

*McNally*

ORD - 16 - 119

DEPARTMENT OF LAW

AN ORDINANCE

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**AMENDING THE CODIFIED ORDINANCES OF THE CITY OF YOUNGSTOWN**

**REPEALING IN ITS ENTIRETY, CHAPTER 546, PROPERTY MAINTENANCE CODE, OF THE CODIFIED ORDINANCES OF THE CITY OF YOUNGSTOWN, WHICH IS MORE FULLY DEFINED HEREIN; AND**

**FURTHER, ENACTING A NEW CHAPTER 546, PROPERTY MAINTENANCE CODE TO REPLACE THIS SECTION, WHICH IS MORE FULLY DEFINED HEREIN; AND**

PROVIDING THAT THIS ORDINANCE SHALL BE AN EMERGENCY MEASURE IF IT RECEIVES THE AFFIRMATIVE VOTE OF SIX OF THE MEMBERS OF COUNCIL; OTHERWISE, IT SHALL TAKE EFFECT AND BE IN FORCE FROM AND AFTER THE EARLIEST PERIOD ALLOWED BY LAW.

\* \* \*

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF YOUNGSTOWN, STATE OF OHIO:

**SECTION 1**

That **Chapter 546, Property Maintenance Code**, of the Codified Ordinances of the City of Youngstown, is hereby repealed in its entirety.

**SECTION 2**

That **Chapter 546, Property Maintenance Code** of the Codified Ordinances of the City of Youngstown, is hereby enacted to read as follows:

**546.01 GENERAL.**

(a) **Title.** These provisions shall be known as the City of Youngstown Property Maintenance Code, hereinafter referred to as "this code."

(b) **Scope.** The provisions of this code shall apply to every structure and premises, whether used for residential or nonresidential purposes. This code constitutes minimum requirements and standards for the health, safety and welfare of the public. This code also establishes responsibilities of owners, operators, agents and occupants and provides for licensing of certain properties.

(c) **Intent.** This code shall be construed to secure its expressed intent, which is to ensure public health, safety and welfare, improve aesthetics, and prevent the deterioration of properties and premises within the City. Existing structures which are not in compliance with this code shall be altered or repaired to comply with the provisions herein.

(d) **Severability.** If a section, subsection, sentence, clause or phrase of this code is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this code.

(e) **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, repair or demolition of any structure which is dangerous, unsafe or unsanitary.

(f) **Historic Buildings.** When a building designated as a historic building is judged by the Code Official to be safe, and in the public interest of health, safety, and welfare, the requirements of this Code may be modified.

#### **546.02 DEFINITIONS**

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

(b) **Interchangeability.** Words stated in the present tense include the future; words stated in the masculine gender include the feminine and neutral; the singular number includes and plural, and the plural the singular.

(c) **Terms not defined.** Where terms are not expressly defined in this Code, such terms shall be given the generally accepted dictionary definition. In determining the definition to be used, the context in which the term is used shall be considered, together with the intent of this Code.

(d) **Parts:** Whenever the words "dwelling unit," "dwelling," "premises," "building," or "structure" are stated in this code, they shall be construed as though they were followed by the words "or any part thereof."

(e) **General Definitions.**

- (1) ABANDONED STRUCTURE:** A structure that is unoccupied as the result of the relinquishment of possession or control by an owner or other person with the right of possession or control of the structure, a mortgagor or the mortgagor's assigns whether or not the mortgagor or mortgagor's assigns have relinquished equity and title. A structure may be deemed abandoned when there is evidence of conditions, taken separately or as a whole, that would lead a reasonable person to conclude that the property was abandoned, including, but not limited to, evidence of overgrown or dead vegetation, accumulation of newspapers, circulars, flyers, mail, past due utility notices, or other means of notice by publication, the accumulation of junk, litter, trash, or debris, absence of windows or window treatments, absence of furnishings and personal items, statements of neighbors, delivery agents or similarly situated persons that the property is abandoned.
- (2) APPROVED:** Approved by the Code Official.
- (3) BASEMENT:** That portion of a building which is partly or completely below grade.
- (4) BATHROOM:** A room containing plumbing fixtures including a bathtub or shower.
- (5) BEDROOM:** Any room or space used or intended to be used for sleeping purposes.
- (6) CODE OFFICIAL:** The official who is charged with the administration and enforcement of this code, or any duly authorized representative.
- (7) CONDEMN:** To adjudge unfit for occupancy.
- (8) 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.
- (9) EASEMENT:** That portion of land or property reserved for present or future use by a person or agency other than the legal fee owner(s) of the property. The easement shall be permitted to be for use under, on or above a said lot or lots.
- (10) EXTERIOR PROPERTY:** The open space on the premises

and on adjoining property under the control of owners or operators of such premises.

- (11) **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.
- (12) **GARBAGE:** The animal or vegetable waste resulting from the handling, preparation, cooking and consumption of food.
- (13) **GUARD:** A building component or a system of building components located at or near the open sides of elevated walking surfaces that minimizes the possibility of fall from the walking surface to a lower level.
- (14) **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.
- (15) **HOUSEKEEPING UNIT:** A room or groups of rooms forming a single habitable space equipped and intended to be used for living, sleeping, cooking and eating which does not contain, within such a unit, a toilet, lavatory and bathtub or shower.
- (16) **IMMINENT DANGER:** A condition which could cause serious or life-threatening injury or death at any time.
- (17) **INFESTATION:** The presence, within or contiguous to, a structure or premises of insects, rats, vermin or other pests.
- (18) **INOPERABLE MOTOR VEHICLE:** A vehicle which cannot be driven upon the public streets for reason including but not limited to being unlicensed, wrecked, abandoned, in a state of disrepair, or incapable of being moved under its own power.
- (19) **INSPECTOR:** A person employed by or under contract with the City of Youngstown to perform inspections to determine compliance with Codes and to order corrective measures and/or initiate administrative, civil, or criminal proceedings.

- (20) **LABELED:** Devices, equipment, appliances, or materials to which has been affixed a label, seal, symbol or other identifying mark of a nationally recognized testing laboratory, inspection agency or other organization concerned with product evaluation that maintains periodic inspection of the production of the-above-labeled items and by whose label the manufacturer attests to compliance with applicable nationally recognized standards.
- (21) **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 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 of contract for the sale of land.
- (22) **OCCUPANCY:** The purpose for which a building or portion thereof is utilized or occupied.
- (23) **OCCUPANT:** Any individual living or sleeping in a building or having possession of a space within a building.
- (24) **OPENABLE AREA:** That part of a window, skylight or door which is available for unobstructed ventilation and which opens directly to the outdoors.
- (25) **OPERATOR:** Any person who has charge, care or control of a structure or premises which is let or offered for occupancy.
- (26) **OWNER:** The registered owner of a property, any person who holds legal or equitable title to the property, is a mortgagee, a vendee-in-possession, assignee of rents, executor, trustee, lessee, agent or any other person, firm or corporation that is directly or indirectly in control of a property. The Owner of a property in default or for which a foreclosure action is pending or for which a judgment in foreclosure has been issued shall include the mortgagee, the successor in interest to the mortgagee, the lender or servicing company and any agent acting for the mortgagee, its successors, or a lender or servicing company. Under this definition, there may be more than one "Owner" of a property for purposes of this Chapter.

- (27) **PERSON:** An individual, corporation, partnership or any other group acting as a unit.
- (28) **PERSON IN CONTROL:** The owner of a freehold estate of the premises; a mortgagee or vendee in possession; a receiver; an executor; a trustee; and any person, public or private entity, lessee or holder of a lesser estate in the premises, and/or its duly authorized agent(s), with the authority to bring a building or premises into compliance with the provisions of this code, including, but not limited to, a mortgagee that has filed an action in foreclosure on the particular premises at issue, based on breach or default or a mortgage agreement, until title to the premises is transferred to a third party.
- (29) **PREMISES:** A lot, plot or parcel of land, easement or public way, including any structures thereon.
- (30) **PUBLIC WAY:** Any street, alley or similar parcel of land essentially unobstructed from the ground to the sky, which is deeded, dedicated or otherwise permanently appropriated to the public for public use.
- (31) **RENTAL UNIT:** Any dwelling unit, housekeeping unit, rooming unit, or structure let or rented as a residence to a person who 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 of contract for the sale of the land.
- (32) **ROOMING HOUSE:** A building arranged or occupied for lodging, with or without meals, for compensation and not occupied as a one- or two-family dwelling.
- (33) **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.
- (34) **RUBBISH:** Combustible and noncombustible waste materials, except garbage; the term shall include the residue from the burning of wood, coal, coke and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery and dust and other similar materials.

- (35) **SECURE:** To place a covering over all doors and windows which are within fifteen feet of the exterior grade, consisting of one-half inch thick plywood or polycarbonate attached to the framing of all such doors and windows by wood screws of a minimum length of one and one-half inches, placed twelve inches on center. Plywood shall be painted with a minimum of two coats of exterior paint, and shall be of a color that generally matches the structure.
- (36) **STRICT LIABILITY OFFENSE:** An offense which the prosecution in a legal proceeding is not required to prove criminal intent as part of its case. It is enough to prove that the defendant either did an act which was prohibited, or failed to do an act which the defendant was legally required to do.
- (37) **STRUCTURE:** That which is built or constructed or a portion thereof.
- (38) **STRUCTURE UNFIT FOR HUMAN OCCUPANCY:** A structure that the Code Official finds to be 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.
- (39) **TENANT:** A person, corporation, partnership or group, whether or not the legal owner of record, occupying a building or portion thereof as a unit.
- (40) **TOILET ROOM:** A room containing a water closet or urinal but not a bathtub or shower.
- (41) **UNLAWFUL STRUCTURE:** A structure that is found to be in violation of this code.
- (42) **UNSAFE EQUIPMENT:** Equipment including 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.

