duties imposed by this Code, provided that credentials are presented to the occupant and that entry is requested and obtained. Where permission to enter has not been obtained, is denied, or the Building Official has probable cause to believe that there exists in a structure or upon a premises a condition which is a serious hazard the Building Official shall have recourse to the remedies provided by law to secure entry.

(g) Department Records. The Building Official shall keep official records of applications received, certificate of plan approval issued, notices and orders issued, certificate of occupancy, and other such records required by the rules of the Board of Building Standards. Such information shall be retained in the official permanent record for each project. One set of approved construction documents shall be retained by the Building Official for a period of not less than one hundred eighty days from date of completion of the permitted work, or as required by document retention regulations.

(h) Liability. Liability of certified Building Department personnel for any tortuous act will be determined by Ohio courts to the applicable provisions of Chapter 2744 of the Ohio Revised Code.
(OBC 104)

1301.99 PENALTY.

Whoever violates any provision of this chapter or any Code adopted herein or fails to comply with any lawful order issued pursuant thereto is guilty of a misdemeanor of the first degree and shall be fined not more than one thousand dollars (\$1,000) or imprisoned not more than six months or both. Each day during which noncompliance or a violation continues shall constitute a separate offense. The Municipality may institute injunction proceedings in Common Pleas Court to abate the nuisance of failure to cease work after receipt of a stop work order as referred to in Section 1301.07.

CHAPTER 1311
Stark County Residential Building Code

1311.01	Adoption.	1311.03	Liability.
1311.02	Enforcement.	1311.04	Copies.
1311.03	Liability.	1311.05	Amendments.

CROSS REFERENCES

Power to regulate building erection - see Ohio R.C. 715.26, 715.29, 737.28
Adoption of technical codes - see Ohio R.C. 731.231

1311.01 ADOPTION.

The most recent edition of the Stark County Residential Building Code and all amendments thereto, enacted prior to the effective date of this section, is hereby adopted by the City as its own residential building code.

1311.02 ENFORCEMENT.

The Board of Commissioners of Stark County, Ohio, shall administer and enforce such residential building code.

1311.03 LIABILITY.

The City agrees to hold the County harmless from all claims or causes of action of every kind and nature arising from the acts of the County, its agents and employees or representatives in the administration and enforcement of the residential building code.

1311.04 COPIES.

A complete copy of the Stark County Residential Building Code shall be on file with the Clerk of Council for inspection by the public. The Clerk of Council shall file copies with the Stark County Law Library, the Stark County Courthouse and shall have copies available for distribution to the public at cost.

1311.05 AMENDMENTS.

The amendments to-the One, Two and Three Family Residential Building Code Fee Schedule of Stark County, dated April 1, 1987, be, and the same hereby are, incorporated herein by reference as though fully rewritten herein and adopted by the Village as amendments to its own Residential Building Code. (Ord. 19-87. Passed 4-7-87.)

CHAPTER 1321
National Electrical Code

1321.01	National Electrical Code adopted; compliance.	1321.02	File and distribution copies.
		1321.99	Penalty.

CROSS REFERENCES

Power to regulate building erection - see Ohio R.C. 715.26,
715.29, 737.28, 737.37

Power to license electricians - see Ohio R.C. 715.27

Adoption of technical codes - see Ohio R. C. 731.231

Electrical fences prohibited- see GEN. OFF. 521.07

1321.01 NATIONAL ELECTRICAL CODE ADOPTED; COMPLIANCE.

Under the provisions of Ohio R.C. 731.231, there is hereby adopted by the Municipality and incorporated as if fully set out herein, for the purpose of prescribing basic minimum provisions considered necessary for the safety of persons and of buildings and their contents from hazards arising from the use of electricity for light, heat, power, radio, signaling and for other purposes, that certain code known as the National Electrical Code, 1981 edition, recommended by the National Fire Protection Association. All electrical equipment and the installation thereof shall conform to the provisions of the National Electrical Code as adopted herein.