**(43) UNSAFE STRUCTURE:** A structure that is found to be dangerous to the life, health, property or safety of the public or the occupants of the structure because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation, that partial or complete collapse is possible.

**(44) VACANT STRUCTURE:** A structure that is not lawfully occupied or that otherwise qualifies as "Abandoned" under this Section. Multi-family residential structures shall be considered vacant when substantially all of the dwelling units are not lawfully occupied or that otherwise qualifies as "Abandoned" under this Section. Commercial structures shall be considered vacant when all commercial activity has ceased at the site or that otherwise qualifies as "Abandoned" under this Section. Multi-tenant commercial structures shall be considered vacant when substantially all of the units are not lawfully occupied or engaging in commercial activity, or that otherwise qualifies as "Abandoned" under this Section. Industrial structures shall be considered abandoned when all industrial or manufacturing activity has ceased at the site or that otherwise qualifies as "Abandoned" under this Section. Multi-tenant industrial structures shall be considered vacant when substantially all of the units are not lawfully occupied or engaging in industrial or manufacturing activity, or that otherwise qualifies as "Abandoned" under this Section.

In determining whether a structure is vacant, it is also relevant to consider, among other factors, the percentage of the overall square footage of the building or floor not in use to the occupied space; the condition and value of any items in the structure and the presence of rental or for sale signs on the property.

A property that is temporarily unoccupied and is in the process of being renovated under proper and unexpired permits shall not be considered vacant.

A property that is listed for sale with a licensed realtor under a fully executed listing agreement shall not be considered vacant for the first six months of the listing agreement under which the property was first listed for sale. Such property shall be considered vacant for purposes of this Section upon the expiration of the first six month period for which it is first listed for sale or upon a subsequent re-listing with the same or

a different licensed realtor. Unoccupied property listed as "For Sale by Owner" shall be considered vacant for purposes of this Section.

- (45) **VENTILATION:** The natural or mechanical process of supplying conditioned or unconditioned air to, or removing such air from, any space.
- (46) **WEEDS:** Any grasses, weeds and plants, including, but not limited to, thistles, jimsonweed, burdock, ragweed, cocklebur and any plants or vegetation, other than trees, bushes, flowers, cultivated ornamental flowers, trees, bushes and plants.
- (47) **WORKMANLIKE:** Executed in a skilled manner; e.g., generally plumb, level, square, in line, undamaged and without marring adjacent work.
- (48) **YARD:** An open space on the same lot with a structure.

#### **546.03 ENFORCEMENT**

(a) **Code Official:** There shall be appointed, by the Mayor, a Code Official charged with enforcing this code both directly and indirectly through his or her designees. The Code Official is authorized to make and adopt such rules and policies as may be necessary for the proper enforcement of this code.

(b) **Liability:** The Code Official, his or her designees, and any officers, employees, or agents charged with enforcing this code, while acting in their official capacity, on behalf of the City of Youngstown, shall have no personal liability.

(c) **Entry and Inspection.** The Code Official, his or her designees and any officers, employees and agents charged with enforcing this code are authorized to enter upon any premises, at reasonable times, for purposes of conducting an exterior inspection. Said persons may inspect the interior of any premises, at reasonable times, with the consent of the property owner or occupant. If consent is denied, the inspector may not enter unless there are exigent circumstances or an administrative or other warrant is obtained.

(d) **Owner access.** Every occupant of a rental unit shall give the owner or operator thereof, his agent or employee, access to any part of a structure or premises, dwelling, dwelling unit or rooming unit at reasonable times for the purpose of permitting such inspections,

maintenance, repairs or alterations as are necessary to comply with the provisions of this code. Except in the case of emergency, or if it is impracticable to do so, the owner or operator must give the occupant reasonable notice of the intent to enter. Twenty-four hours is presumed to be reasonable notice, in the absence of evidence to the contrary.

#### **546.04 GENERAL PROPERTY MAINTENANCE**

##### **Exterior Property Areas**

(1) **SANITATION.** All exterior property and premises shall be maintained free from an unreasonable accumulation of waste, trash, garbage and rubbish. In determining whether such accumulation is unreasonable, the Code Official or his or her designee shall consider whether it is unsightly, has an unpleasant odor, or is otherwise detrimental to the health, safety and welfare of the area in which it is found. Where an accumulation is specifically allowed under another provision of this Code, on a temporary basis, it shall not be considered unreasonable.

(2) **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:** Approved retention areas and reservoirs.

(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 in excess of eight inches.

(5) **RODENT HARBORAGE.** All structures and exterior property shall be kept free from rat harborage and infestation. Where rodents 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 eliminate rodent harborage and prevent reinfestation.

(6) **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.

**(7) ACCESSORY STRUCTURES.** All accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in good repair.

**(8) MOTOR VEHICLES.** Except as otherwise provided for in other regulations, no inoperative or unlicensed motor vehicles shall be parked, kept or stored on any premises, and no vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. Painting of vehicles is prohibited unless conducted inside an approved spray booth.

**Exception:** A vehicle of any type is permitted to undergo major overhaul, including body work, provided that such work is performed inside a structure or similarly enclosed area designed and approved for such purposes.

**(9) 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.

**(10) SWIMMING POOLS.** Swimming pools shall be maintained in a clean and sanitary condition, and in good repair.

**(11) ENCLOSURES.** Private swimming pools, hot tubs and spas, containing water more than 24 inches in depth shall be completely surrounded by a fence or barrier at least 48 inches in height above the finished ground level measured on the side of the barrier away from the pool. Gates and doors in such barriers shall be self-closing and self-latching. Where the self-latching device is less than 54 inches above the bottom of the gate, the release mechanism shall be located on the pool side of the gate. Self-closing and self-latching gates shall be maintained such that the gate will positively close and latch when released from an open position of 6 inches from the gatepost. No existing pool enclosure shall be removed, replaced or changed in a manner that reduces its effectiveness as a safety barrier.

**(12) 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, and in accordance with the City of Youngstown's Rules of Garbage Collection.

**(13) 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, and in accordance with the City of Youngstown's Rules of Garbage Collection.

#### **Exterior Structure**

**(14) 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.

**(15) PROTECTIVE TREATMENT.** All exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. All siding and masonry joints as well as those between the building envelope and the perimeter of windows, doors, and skylights shall be maintained weather resistant and water tight. All metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion and all surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.

**(16) 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. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be a minimum of 4 inches high with a minimum stroke width of 0.5 inches.

**(17) STRUCTURAL MEMBERS.** All structural members shall be maintained free from deterioration, and shall be capable of safely supporting the imposed dead and live loads.

**(18) 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 rodents and other pests.

**(19) 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.

**(20) ROOFS AND DRAINAGE.** All roofs shall be maintained weather tight and shall be equipped with gutters and downspouts connected to a public storm sewer. 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.

**Exception:** When a roof is in need of repair and repairs cannot be made within a reasonable time due to adverse weather conditions, or other factors outside of the control of the owner, temporary repair measures may be used with the permission of the Code Enforcement and Demolition Department. Permission to use alternative roof coverings; i.e. tarping, to provide a temporary repair to such roof will be afforded to the owner for no longer than 45 days. All tarps shall be properly secured.

**(21) 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.

**(22) OVERHANG EXTENSIONS.** All overhang extensions including, but not limited to canopies, marquees, signs, metal awnings, fire escapes, standpipes and exhaust ducts 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.

**(23) 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.

**(24) CHIMNEYS AND TOWERS.** All chimneys, cooling towers, smoke stacks, and similar appurtenances attached thereto, shall be maintained structurally 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.

(25) **HANDRAILS AND GUARDRAILS.** Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition. Every exterior and interior flight of stairs having more than four risers shall have a handrail on one side of the stair and every open portion of a stair, landing, balcony, porch, deck, ramp or other walking surface which is more than 30 inches above the floor or grade below shall have guards. Handrails shall not be less than 30 inches high or more than 42 inches high measured vertically above the nosing of the tread or above the finished floor of the landing or walking surfaces. Guards shall not be less than 30 inches high above the floor of the landing, balcony, porch, deck, or ramp or other walking surface.

(26) **WINDOW, SKYLIGHT AND DOOR FRAMES.** Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight.

(27) **GLAZING.** All glazing materials shall be maintained free from cracks and holes.

(28) **INSECT SCREENS.** During the period from April 1st to October 31<sup>st</sup> every door, window or other outside opening required for ventilation of 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 not less than 16 mesh per inch and every swinging door shall have a self-closing device in good working condition.

**Exception:** Screens shall not be required where other approved means, such as air curtains or insect repellent fans, are employed.

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

(30) **BASEMENT HATCHWAYS.** Every basement hatchway shall be maintained to prevent the entrance of rodents, rain and surface drainage water. Basement hatchways that provide access to a dwelling unit, rooming unit or housekeeping unit that is rented, leased or let shall be equipped with devices that secure the units

from unauthorized entry.

**(31) GUARDS FOR BASEMENT WINDOWS.** Every basement window that is openable shall be supplied with rodent shields, storm windows or other approved protection against the entry of rodents.

**(32) BUILDING SECURITY.** Doors, windows or hatchways for dwelling units, room units or housekeeping units shall be provided with devices designed to provide security for the occupants and property within.

**(33) 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.

#### **Light**

**(34) HABITABLE SPACES.** Every habitable space shall have at least one window of approved size facing directly to the outdoors or to a court. The minimum total glazed area for every habitable space shall be 8 percent of the floor area of such room. Wherever walls or other portions of a structure face a window of any room and such obstructions are located less than 3 feet from the window and extend to a level above that of the ceiling of the room, such window shall not be deemed to face directly to the outdoors nor to a court and shall not be included as contributing to the required minimum total window area for the room.

**Exception:** Where natural light for rooms or spaces without exterior glazing areas is provided through an adjoining room, the unobstructed opening to the adjoining room shall - be at least 8 percent of the floor area of the interior room or space, but not less than 25 square feet. The exterior glazing area shall be based on the total floor area being served.

**(35) COMMON HALLWAYS AND STAIRWAYS.** Every common hall and stairway in residential occupancies, other than in one- and two-family dwellings, shall be lighted at all times with at least a 60-watt standard incandescent light bulb for each 200 square feet of floor area or equivalent illumination, provided that the spacing between lights shall not be greater than 30 feet. In other than residential occupancies, means of egress, including exterior means of egress stairways shall be illuminated at all times the building space served

by the means of egress is occupied with a minimum of 1 footcandle (11 lux) at floors, landings and treads.

**(36) OTHER SPACES.** All other spaces shall be provided with natural or artificial light sufficient to permit the maintenance of sanitary conditions, and the safe occupancy of the space and utilization of the appliances, equipment and fixtures.

### **Ventilation**

**(37) HABITABLE SPACES.** Every habitable space shall have at least one openable window. The total openable area of the window in every room shall be equal to at least 45 percent of the minimum glazed area.

**Exception:** Where rooms and spaces without openings to the outdoors are ventilated through an adjoining room, the unobstructed opening to the adjoining room shall be at least 8 percent of the floor area of the interior room or space, but not less than 25 square feet. The ventilation openings to the outdoors shall be based on a total floor area being ventilated.

**(38) BATHROOMS AND TOILET ROOMS.** Every bathroom and toilet room shall comply with the ventilation requirements for habitable spaces, except that a window shall not be required in such spaces equipped with a mechanical ventilation system. Air exhausted by a mechanical ventilation system from a bathroom or toilet room shall discharge to the outdoors and shall not be re-circulated.

**(39) COOKING FACILITIES.** Unless approved through the certificate of occupancy, cooking shall not be permitted in any rooming unit or dormitory unit, and a cooking facility or appliance shall not be permitted to be present in a rooming unit or dormitory unit.

**Exception:** Where specifically approved in writing by the code official.

**(40) PROCESS VENTILATION.** Where injurious, toxic, irritating or noxious fumes, gases, dusts or mists are generated, a local exhaust ventilation system shall be provided to remove the contaminating agent at the source. Air shall be exhausted to the exterior and not be re-circulated to any space.

**(41) CLOTHES DRYER EXHAUST.** Clothes dryer exhaust systems shall be independent of all other systems and shall be exhausted in accordance with the manufacturer's instructions.

#### **Occupancy Limitations**

**(42) PRIVACY.** Dwelling units, hotel units, housekeeping units, rooming units and dormitory units shall be arranged to provide privacy and be separate from other adjoining spaces.

**(43) MINIMUM ROOM WIDTHS.** A habitable room, other than a kitchen, shall not be less than 7 feet in any plan dimension. Kitchens shall have a clear passageway of not less than 3 feet between counter fronts and appliances or counter fronts and walls.

**(44) MINIMUM CEILING HEIGHTS.** Habitable spaces, hallways, corridors, laundry areas, bathrooms, toilet rooms and habitable basement areas shall have a clear ceiling height of not less than 7 feet.

#### **Exceptions:**

- 1. In one- and two-family dwellings, beams or girders spaced not less than 4 feet on center and projecting not more than 6 inches below the required ceiling height.**
- 2. Basement rooms in one- and two-family dwellings occupied exclusively for laundry, study or recreation purposes, having a ceiling height of not less than 6 feet 8 inches with not less than 6 feet 4 inches of clear height under beams, girders, ducts and similar obstructions.**
- 3. Rooms occupied exclusively for sleeping, study or similar purposes and having a sloped ceiling over all or part of the room, with a clear ceiling height of at least 7 feet over not less than one-third of the required minimum floor area. In calculating the floor area of such rooms, only those portions of the floor area with a clear ceiling height of 5 feet or more shall be included.**

**(45) BEDROOM REQUIREMENTS.** Every bedroom shall comply with the requirements of subsections (a) through (e) below.

**(a) Area for sleeping purposes.** Every bedroom occupied by one person shall contain at least 70 square feet of floor area, and every bedroom occupied by more than one person shall contain at least 50 square feet of floor area for each occupant thereof.

**(b) Access from bedrooms.** Bedrooms shall not constitute the only means of access to other bedrooms or habitable spaces and shall not serve as the only means of egress from other habitable spaces.

**Exception:** Units that contain fewer than two bedrooms.

**(c) Water closet accessibility.** Every bedroom shall have access to at least one water closet and one lavatory without passing through another bedroom. Every bedroom in a dwelling unit shall have access to at least one water closet and lavatory located in the same story as the bedroom or an adjacent story.

**(d) Prohibited occupancy.** Kitchens and non-habitable spaces shall not be used for sleeping purposes.

**(e) Other requirements.** Bedrooms shall comply with the applicable provisions of this code including, but not limited to, the light, ventilation, room area, ceiling height and room width requirements of this chapter; the plumbing facilities and water-heating facilities requirements, and the heating facilities and electrical receptacle requirements.

**(46) OVERCROWDING.** Dwelling units shall not be occupied by more occupants than permitted by the minimum area requirements of Table 1.

**TABLE 1**

<b>SPACE</b>	<b>MINIMUM AREA IN SQUARE FEET</b>		
	<b>1-2 occupants</b>	<b>3-5 occupants</b>	<b>6 or more occupants</b>
<b>Living room</b>	<b>No requirements</b>	<b>120</b>	<b>150</b>
<b>Dining room</b>	<b>No requirements</b>	<b>80</b>	<b>100</b>
<b>Bedrooms</b>	<b>Shall comply with Section (44) Bedroom Requirements</b>		

**(a) Sleeping area.** The minimum occupancy area required by Table 1 shall not be included as a sleeping area in determining the minimum occupancy area for sleeping purposes. All sleeping areas shall comply with Section (45) Overcrowding.

**(b) Combined spaces.** Combined living room and dining room spaces shall comply with the requirements of Table 1 if the total area is equal to that required for separate rooms and if the space is located so as to function as a combination living room/dining room.

**(47) EFFICIENCY UNIT.** Nothing in this section shall prohibit an efficiency living unit from meeting the following requirements:

**(a)** A unit occupied by not more than two occupants shall have a clear floor area of not less than 220 square feet. A unit occupied by three occupants shall have a clear floor area of not less than 320 square feet.

**(b)** The unit shall be provided with a kitchen sink, cooking appliance and refrigeration facilities, each having a clear working space of not less than 30 inches in front. Light and ventilation conforming to this code shall be provided.

**(c)** The unit shall be provided with a separate bathroom containing a water closet, lavatory and bathtub or shower.

**(d)** The maximum number of occupants shall be three.

**(48) FOOD PREPARATION.** All spaces to be occupied for food preparation purposes shall contain suitable space and equipment to store, prepare and serve foods in a sanitary manner. There shall be adequate facilities and services for the sanitary disposal of food wastes and refuse, including facilities for temporary storage.

#### **Required Facilities**

**(49) DWELLING UNITS.** Every dwelling unit shall contain its own bathtub or shower, lavatory, water closet and kitchen sink which shall be maintained in a sanitary, safe working condition. The lavatory shall be placed in the same room as the water closet or located in close proximity to the door leading directly into the room in which such water closet is located. A kitchen sink shall not be used as a substitute for the required lavatory.

**(50) ROOMING HOUSES.** At least one water closet, lavatory and bathtub or shower shall be supplied for each four rooming units.

**(51) HOTELS.** Where private water closets, lavatories and baths are not provided, one water closet, one lavatory and one bathtub or shower having access from a public hallway shall be provided for each ten occupants.

**(52) EMPLOYEES' FACILITIES.** A minimum of one water closet, one lavatory and one drinking facility shall be available to employees.

**Drinking facilities.** Drinking facilities shall be a drinking fountain, water cooler, bottled water cooler or disposable cups next to a sink or water dispenser. Drinking facilities shall not be located in toilet rooms or bathrooms.

#### **Toilet Rooms**

**(53) PRIVACY.** Toilet rooms and bathrooms shall provide privacy and shall not constitute the only passageway to a hall or other space, or to the exterior. A door and interior locking device shall be provided for all common or shared bathrooms and toilet rooms in a multiple dwelling.

**(54) LOCATION.** Toilet rooms and bathrooms serving hotel units, rooming units or dormitory units or housekeeping units, shall have access by traversing not more than one flight of stairs and shall have access from a common ball or passageway.

**(55) LOCATION OF EMPLOYEE TOILET FACILITIES.** Toilet facilities shall have access from within the employees' working area. The required toilet facilities shall be located not more than one story above or below the employees' working area and the path of travel to such facilities shall not exceed a distance of 500 feet. Employee facilities shall either be separate facilities or combined employee and public facilities.