1321.02 FILE AND DISTRIBUTION COPIES.

A complete copy of the National Electrical Code as adopted herein is on file with the Council Clerk for inspection by the public and also on file in the County Law Library. The Council Clerk has copies available for distribution to the public at cost.

1321.99 PENALTY.

Whoever violates any of the provisions of this chapter or of the National Electrical Code as adopted herein guilty of a minor misdemeanor. Each day of a continued violation shall be deemed to be a separate offense.

CHAPTER 1331
Demolition of Structures

1331.01	Permit required.	1331.03	Inspection.
1331.02	Issuance of permit.	1331.99	Penalty.

CROSS REFERENCES

Removal of unsafe structures - see Ohio R.C. 715.26(B), 715.261

1331.01 PERMIT REQUIRED.

Any owner of real estate situated within the City shall, prior to razing any structure situated thereon, apply for a permit from the Clerk of Council for permission to so demolish any such structure. (Ord. 6-1975. Passed 3-4-75.)

1331.02 ISSUANCE OF PERMIT.

The conditions precedent for the issuance of the permit shall be as follows:

- (a) Any sanitary sewer lateral line which may serve the structure must be properly sealed from the main line under the supervision of the City Engineer and to the satisfaction of the City Manager. (A.O.)
- (b) A deposit by cash or certified check made payable to the City shall be required in an amount which in the estimation of the Board would be sufficient to pay for the cost of sealing the sanitary sewer lateral line in the event the owner failed to properly seal same. (Ord. 6-1975. Passed 3-4-75.)

1331.03 INSPECTION.

Upon approved inspection of the sanitary sewer lateral line seal by the City Engineer, he shall certify same to the Clerk of Council, who shall then release the deposit. (Ord. 6-1975. Passed 3-4-75.)

1331.99 PENALTY.

Any owner who violates any of the terms and provisions of this chapter is guilty of a minor misdemeanor. (Ord. 6-1975. Passed 3-4-75.)

CHAPTER 1341
Property Numbering System

1341.01	System adopted.	1341.03	Enforcement; records.
1341.02	Conformity required.	1341.04	Penalty.

CROSS REFERENCES

Power to regulate building numbering - see Ohio R.C. 715.26

1341.01 SYSTEM ADOPTED.

A uniform system of numbering properties and principal buildings-as shown on the map identified by the title "Uniform House Numbering" which is filed in the office of the Clerk of Council, is hereby adopted for use in the City. This map and all explanatory matter therein, is hereby adopted and made a part of this chapter. (Ord. 10-61. Passed 11-7-61.)

1341.02 CONFORMITY REQUIRED.

(a) All properties or parcels of land within the corporate limits of the City shall hereafter be identified by reference to the uniform numbering system adopted herein; provided, all existing numbers of property and buildings not now in conformity with the provisions of this chapter shall be changed to conform to the system herein adopted within six months of the enactment of this chapter.

(b) A separate number shall be assigned for each ten feet of frontage in business or commercial districts. In other districts a separate number shall be assigned for each twenty feet of frontage.

(c) Each principal building shall bear the number assigned to the frontage on which the front entrance is located. In case a principal building is occupied by more than one business or family dwelling unit, each separate front entrance of such principal building shall bear a separate number.

(d) Numbers indicating the official numbers for each principal building or each front entrance to such building shall be posted in a manner as to be visible from the street on which the property is located. Such designated number may be obtained from the Clerk of Council as provided in Section 1341.03. (Ord. 10-61. Passed 11-7-61.)

1341.03 ENFORCEMENT; RECORDS.

- (a) The Clerk of Council shall be responsible for maintaining the numbering system.
- (b) The Clerk of Council shall keep a record of all numbers assigned under this chapter.
- (c) The Clerk of Council shall provide to any property owner in the City, upon request and without charge, the designated number assigned to the property. Such numerals shall be erected at the owner's expense. Additional numbers may be issued in accordance with the official numbering system, wherever a property has been subdivided, a new front entrance opened, or undue hardship has been worked on any owner. (Ord. 10-61. Passed 11-7-61.)