**Exception:** Facilities that are required for employees in storage structures or kiosks, which are located in adjacent structures under the same ownership, lease or control, shall not exceed a travel distance of 500 feet from the employees' regular working area to the facilities.

**(56) FLOOR SURFACE.** In other than dwelling units, every toilet room floor shall be maintained to be a smooth, hard, nonabsorbent surface to permit such floor to be easily kept in a clean and sanitary condition.

#### **Plumbing Systems and Fixtures**

**(57) GENERAL.** All plumbing fixtures shall be properly installed and maintained in working order, and shall be kept free from obstructions, leaks and defects and be capable of performing the function for which such plumbing fixtures are designed. All plumbing fixtures shall be maintained in a safe, sanitary and functional condition.

**(58) FIXTURE CLEARANCES.** Plumbing fixtures shall have adequate clearances for usage and cleaning.

**(59) PLUMBING SYSTEM HAZARDS.** Where it is found that a plumbing system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, inadequate venting, cross connection, backsiphonage, improper installation, deterioration or damage or for similar reasons, the code official shall require the defects to be corrected to eliminate the hazard.

## **Water System**

**(60) GENERAL.** Every sink, lavatory, bathtub or shower, drinking fountain, water closet or other plumbing fixture shall be properly connected to either a public water system or to an approved private water system. All kitchen sinks, lavatories, laundry facilities, bathtubs and showers shall be supplied with hot or tempered and cold running water.

**(61) CONTAMINATION.** The water supply shall be maintained free from contamination, and all water inlets for plumbing fixtures shall be located above the flood-level rim of the fixture. Shampoo basin faucets, janitor sink faucets and other hose bibs or faucets to which hoses are attached and left in place, shall be protected by an approved atmospheric-type vacuum breaker or an approved permanently attached hose connection vacuum breaker.

**(62) SUPPLY.** The water supply system shall be installed and maintained to provide a supply of water to plumbing fixtures, devices and appurtenances in sufficient volume and at pressures adequate to enable the fixtures to function properly, safely, and free from defects and leaks.

**(63) WATER HEATING FACILITIES.** Water heating facilities shall be properly installed, maintained and capable of providing an adequate amount of water to be drawn at every required sink, lavatory, bathtub, shower and laundry facility at a temperature of not less than 110°F. A gas-burning water heater shall not be located in any bathroom, toilet room, bedroom or other occupied room normally kept closed, unless adequate combustion air is provided. An approved combination temperature and pressure-relief valve and relief valve discharge pipe shall be properly installed and maintained on water heaters.

## **Sanitary Drainage System**

**(64) GENERAL.** All plumbing fixtures shall be properly connected to either a public sewer system or to an approved private sewage disposal system.

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

#### **Storm Drainage**

**(66) 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.

#### **Heating Facilities**

**(67) FACILITIES REQUIRED.** Heating facilities shall be provided in structures as required by this section.

**(68) RESIDENTIAL OCCUPANCIES.** Dwellings shall be provided with heating facilities capable of maintaining a room temperature of 68°F in all habitable rooms, bathrooms and toilet rooms. Cooking appliances shall not be used to provide space heating to meet the requirements of this section.

**Exception:** In areas where the average monthly temperature is above 30°F, a minimum temperature of 65°F shall be maintained.

**(69) HEAT SUPPLY.** Every owner and operator of any building who rents, leases or lets one or more dwelling unit, rooming unit, dormitory or guestroom on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat during the period from October 1<sup>st</sup> to April 30<sup>th</sup> to maintain a temperature of not less than 68°F in all habitable rooms, bathrooms, and toilet rooms.

#### **Exceptions:**

- 1.** When the outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room temperature shall not be required provided that the heating system is operating at its full design capacity.

2. In areas where the average monthly temperature is above 30°F, a minimum temperature of 65°F shall be maintained.

**(70) OCCUPIABLE WORK SPACES.** Indoor occupiable work spaces shall be equipped with heat during the period October 1<sup>st</sup> to April 30<sup>th</sup> to maintain a temperature of not less than 65°F during the period the spaces are occupied.

**Exceptions:**

1. Processing, storage and operation areas that require cooling or special temperature conditions.
2. Areas in which persons are primarily engaged in vigorous physical activities.

**(71) ROOM TEMPERATURE MEASUREMENT.** The required room temperatures shall be measured 3 feet above the floor near the center of the room and 2 feet inward from the center of each exterior wall.

**Mechanical Equipment**

**(72) MECHANICAL APPLIANCES.** All mechanical appliances, fireplaces, solid fuel-burning appliances, cooking appliances and water heating appliances shall be properly installed and maintained in a safe working condition, and shall be capable of performing the intended function.

**(73) REMOVAL OF COMBUSTION PRODUCTS.** All fuel-burning equipment and appliances shall be connected to an approved chimney or vent.

**Exception:** Fuel-burning equipment and appliances which are labeled for unvented operation.

**(74) CLEARANCES.** All required clearances to combustible materials shall be maintained.

**(75) SAFETY CONTROLS.** All safety controls for fuel-burning equipment shall be maintained in effective operation.

**(76) COMBUSTION AIR.** A supply of air for complete combustion of the fuel and for ventilation of the space containing the fuel-burning equipment shall be provided for the fuel-burning equipment.

**(77) ENERGY CONSERVATION DEVICES.** Devices intended to reduce fuel consumption by attachment to a fuel-burning appliance, to the fuel supply line thereto, or to the vent outlet or vent piping therefrom, shall not be installed unless labeled for such purpose and the installation is specifically approved.

### **Electrical Facilities**

**(78) FACILITIES REQUIRED.** Every occupied building shall be provided with an electrical system in compliance with the requirements of this section and Section (o) Electrical Equipment.

**(79) SERVICE.** The size and usage of appliances and equipment shall serve as a basis for determining the need for additional facilities. Dwelling units shall be served by a three-wire, 120/240 volt, single-phase electrical service having a rating of not less than 60 amperes.

**(80) ELECTRICAL SYSTEM HAZARDS.** Where it is found that the electrical system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, improper fusing, insufficient receptacle and lighting outlets, improper wiring or installation, deterioration or damage, or for similar reasons, the code official shall require the defects to be corrected to eliminate the hazard.

### **Electrical Equipment.**

**(81) INSTALLATION.** All electrical equipment, wiring and appliances shall be properly installed and maintained in a safe and approved manner.

**(82) RECEPTACLES.** Every habitable space in a dwelling shall contain at least two separate and remote receptacle outlets. Every laundry area shall contain at least one grounded-type receptacle or a receptacle with a ground fault circuit interrupter. Every bathroom

shall contain at least one receptacle. Any new bathroom receptacle outlet shall have ground fault circuit interrupter protection.

**(83) LIGHTING FIXTURES.** Every public hall, interior stairway, toilet room, kitchen, bathroom, laundry room, boiler room and furnace room shall contain at least one electric lighting fixture.

#### **Elevators, Escalators and Dumbwaiters**

**(84) GENERAL.** Elevators, dumbwaiters and escalators shall be maintained to sustain safely all imposed loads, to operate properly, and to be free from physical and fire hazards. The most current certificate of inspection shall be on display at all times within the elevator or attached to the escalator or dumbwaiter; or the certificate shall be available for public inspection in the office of the building operator.

**(85) ELEVATORS.** In buildings equipped with passenger elevators, at least one elevator shall be maintained in operation at all times when the building is occupied.

**Exception:** Buildings equipped with only one elevator shall be permitted to have the elevator temporarily out of service for testing or servicing.

#### **Duct Systems**

**(86) GENERAL.** Duct systems shall be maintained free of obstructions and shall be capable of performing the required function.

#### **546.05 RESPONSIBLE PARTY**

In the case of an owner-occupied or unoccupied property, the owner is liable for all violations of this Code. In the case of an occupied rental property, where the property has not been registered in accordance with this Code, the owner is liable for all violations of this Code. In the case of an occupied rental property, where the property has been registered in accordance with this Code, the owner is not responsible for any violations created by the occupants, unless the owner has been placed on notice of the

alleged violations and has failed to take adequate measures to ensure the violation is remedied.

#### **546.06 NOTICE OF VIOLATION.**

(a) Whenever the Code Official or his/her designee determines that there has been a violation of any provision of this code, he or she may give notice to the person or entity responsible therefore and order compliance, as herein provided, except when condemning property or equipment pursuant to 546.08. The notice and order shall:

- (1) Be put in writing on the appropriate form, as the Code Official shall determine;
- (2) Include a list of violations;
- (3) Refer to the sections and divisions violated;
- (4) Order remedial action which will effect compliance with the provisions of this code;
- (5) Specify a reasonable time within which to comply; and
- (6) Set forth the procedure to appeal the notice and order.

(b) Such notice and order shall be deemed to be properly served if a copy is delivered to the responsible party, owner, operator, entity in control of the premises, or occupant, personally, or by regular mail to their residence, regular place of business, or last known address, and posted in a conspicuous place in or on their residence, regular place of business, last known address, or the building affected.

#### **546.07 TRANSFER OF OWNERSHIP**

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 such dwelling unit or structure 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, mortgagee 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, mortgagee 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.

## **546.08 CONDEMNATION OF UNSAFE STRUCTURES OR EQUIPMENT**

(a) **Condemnation.** When a structure or equipment is found by the Code Official to be unsafe, unfit for human occupancy, or unlawful, such structure may be condemned pursuant to the provisions of this code.

(b) **Notice.**

(1) When the Code Official has condemned a structure or equipment under the provisions of this section, a Condemnation Notice shall be issued.

(2) The Notice shall:

- a. Be in writing,
- b. Include a description of the property sufficient for identification,
- c. Include a statement of the reason or reasons for its issuance,
- d. Include an order allowing a reasonable time for the repairs and improvements required to bring the structure into compliance with the provisions of this code; and
- e. Set forth the process for appeal.

(3) The Notice shall be provided as follows:

- a. Notice shall be sent via certified and regular U.S. mail to the property owner's last known address;
- b. Notice shall be sent via certified and regular U.S. mail to all holders of legal or equitable liens of record upon the real property at issue, if applicable;
- c. Notice shall be posted to the property at issue, in a conspicuous place; and
- d. If the certified mail in subsections (a) and (b) hereof goes unclaimed, notice shall be published in a local newspaper of general circulation at least once a week for two consecutive weeks.

(c) **Mitigation of Hazards**

(1) **Placarding.** Upon condemning a structure or equipment, the Code Official shall post on the premises or defective equipment a Notice bearing the word "Condemned" and a statement of the penalties provided for occupying the premises, operating the equipment or removing the placard.

(2) **Placard Removal.** 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. No person shall remove or deface the condemnation placard without the approval of the Code Official.

(3) **Prohibited Occupancy.** Any occupied structure condemned and placarded by the Code Official shall be vacated as ordered by the Code Official. No person shall enter, remain in, or occupy any placarded premises except for purposes of making the repairs or to comply with the orders of the Code Official. No owner, operator, or person responsible for a placarded premises shall allow or permit anyone to occupy, enter, or remain in the placarded premises except for purposes of making the repairs or to comply with the orders of the Code Official.

(4) **Failure to comply with Order.** If any person, when ordered by the Code Official or his or her designee to vacate an unsafe building or structure, should fail to comply with the order, the Chief of Police shall be advised of all the facts in the case and it shall be the duty of the Chief of Police to vacate such building or structure.

(e) **Demolition of a condemned structure.**

- (1) Structures condemned in accordance with the above requirements are subject to demolition.
- (2) The property owner of a condemned structure may appeal the Condemnation Notice within 15 days of the date on the notice.
- (3) If the property owner fails to file an appeal within 15 days, and the property is not razed or repaired within the time provided on the Notice of Condemnation, the City may raze the property at anytime thereafter.
- (4) If the property owner files an appeal, then the appeal shall be heard by the Property Maintenance Appeals Board within 60 days of the date of receipt of the appeal.
- (5) If an appeal is denied by the Property Maintenance Appeals Board, the Board shall issue a notice of denial to the property owner, and the City may raze the property at anytime thereafter.

(f) **Recovery of costs.** Costs incurred in carrying out the provisions herein shall be collected pursuant to 546.99.

(g) **Emergency Demolition and Condemnation**

- (1) If at any time during the condemnation process the property presents emergency conditions, as outlined in section 1525.01 of the Codified Ordinances of the City of Youngstown, the property shall be subject to an emergency demolition order and procedure as provided in Chapter 1525.
- (2) The fact that a property has been condemned shall not affect or preclude the use of the emergency demolition process.

#### **546.09 APPEALS.**

(a) **Notice of Appeal.** Any recipient of a notice or order issued by the Code Official in connection with the enforcement of this code may request a hearing on the matter before the Property Maintenance Appeals Board. The Appellant shall file, in the Code Enforcement Department, Youngstown City Hall - 5th Floor, 26 S. Phelps Street, Youngstown, Ohio 44503, a written request for appeal setting forth the address of the property which was the subject of the notice or order, the name, address, and telephone number of the Appellant, and a brief statement of the grounds for the appeal. Requests shall be filed within fifteen (15) days after the date of the notice, and shall be accompanied by a deposit of \$15.00 which shall be nonrefundable, or an affidavit of indigency. Upon receipt of the request, the Property Maintenance Appeals Board will set a hearing within 60 days. Upon setting the hearing, the Appeals Board shall notify the appellant of the date, time and place. Written notice of the hearing shall be sent by ordinary U.S. Mail at least seven (7) days prior to the hearing. At the hearing, the Appellant shall be given an opportunity to be heard and to show cause why the notice or order should be modified or dismissed, or why a variance should be granted. The failure of the Appellant or his/her representative to appear and present his/her position at the hearing shall be grounds for dismissal of the appeal.

(b) **Variances.** The Property Maintenance Appeals Board shall interpret the intent of this code in specific cases where, on appeal, it clearly appears that, by reason of special conditions, undue hardship would result from a literal application of any section of this code. Where undue hardship is clearly demonstrated, the Board may permit a variance from the applicable section if the dwelling will vary only slightly from the literal provisions of this code, but will comply with the spirit and intent of this code.

(c) **Decisions.** After a hearing on the request, the Property

Maintenance Appeals Board may affirm, disaffirm, modify or dismiss the notice or order, or grant a variance from the notice or order, by a majority vote of the Board members who are present. The Appellant shall be notified within 15 days of the hearing, in writing, of the findings. Decisions shall be sent by regular U.S. mail to the Appellant's address as provided on the appeal form.

(d) Records. The proceedings before the Property Maintenance Appeals Board shall be recorded and its decisions shall be set forth in writing. The recordings and written decisions shall be entered as a matter of public record in the Code Enforcement Department. Any person aggrieved by the decision of the Property Maintenance Appeals Board may seek relief therefrom in any court of competent jurisdiction as provided by the laws of the State of Ohio.

#### **546.10 PROPERTY MAINTENANCE APPEALS BOARD.**

(a) The Appeals Board shall consist of a minimum of three members who are qualified by experience and training to pass on matters pertaining to property maintenance and who are not employees of the City of Youngstown. The Board shall be appointed by the Mayor of the City of Youngstown.

(b) The Mayor shall also appoint two or more alternative members who shall sit on the Board to hear appeals when needed due to the absence or disqualification of other Board members. Alternate members shall possess the qualifications required for Board membership.

(1) A quorum shall be two (2) members.

(2) The Appeals Board shall adopt rules of procedure not inconsistent with the provisions and intent of this Code.

(3) No member shall take part in an appeal or vote on any matter in which the member has a direct or indirect personal, professional or financial interest.

(4) Members shall serve without compensation.

(c) Authority of the Appeals Board. The Appeals Board shall have the authority to do either of the following:

(1) The Board shall have the authority to grant extension(s) of time for compliance with notices and orders issued by the Code Official or his or her designee. Application for extensions of time for compliance shall be considered on the basis of public interest and welfare in addition to any possible economic benefit or hardship to applicant, and shall be granted only when it is established that such

request will not be detrimental to the occupants or to public health, safety or welfare.

(2) The Board shall have the authority to grant appeals and/or waive any provisions of this code in specific cases where it clearly appears that by reason of special conditions, undue hardship would result from a literal translation or application of any section of this code. Applications for variances and waivers shall be granted only where the deviations are minor in character, and where it appears that substantial compliance with the minimum housing standards and the spirit and intent of this code have been met by the applicant and that granting of the variance or waiver would not be detrimental to the occupants or to the public health, safety or welfare.

#### **546.11 RESPONSIBILITIES OF OWNERS AND OPERATORS OF RENTAL UNITS.**

(a) Obligations of the Owner of a Rental Unit. The owner of the rental unit shall (1) maintain the interior, exterior property areas, and exterior structure in accordance with this code, (2) keep the interior, exterior property areas and exterior structure in good repair, (3) keep all common areas in a clean and sanitary condition, (4) provide all utilities, facilities, equipment and services required by this code, (5) provide for the extermination of insects in an acceptable means not injurious to human health, (6) provide solid waste disposal facilities or containers for all dwelling units, and (7) comply with all regulations and rules designated by the Code Official or his or her designee to enforce and interpret this section.

(b) Code Official. The Code Official or his or her designee is charged with the enforcement of this section including but not limited to, conducting inspections and issuing notices, orders and penalties.

(c) Rental License Requirement. Any person, corporation, business entity or owner of property seeking to rent or let a rental unit shall first obtain a valid rental license for said unit.

**Exception:** Owners or operators of public housing or rental units subject to annual inspections pursuant to federal regulations are not required to obtain a rental license.

(d) Applying for a Rental License. To apply for a rental license, the owner of the property must:

- (1) Complete a Rental License Application Form, and**
- (2) Pay a nonrefundable fee of \$40.00 for a single rental unit, or \$40.00 for the first rental unit and \$25.00 for each additional rental unit for properties containing multiple units.**

**(e) Provisional Rental License.** Upon applying for a rental license, the Code Official or his or her designee shall issue a provision rental license. The provision license will remain valid for a period of up to one year, unless earlier revoked as provided for herein, or replaced by a rental license. A provisional license will allow for occupancy until the property is inspected by the Code Official or his or her designee.

**(f) Inspection.** Within 30 days of the receipt of a rental application and required fee, the Code Official or his or her designee will attempt to schedule an inspection of the rental unit. If the owner and occupant, if applicable, consent to the inspection, the owner shall make the property available for inspection at a time agreeable to the owner and Code Official. If the owner and/or occupant, if applicable, refuse to allow an inspection of the property, the Code Official or his or her designee shall seek to secure an administrative warrant.

If after inspection, the Code Official or his or her designee determines that the rental unit is in compliance with this code, the Code Official shall issue an authorized rental license for the rental unit. Such license shall be valid for one year from the date of issuance unless a change or alteration of the premises shall alter the authorized occupancy.