1341.99 PENALTY.

Whoever violates any provision of this chapter is guilty of a minor misdemeanor. Each day on which a violation occurs or continues shall be deemed a separate offense.

CHAPTER 1351
Oil and Gas Well Regulations

1351.01 Review of proposed sites.

CROSS REFERENCES
State provisions - see Ohio R.C. Ch. 1509

1351.01 REVIEW OF PROPOSED SITES.

Council will not agree upon any oil or gas well drilling within the limits of the Village until a definite location of the proposed well is presented and all aspects are reviewed by the Planning Commission, been the subject of a public hearing and been approved by Council, due to the following reasons:

- (a) Possible effects on the natural flow of the Tuscarawas River and the Ohio and Erie Canal, a national historic asset.
- (b) Damage to water tables.
- (c) Property values.
- (d) Hindrance of future development of the areas which such well would be constructed on.
- (e) Possible interruption of extended utilities within the City, prohibiting growth. (Ord. 41-88. Passed 11-1-88.)

CHAPTER 1361
Exterior Property Maintenance

1361.01	Purpose.	1361.06	Hearings by Planning Commission.
1361.02	Definitions.	1361.07	Right of appeal; hearings.
1361.03	Maintenance responsibilities.	1361.99	Penalty.
1361.04	Maintenance requirements.		
1361.05	Notice to violations; order to comply.		

CROSS REFERENCES

Ohio Basic Building Code - see BLDG. Ch. 1301
Stark County Residential Building Code - see BLDG. Ch. 1311
Property numbering - see BLDG. Ch. 1341

1361.01 PURPOSE.

The purpose of this Exterior Maintenance Code is to establish minimum standards to maintain the exteriors of all buildings in the City and to provide that these buildings are safe, sanitary, do not constitute a blighting influence on the community; to fix responsibilities for owners and occupants of structures that need maintenance; and to provide for the adoption of rules, and to fix responsibilities for owners and occupants of structures that need maintenance; and to provide for the adoption of rules, and to fix penalties for violations thereof. (Ord. 23-89. Passed 6-20-89.)

1361.02 DEFINITIONS.

As used in this chapter, the following terms shall have the following definitions:

- (a) "Building" means any industrial, commercial, retail, storage or residential structure; including an accessory building either attached to or incidental to a structure.
- (b) "Business" means all uses or occupants other than owner occupied residential including but not limited to retail establishments, restaurants, gasoline stations, and/or other buildings open to the public.
- (c) "Code" means this Exterior Maintenance Code.
- (d) "Occupant" means the person who occupies a building, structure, or any portion thereof. The words tenant and occupant shall be considered synonymous.
- (e) "Operator" means a person who has charge, care or control of a business structure.
- (f) "Owner" means the owner of the premises or one of the owners of the premises if owned by more than one person, including the holder of title thereto subject to contract of purchase, a vendee in possession, a mortgagee or receiver in possession, a lessee or joint lessees of the whole thereof, or an agent or any person, firm, corporation or fiduciary directly in control of the premises.

- (g) "Person" means a person, firm, partnership, association, corporation, company, organization or association of persons of any kind.
- (h) "Planning Board" means the Planning Commission of the City.
- (i) "Zoning Inspector" means the Zoning Inspector or the authorized agent of the Village. (Ord. 23-89. Passed 6-20-89.)

1361.03 MAINTENANCE RESPONSIBILITIES.

(a) No owner or operator shall occupy, rent or lease, or offer rental or lease, any structure or any parts thereof which do not comply with the provisions of this Code.

(b) The owner or operator of every building or structure shall be responsible for maintaining a clean, safe and sanitary condition, the shared or common areas of the premises, including all yard areas, walks, driveways, parking lots, and including the public sidewalk area adjoining the building on the public right of way. The owner, or operator, shall be responsible for snow and ice removal, rubbish removal and other obvious activities relative to the maintenance of a safe and sanitary structure.