If after inspection, the Code Official or his or her designee determines that the rental unit is not in compliance with this code, the Code Official shall notify the titled owner that the rental unit does not comply with the requirements of this section, set forth the violations, and order that the violations be corrected within thirty (30) days. This notice shall be sent via regular U.S. mail to the address the owner provided on his or her application. Upon the expiration of the thirty (30) days, the Code Official or his or her designee shall schedule a re-inspection of the rental unit. A fee of \$40.00 shall be imposed for this re-inspection.

Should an owner schedule an appointment with the Code Official or his or her designee and seek to cancel said appointment, but fail to do so by 8:00 AM the day of the inspection, the Code Official shall impose a penalty of \$25.00 against the owner. If this occurs a second time, the Code Official shall impose a fine of \$100.00 against the owner.

(g) **Violation.** No person, corporation, business entity or owner of property shall rent or let a rental unit unless he or she has first obtained a valid rental or provisional rental license from the Code Official for said unit. The occupation of a premises by a person other than the titled owner coupled with the fact that the owner lists a different address as his or her own in the records of the Office of the Mahoning County Auditor shall be prima facie evidence that the premises is a rental unit being rented or let.

(h) **Penalties.** Any person, corporation, business entity or owner of property who violates this section shall be subject to a penalty of \$100.00 for each week an unlicensed rental unit is being rented or let. In addition, any violator of any provision of this section is subject to the penalties set forth in Section 546.98.

#### **546.12 RESPONSIBILITIES OF OCCUPANTS OF RENTAL UNITS.**

(a) **Occupants of a Rental Unit.** All occupants of a rental unit are obligated:

(1) To keep that part of the dwelling unit and premises thereof which he occupies, controls or uses in a clean and sanitary condition.

(2) To dispose of all his solid waste material in a clean and sanitary manner in accordance with the City of Youngstown's Rules of Garbage Collection.

(3) To hang insect screens except where the owner has agreed to supply such services.

(4) To keep all plumbing fixtures in a clean and sanitary condition and be responsible for the exercise of reasonable care in their proper use and operation.

(5) To exercise reasonable care in the use of that part of the dwelling and premises which he occupies and controls or uses; this includes all parts and equipment so supplied.

(6) To maintain in good and safe working order the equipment, appliances and fixtures which he owns.

(b) **Access by Owner or Operator.** Every occupant of a rental unit shall give the owner or operator thereof, his agent or employee, access to any part of a structure or premises, dwelling, dwelling unit

or rooming unit at reasonable times for the purpose of permitting such inspections, maintenance, repairs or alterations as are necessary to comply with the provisions of this code. Except in the case of emergency, or if it is impracticable to do so, the owner or operator must give the occupant reasonable notice of the intent to enter. Twenty-four hours is presumed to be reasonable notice, in the absence of evidence to the contrary.

(c) Violation of any provision of this section is also a violation of this code and is also subject to the penalties set forth in Section 546.96 and 546.98.

#### **546.13 VACANT PROPERTY REGISTRY.**

(a) Adoption; Purpose. The purpose of this Chapter is to establish a vacant property registration program and to regulate the maintenance of properties which are in the foreclosure process, abandoned or vacant. This Chapter is intended to reduce and prevent neighborhood blight, to avoid the creation and maintenance of public nuisances, to ameliorate conditions that threaten the public health, safety and welfare, to promote neighborhood stability and occupancy by preserving the condition and appearance of residential properties and the worth and activity of commercial and industrial properties, and to maintain property values and assessments.

There is hereby adopted, then, for the aforementioned purposes and for the purpose of providing a means of identifying the owner and/or responsible entities of vacant and/or abandoned properties within the corporate limits of the City of Youngstown, having a complete contact information on record for these properties and responsible parties, a registration and maintenance requirement for vacant and/or abandoned properties.

Nothing in this Chapter shall be construed to waive, relieve or otherwise excuse an owner of property from compliance with all applicable codes, ordinances, statutes or laws and the owner shall at all times remain responsible and liable therefore. Nothing in this Chapter shall be construed to prevent the enforcement of other provisions of the Codified Ordinances of the City of Youngstown or the Ohio Revised Code and nothing in this Chapter shall be construed to relieve an owner or interested party from duties imposed pursuant to any regulatory code, ordinance, statute, or law of the City of Youngstown or State of Ohio.

(1) Applicability. This Chapter shall be applicable to all

residential, commercial, and industrial structures located within the City of Youngstown, but does not apply to County Land Reutilization Corporations organized under Chapter 1724 of the Ohio Revised Code.

(2) Owner required to act; enforcement authority.

A. The owner of any structure that has become vacant as defined in this Code shall, within thirty (30) days after the structure first becomes vacant, within thirty (30) days of receiving notice that a structure is vacant, or within thirty (30) days after the effective date of this Chapter, whichever is later, file a registration statement for each such structure with the Code Official or his or her designee on forms provided for such purposes. Any Owner of a property which files a foreclosure action against said property, or for which a foreclosure action is pending, or a judgment of foreclosure has been issued shall, in addition to all other requirements of this Section, provide a cash bond acceptable to the Deputy Director of Public Works or his designee, in the sum of not less than Ten Thousand Dollars (\$10,000.00), to secure the continued maintenance of the property throughout its vacancy and remunerate the City for any expenses incurred in inspecting, securing, repairing, marking and/or making such building safe by any legal means including, but not limited to, demolition. A portion of said bond in an amount to be determined by the Deputy Director of Public Works shall be retained by the City as an administrative fee to fund an account for expenses incurred in inspecting, securing, repairing and/or marking said building and other buildings which are involved in the foreclosure process or vacant.

The registration statement shall remain valid for one year from the date of registration. The registering party shall be required to annually renew the registration as long as the structure remains vacant and shall pay an annual registration fee of one hundred dollars (\$100.00) for each residential structure and two hundred and fifty dollars (\$250.00) for each commercial or industrial structure; provided, however, that all religious, educational, benevolent or charitable associations, all governmental agencies shall be exempt from the payment of the annual registration fee. The registering party shall not be entitled to a refund of all or any part of the registration fee should the structure no longer be deemed vacant during the annual registration period.

The owner shall notify the Code Official or his or her designee within twenty (20) days of any change in the registration information by filing an amended registration statement on a form provided for such purposes. The registration statement shall be deemed prima facie proof of the statements therein contained in

any administrative enforcement proceeding or court proceeding instituted by the City against the owner of the structure. An owner shall be liable under this Section for failing to register a vacant structure, paying an appropriate annual registration fee, or timely updating any change in registration.

B. In addition to other information required by the Code Official, the registration statement shall include the name, street address and telephone number of a natural person twenty-one years of age or older, designated by the owner as the authorized agent for receiving notices of code violations and for receiving process in any court proceeding or administrative enforcement proceeding on behalf of such owner in connection with the enforcement of this Chapter. This person must maintain an office in Mahoning County, Ohio, or must actually reside within Mahoning County, Ohio. An owner who is a natural person and who meets the requirements of this subsection as to location of residence or office may designate him- or herself as agent.

By designating an authorized agent under the provisions of this subsection the owner is consenting to receive any and all notices of code violations concerning the registered building and all process in any court proceeding or administrative enforcement proceeding brought to enforce code provisions concerning the registered structure by service of the notice or process on the authorized agent. Any owner who has designated an authorized agent under the provisions of this subsection shall be deemed to consent to the continuation of the agent's designation for the purposes of this subsection until the owner notifies the Code Official or his or her designee in writing of a change of authorized agent or until the owner files a new annual registration statement. An owner shall be liable under this Section for failing to register an authorized agent.

C. The owner of any vacant structure shall, within fifteen (15) days of registering a vacant structure, cause a physical inspection of the structure to be made and Secure the structure in accordance with this Chapter. Photographs shall be taken of the property that accurately portrays the condition of the structure. Photographs shall be dated and preserved. An owner shall be liable under this Section for failing to inspect the property or structure or for failing to maintain the inspection photographs as required by this Section.

D. Any owner who fails to register a vacant structure under the provisions of this subsection shall further be deemed to consent to receive, by posting at the structure, any and all notices of code violations and all process in an administrative proceeding brought

to enforce code provisions concerning the structure and premises.

E. The Code Official may issue rules and regulations for the administration of this Section. These rules may designate board-up materials and methods which must be used when securing a structure beyond the standards provided so that the boarding is reasonably incapable of being removed by trespassers or others acting without the owner's consent.

**(3) Registration required and penalty.**

A. The owner of any vacant structure shall file a registration statement for each such structure with the Code Official or his or her designee on forms provided for such purposes. Any such registration statement shall be deemed prima facie proof of the statements therein contained in any administrative enforcement proceeding or court proceeding instituted by the City against the owner or owners of the structure.

B. The owner of any vacant structure who fails to file a registration statement for each such structure within the timeframes established by this Chapter or who fails to update a change in registration information within the timeframes established by this Chapter shall be subject to a fifty dollar (\$50.00) per day administrative penalty with a maximum penalty of one thousand dollars (\$1,000).

C. Notwithstanding any other language in this Chapter and unless otherwise specified, any person who violates any provision of this section or of the rules and regulations issued hereunder and fails to maintain the property according to the Codes shall be guilty of a first degree misdemeanor and, upon conviction, shall be fined not less than two hundred dollars (\$200.00) for each offense. Every day that a violation continues shall constitute a separate and distinct offense.

**(4) Liability.**

A. Unless otherwise specifically provided, the owner, the owner's agent for the purpose of managing, controlling or collecting rents, and any other person managing or controlling a structure or premises in any part of which there is a violation of the provisions of this code, shall be liable for any violation therein, existing or occurring, or which may have existed or occurred, at or during any time when such person is or was the person owning or managing,

controlling, or acting as agent in regard to said structure or premises and is subject to injunctions, abatement orders or other remedial orders.

B. The liabilities and obligations hereunder imposed on an owner shall attach to a trustee under a land trust holding title to such building, structure or premises without the right of possession, management or control, unless said trustee in a proceeding under said provisions of this code discloses in a verified pleading or in an affidavit filed with the court, the name and last known address of each person who was a beneficiary of the trust at the time of the alleged violation and of each person, if any, who was then acting as agent for the purpose of managing, controlling or collecting rents, as the same may appear on the records of the trust.

C. The liabilities and obligations imposed on an owner shall attach to any financial institution, mortgage company, or any other person or entity with or without an interest in the structure or premises who knowingly takes any action in any judicial or administrative proceeding that is intended to delay issuance or enforcement of any remedy for any violation of the Codes, provided that with respect to fines such person shall be liable only for fines which accrue on or after the date of such action and further provided that no liability shall be imposed under this section for any action taken in any proceeding, including a proceeding to foreclose on a lien, that does not delay or prevent the prosecution of any action brought by the City to enforce the adopted Codes.

D. In the event the City of Youngstown, due to lack of response of an owner or agent, is required to take action, through its own efforts or via a contract for such services, to abate a nuisance at a vacant property the owner will be billed for the cost of the abatement to include all labor and materials needed to correct the violation. Nuisance abatements shall include, but are not be limited to, elimination of hazardous conditions, cutting of weeds and overgrowth, securing and/or boarding of a structure, trash cleanup and disposal and demolition.

(5) Appeals. Appeals shall be processed in accordance with Section 546.09 of the Codified Ordinances of the City of Youngstown.

(6) Assignment of registration fees, penalties, and fines. Registration fees, penalties, and fines associated with and collected on behalf of vacant property registration shall be deposited in a specific Finance Department code in the annual budget of the City

of Youngstown and shall only be expended for the specific purposes set forth in this Chapter.

(7) Severability. If any section, subsection, clauses, phrase or portion of this section is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portion thereof.

(8) Savings clause. The repeal or amendment herein shall not abrogate or affect any offense or act committed or done, or any penalty or forfeiture incurred, or any pending litigation or prosecution of any right established or occurring prior to the effective date of this ordinance, as amended.

(9) Publication. The Clerk for the City of Youngstown shall cause this section to be published in the manner required by law.

(10) Effective date. This section shall take full force and effect upon publication.

(11) Appropriation of fees collected. All fees collected shall be paid into the treasury of the City and shall in turn be certified by the Finance Director and appropriated by City Council for the enforcement of this section.

#### **546.14 SECURING VACANT STRUCTURES**

Owners of vacant residential and non-residential structures, which have been deemed by the Code Official to be detrimental to the health and safety of persons in or about such structures, shall comply with the orders of the Code Official or his or her designee, at all times, and properly secure the property in order to prevent entrance to such vacant structure by trespassers.

#### **546.16 QUALITY OF LIFE.**

(A) Adoption; Purpose. The purpose of this Section is to establish Quality of Life Provisions, and put into effect a ticketing system which will allow for the issuance of tickets for nuisances and properties that are not properly maintained, and/or address issues that contribute to the deterioration of property values and general disorder in a community. These problems degrade the physical appearance of the City, which reduces business and tax revenue inhibiting economic development. The quality of life and

community pride of the citizens of Youngstown are negatively impacted by the occurrences and existence of these activities. Recognizing that these are community problems, the purpose of this ordinance is to promote the health, safety and general welfare of the City by helping to create a clean and safe environment for the citizens of Youngstown.

**(B) Non-exclusive Remedies.** Nothing in this Chapter shall be construed to waive, relieve or otherwise excuse any person, property owner or tenant from compliance with all applicable codes, ordinances, statutes or laws. Nothing in this Chapter shall be construed to prevent the enforcement of other provisions of the Codified Ordinances of the City of Youngstown or the Ohio Revised Code, and nothing in this Chapter shall be construed to relieve an owner or interested party from duties imposed pursuant to any regulatory code, ordinance, statute, or law of the City of Youngstown or State of Ohio.

**(C) Applicability.** This Chapter shall be applicable to all persons, vacant properties, and residential, commercial, and industrial structures located within the City of Youngstown. For purposes of this Chapter, "persons" shall include individuals, partnerships, corporations, limited liability companies, property management groups, and other legal entities.

**(D) Quality of Life Violations.** The Quality of Life Violations are as follows. Refer to the specified Sections or Chapters of the Codified Ordinances of the City of Youngstown, which are incorporated herein by reference, for further detail and information.

**QOL 1: Accumulation, littering or deposit of garbage, rubbish or junk—Section 521.08**

**QOL 2: Animal abuse and cruelty—Section 505.071**

**QOL 3: Animal maintenance and waste/feces clean up—Section 505.08**

**QOL 4: Barking or howling dogs—Section 505.19**

**QOL 5: Burning of trash, rubbish or garbage—Section 1511.05**

**QOL 6: Clothing Donation Containers—Chapter 786**

**QOL 7: Dumping garbage, refuse or waste—Section 1737.03**

- QOL 8: Garbage receptacles—Section 979.02**
- QOL 9: Illegal operation of a food cart or truck—Chapter 761**
- QOL 10: Illegal parking of motor vehicles—Section 351.03 + Zoning**
- QOL 11: Illegal parking of trucks, trailers and tractors—Section 351.16**
- QOL 12: Loud music—Section 539.07**
- QOL 13: Maintenance of grass and plants and elimination of weeds—Section 1749.01, 1749.02**
- QOL 14: Maintenance/removal of trees or shrubs impeding travel or destroying sidewalks—Section 921.01, 921.02**
- QOL 15: Permanent or portable basketball hoop on or near City property—Section 311.06**
- QOL 16: Possession or storage of hazardous materials—Section 1501.05**
- QOL 17: Storage of inoperable motor vehicles—Section 351.17**
- QOL 18: Storage of junk—Section 747.18**
- QOL 19: Storing or discarding of appliances—Section 521.01**
- QOL 20: Vicious and unleashed dogs—Section 505.19**

**(E) Enforcement**

**(1) Upon finding a Quality of Life Violation, any peace officer, authorized inspector, or public official designated by the Mayor to enforce the City Ordinances may issue Quality of Life Violation Tickets to the owner and/or occupant of the property at issue, or to the person known to have violated this ordinance.**

**(2) Any violation of the provisions referenced herein may be cause for a violation ticket, and/or a notice of violation to be issued to the violator.**

**(3) A violation ticket shall be served upon a violator by personal service to the violator, personal service to an adult**

member at the violator's residence, or other person in charge of the residence, by leaving or affixing the notice or violation ticket to the property where the violation exists, or by mailing the notice to the violator's address of record.

**(F) Regulations**

The Code Official is hereby authorized to promulgate rules and regulations to implement and supplement the provisions of this Ordinance.

**(G) Separate Offense**

Each day a violation continues may constitute a separate offense for which a separate ticket may be issued.

**(H) Fines and Penalties**

**A. Violation Ticket Fines**

1. For the first violation of this Section within a twelve (12) month period, violation tickets shall be issued in the amounts of Twenty-Five Dollars (\$25.00) or Fifty Dollars (\$50.00) as set forth on the chart below.
2. For the second violation of this Section within a twelve (12) month period, violation tickets shall be issued in the amounts of Fifty Dollars (\$50.00) or One Hundred Dollars (\$100.00) as set forth on the chart below.
3. For the third and any subsequent violation of this Section within a twelve (12) month period, violation tickets shall be issued in the amount of One Hundred and Fifty Dollars (\$150.00) or Two Hundred and Fifty Dollars (\$250.00) as set forth on the chart below.
4. Any person who receives a violation ticket may within fifteen (15) days, admit the violation, waive a hearing, and pay the fine in full satisfaction.