(c) The occupant of any building or structure shall be responsible for maintaining in a clean, safe and sanitary condition that part of the premises which he occupies and controls. (Ord. 23-89. Passed 6-20-89.)

1361.04 MAINTENANCE REQUIREMENTS.

(a) The exterior of all buildings shall be maintained in good repair.

(b) All foundations of every building shall be structurally sound.

(c) All roofs and chimneys of every building shall be structurally sound and maintained in good repair.

(d) All exterior walls and features of every structure shall be maintained so as to resist decay or deterioration from any cause. Any building whose exterior surface is bare, deteriorated, decaying, disintegrating or in poor repair, must be repaired, replaced or razed.

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

(2) Improperly installed or maintained public sidewalks, walks, driveways and driveway aprons which are in defective condition, and/or are not in conformance with the Codified Ordinances.

(Ord. 23-89. Passed 6-20-89.)

1361.05 NOTICE OF VIOLATIONS; ORDER TO COMPLY.

Whenever the Zoning Inspector determines that there has been a violation of any provision of this Code, he shall give notice of such violation to the person responsible therefor and order compliance with such provision, as hereinafter provided. Such notice and order shall:

(a) Be put in writing or an appropriate form;

(b) Include a list of violation, refer to the section or sections violated and order remedial action which, if taken, will effect compliance with the provisions of this Code;

- (c) Specify a reasonable time for performance;
- (d) Advise the owner, operator or occupant of the procedure for appeal;
- (e) Be served upon the owner, occupant or agent in person, provided, however, that such notice and order shall be deemed to be properly served upon such owner, occupant or agent if a copy thereof is sent by certified mail to his last known address. (Ord. 23-89. Passed 6-20-89.)

1361.06 HEARINGS BY PLANNING COMMISSION.

The Planning Commission is authorized by this Code to conduct hearings and shall adopt procedures for the same. (Ord. 23-89. Passed 6-20-89.)

1361.07 RIGHT OF APPEAL; HEARINGS.

(a) Any person affected by any notice and order which has been issued in connection with the enforcement of any provisions of this Code may request and shall be granted a hearing on the matter before the Planning Commission, provided that such person shall file in the office of the Zoning Inspector a written petition requesting such hearing and setting forth the name, address and phone number of the petitioner and a brief statement of the grounds for such hearing and appeal from any order of the Zoning Inspector. Petitions shall be filed within ten days after the day the notice and order is served. Upon receipt of such petition, the Zoning Inspector shall set a time and place for the hearing before the Planning Commission and shall give the petitioner written notice thereof. The hearing shall be commenced within thirty days after a petition has been filed. At such hearing the petitioner shall be given an opportunity to be heard and to show cause why such notice and order should be modified or withdrawn. The failure of the petitioner or his representative to appear and state his cause at such hearing shall be grounds for dismissal of such petition.

(b) Upon hearing, the Planning Commission may affirm, amend, modify or withdraw such notice and order, and the petitioner and the Zoning Inspector shall be notified in writing of such findings.

(c) The proceedings at such hearings, including the findings and decision of the Planning Commission and reasons therefor, shall be summarized and reduced to writing and entered as a matter of public record in the office of the Zoning Inspector. Such record shall also include a copy of every notice and order issued in connection with the matter. Any person aggrieved by the decision of the Planning Commission may seek relief therefrom in any court of competent jurisdiction as provided by the laws of the State. (Ord. 23-89. Passed 6-20-89.)

1361.99 PENALTY.

(a) Any person who shall violate any provision of this chapter, shall be guilty of a misdemeanor of the fourth degree.

(b) In addition, the Zoning Inspector is authorized to direct the City Manager to deny any new utility turn-on, for any vacant building which does not comply with this Code. (Ord. 23-89. Passed 6-20-89.)