<b>Violation number for Quality of Life Ticket Ordinance</b>	<b>Brief description of violations for Quality of Life Ticket Ordinance</b>	<b>Fine 1</b>	<b>Fine 2</b>	<b>Fine for third and subsequent instances</b>
QOL 1	Accumulation, littering or depositing of garbage, rubbish or junk	\$25.00	\$50.00	\$100.00
QOL 2	Animal abuse and cruelty	\$25.00	\$50.00	\$100.00
QOL 3	Animal maintenance and waste/feces clean-up	\$25.00	\$50.00	\$100.00
QOL 4	Barking or howling dogs	\$25.00	\$50.00	\$100.00
QOL 5	Burning of trash, rubbish or garbage	\$50.00	\$100.00	\$250.00
QOL 6	Clothing Donation Containers	\$25.00	\$50.00	\$100.00
QOL 7	Dumping garbage, refuse or waste	\$50.00	\$100.00	\$250.00
QOL 8	Garbage receptacles	\$25.00	\$50.00	\$100.00
QOL 9	Illegal operation of a food cart or truck	\$25.00	\$50.00	\$100.00
QOL 10	Illegal parking of motor vehicles	\$25.00	\$50.00	\$100.00
QOL 11	Illegal parking of trucks, trailers and tractors	\$25.00	\$50.00	\$100.00
QOL 12	Loud music	\$25.00	\$50.00	\$100.00
QOL 13	Maintenance of grass and plants and elimination of weeds	\$25.00	\$50.00	\$100.00
QOL 14	Maintenance/removal of trees or shrubs impeding travel or destroying sidewalks	\$25.00	\$50.00	\$100.00
QOL 15	Permanent or portable basketball hoop on or near City property	\$25.00	\$50.00	\$100.00
QOL 16	Possession or storage of hazardous materials	\$50.00	\$100.00	\$250.00
QOL 17	Storage of inoperable motor vehicles	\$25.00	\$50.00	\$100.00
QOL 18	Storage of junk	\$25.00	\$50.00	\$100.00
QOL 19	Storing or discarding of appliances	\$25.00	\$50.00	\$100.00
QOL 20	Vicious and unleashed dogs	\$25.00	\$50.00	\$100.00

## **B. Violation Ticket Penalties**

- 1. If the person in receipt of a Twenty-Five Dollar (\$25.00) violation ticket does not pay the fine or request a hearing within fifteen (15) days, the person will be subject to a ten (\$10) penalty for days sixteen (16) through thirty (30).**
- 2. If the person in receipt of a Fifty Dollar (\$50.00) violation ticket does not pay the fine or request a hearing within fifteen (15) days, the person will be subject to a Twenty-Five dollar (\$25.00) penalty for days sixteen (16) through thirty (30).**
- 3. If the person in receipt of a One Hundred Dollar (\$100.00) or Two Hundred and Fifty Dollar (\$250.00) or higher violation ticket does not pay the fine or request a hearing within ten (10) days, the person will be subject to a Fifty Dollar (\$50.00) penalty for days sixteen (16) through thirty (30).**

### **(I) Abatement of Violation**

**Any person or business violating this ordinance is hereby directed to satisfy the City of Youngstown and its citizens, upon issuance of a Quality of Life Ticket, by correcting the violation in question. Any peace officer, authorized inspector, or public official designated by the Mayor to enforce the City Ordinances is authorized and empowered to cause a violation to be corrected. The cost shall be determined by the Code Official or his/her designee in order that the City shall be compensated for both direct and indirect costs and expenses incurred.**

**The City of Youngstown and/or their contractor, per the direction of the City, reserve the right to abate the violation in question at the expense of the owner. If the City has effected the abatement of the violation, the cost thereof may be charged to the owner of the property, tenant or offending party. A bill/invoice will be generated to the violator for payment separate from the Quality of Life Ticket.**

**In all instances where the City abates the violation, in addition to the fine set forth in the Quality of Life Ticket, the City is authorized to recover from the offending party, the owner of the property, or tenant, the abatement charges and such other charges established by the Code Official in the rules and regulations.**

### **(J) Appeal**

#### **A. Administrative Appeal**

1. A person in receipt of a violation ticket may appeal to the Property Maintenance Appeals Board by filing a request with the Property Maintenance Division in writing within fifteen (15) calendar days of the date of the violation ticket.
2. In order for an appeal to be deemed valid and a hearing date and time to be set, the following must be performed by the alleged violator requesting the appeal within fifteen (15) calendar days of the date that the Quality of Life Ticket was issued:
  - A. All paperwork including the appropriate appeal form must be submitted and complete.
  - B. A cash appeal bond must be posted in the amount of the fine which will be refunded within thirty (30) calendar days should the alleged violator win his or her appeal.
3. The appeal hearing will be held before the Property Maintenance Appeals Board. The Board may uphold the appeal, deny the appeal, or modify the violation ticket and/or any associated costs, fines or penalty amounts as it deems appropriate.

#### **B. Subsequent Appeals**

Any subsequent appeal shall be filed in a court of competent jurisdiction.

#### **(K) Disbursement of Funds**

All monies collected pursuant hereto shall be transferred to the following funds in the proportion noted: Clerk Computerization Fund (10%), Police Equipment Fund (45%), Property Code Enforcement Fund (45%).

#### **(L) Severability.**

If any provision, paragraph, word or subsection of this Section is invalidated by a court of competent jurisdiction, the remaining provisions, paragraphs, words, sections or subsections shall not be affected and shall remain in full force and effect.

#### **546.96 ADMINISTRATIVE PENALTIES**

(a) Any person or entity who violates or fails to comply with any provision of this code or any order issued by the Code Official or his or her designee, after receipt of a Notice of Violation and expiration of a reasonable time within which to comply, shall be subject to an

administrative penalty.

**(b) Notice of an Administrative Penalty shall:**

- (1) Be put in writing on an appropriate form as the Code Official shall determine;**
- (2) State the basis for the administrative penalty, including the section of this code that has been violated;**
- (3) Specify the date and manner by which the penalty must be paid; and**
- (4) Set forth the procedure to appeal.**

**(c) The penalty amounts are as follows:**

- (1) For a first offense, an administrative penalty of \$100.00**
- (2) For a second offense, within one year of the date of the first offense, an administrative penalty of \$500.00**
- (3) For a third offense, within one year of the date of the first offense, an administrative penalty of \$1,000.00**

**(d) For purposes of this section, "offense" means any violation of this code, such that a citation for a second or third offense may be for a violation different than that for which the first notice was issued.**

**(e) Notice of an administrative penalty shall be provided in accordance with the Notice Procedures in Section 546.06.**

#### **546.97 COLLECTION OF ADMINISTRATIVE PENALTIES**

**(a) The City of Youngstown may collect administrative penalties by either of the following methods:**

- (1) The City of Youngstown may certify the administrative penalty, together with a proper description of the land, to the County Auditor who shall place the amount of the administrative penalty upon the tax list and duplicate. The penalty is a lien upon such lands from and after the date the penalty was imposed. The penalty shall be collected as other taxes and returned to the City of Youngstown. The placement of the penalty on the tax list and duplicate relates back to, and is effective in priority, as of the date the fine was imposed, provided that the City of Youngstown or its duly appointed agent or attorney at law certifies the total costs within one year from the date the penalty was imposed. Such certification shall not, however, preclude other methods of recovery of such cost as may be authorized generally by law; and/or**

(2) The City of Youngstown or a duly retained agent or attorney at law may commence a civil action to recover the total penalty from the owner.

(b) Money collected pursuant to this section shall be used exclusively for the enforcement of this code.

#### **546.98 CRIMINAL PENALTIES**

(a) Any person in control who violates or fails to comply with any provision of Chapter 546 of the Youngstown Codified Ordinances, or any order issued by the Code Official or his or her designee, shall be guilty of a misdemeanor of the third degree and shall be fined not more than \$500.00 or imprisoned more than 60 days or both.

(b) The provisions of this Code are specifically intended to impose strict liability.

#### **546.99 RECOVERY OF COSTS**

(a) As used in this Chapter, "total cost" means any cost incurred by the City of Youngstown due to labor, materials, equipment and compliance with local, state or federal laws, including, but not limited to laborers wages, costs of labor, cost of materials and equipment, costs of notice and publication, and abatement costs.

(b) The City of Youngstown may collect the total cost of removing, repairing, or securing insecure, unsafe, structurally defective, abandoned, deserted, or open and vacant buildings or other structures, of making emergency corrections of hazardous conditions, or of abating any nuisance. At any time after such costs are incurred, subject to limitations as provided by law, the City of Youngstown shall send an invoice to the property owner at his or her last known address, via regular U.S. mail. If the property owner fails to pay the invoice within 30 days of the date of the invoice, then the City of Youngstown or a duly retained agent or attorney at law may collect the total cost by any of the following methods:

(1) The City of Youngstown may certify the total costs, together with a proper description of the lands, to the County Auditor, who shall place the costs upon the tax list and duplicate. The costs are a lien upon such lands from and after the date the costs were incurred. The costs shall be collected as other taxes and returned to the City of Youngstown. The placement of the costs on the tax list and duplicate relates back to, and is effective in priority, as of the date the costs were incurred, provided that the City of Youngstown or its duly retained agent or attorney at law certifies the total costs within one year from the date the costs were incurred. Such certification shall not, however, preclude other

methods of recovery of such costs as may be authorized generally by law; and/or

(2) The City of Youngstown or a duly retained agent or attorney at law may commence a civil action to recover the total costs from the owner.

(c) This section applies to any action taken by the City of Youngstown pursuant to sections 715.26 and 715.261 of the Ohio Revised Code, Section 3, Article XVIII of the Ohio Constitution, or Chapter 546 of the Codified Ordinances of the City of Youngstown.

**SECTION 3**

That this ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, welfare and safety, the emergency being the necessity to **repeal Chapter 546, Property Maintenance Code of the Codified Ordinances of the City of Youngstown in its entirety, and further to enact new Chapter 546, Property Maintenance Code**, as above described; and provided it receives the affirmative vote of six of the members elected to the legislative authority, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

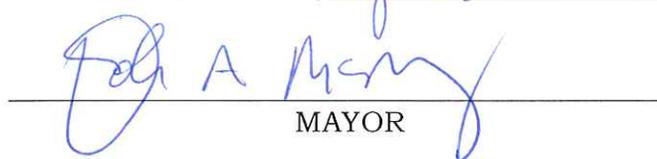
PASSED IN COUNCIL THIS 6 DAY OF April, 2016.

  
\_\_\_\_\_  
PRESIDENT OF COUNCIL

ATTEST:

  
\_\_\_\_\_  
CITY CLERK

APPROVED: THIS 8<sup>th</sup> DAY OF April, 2016.

  
\_\_\_\_\_  
MAYOR