

First Reading: May 10, 2005
Second Reading: Dispensed
Third Reading: Dispensed

ORDINANCE 15 - 2005

**AN ORDINANCE APPROVING AND ADOPTING WITH MODIFICATIONS THE
INTERNATIONAL CODE COUNCIL, INC. INTERNATIONAL PROPERTY
MAINTENANCE CODE/2003 AS THE PROPERTY MAINTENANCE CODE OF THE
VILLAGE OF NEWTOWN, AND DISPENSING WITH THE
SECOND AND THIRD READING**

WHEREAS, The Village of Newtown has home rule authority as set forth in the Ohio Constitution; and

WHEREAS, the Council of the Village of Newtown recognizes that the proper maintenance of structures and premises in the Village is essential to the preservation of a safe and healthful environment; and

WHEREAS, this Ordinance establishes the minimum regulations governing the conditions and maintenance of all property, buildings, and structures within the Village of Newtown, and provides standards to insure the structures are safe, sanitary, and fit for occupation and use, and provides for the condemnation and demolition of unsafe structures or those unfit for human occupancy; and

WHEREAS, the International Code Council, Inc. (ICC) has published a nationally recognized model property maintenance code which is widely adopted and used throughout the United States; and

NOW THEREFORE, BE IT RESOLVED by the Board of Village Trustees of The Village of Newtown, State of Ohio:

SECTION 1. That the Board does hereby approve and adopt, as modified below, the ICC "International Property Maintenance Code/2003" (Publication Date: December, 2002) as published by ICC and which shall be known as the Property Maintenance Code of The Village of Newtown, Ohio.

SECTION 2. That, pursuant to Section 111 of the Code, the Board hereby establishes the Village of Newtown Property Maintenance Code Board of Appeals. Members of the Board of Appeals shall be appointed by the Council of the Village of Newtown, either for the initial terms or any subsequent terms, to serve such terms as follows: the term of one member shall expire on December 31, 2005; the term of one member shall expire on December 31, 2006; and the term of one member shall expire on December 31, 2007. After the expiration of the initial term set forth above, each term shall be for a period of three years, so that the term of one member shall expire

each year. Members of the Board of Appeals may be reappointed for a subsequent term. Members of the Board of Appeals may be removed by the Council of the Village of Newtown at any time, and for any reason, and in such case, the Council shall appoint a successor to serve the unexpired term of the removed member. Members of the Board of Appeals shall be compensated at the rate set forth in the Village Salary Ordinance.

SECTION 3.

That a copy of the Property Maintenance Code of The Village of Newtown, Ohio, be kept on file in the office of the Fiscal Officer of the Village of Newtown and the Village of Newtown Building Commissioner, and shall be enforced by the Village of Newtown Building Commissioner for the control of structures as herein provided; and each and all of the regulations, provisions, penalties, conditions and terms of said ICC "International Property Maintenance Code/2003" are hereby referred to, adopted, and made a part hereof, as if fully set out in this Ordinance, with the additions, insertions, deletions and changes prescribed below:

The ICC "International Property Maintenance Code/2003" as adopted is amended and revised in the following respects (note, words in bold face are those to be inserted):

- a) Section 101.1 (page 1). Delete: Paragraph. Insert: **These regulations shall be known as The Village of Newtown Property Maintenance Code, hereinafter referred to as "this code" or "Property Maintenance Code".**
- b) Section 101.4 (page 1, second line). Insert: "...held to be **unauthorized or unconstitutional...**"
- c) Section 102.1 (page 1, fourth line). Insert: "...of this code or **ordinances of The Village of Newtown** specify difference requirements,..."
- d) All references to the *International Building Code* or the International Existing Building Code shall be substituted to read "**The Ohio Building Code**".
- e) All references to the *International Mechanical Code* shall be substituted to read **The Ohio Mechanical Code**.
- f) All references to the *International Plumbing Code* shall be substituted to read **The Ohio Plumbing Code**.
- g) Section 102.3 (page 1, last sentence). Language shall read: "Nothing in this code shall be construed to cancel, modify or set aside any provision of the ~~International Zoning Code~~ **The**

Village of Newtown Zoning Ordinance.”

- h) Section 103.1 (page 1). Language shall read: The department of ~~property maintenance inspection is hereby created~~ **the Building Commissioner is charged with the administration and enforcement of this Property Maintenance Code** and the executive official in charge thereof shall be known as **Building Commissioner**.
- i) All references to “Code Official” shall be substituted to read “Building Commissioner”.
- j) Section 103.3 (page 1 and 2, as second sentence). Insert: **“All Code Enforcement Officers shall have the same authority as vested in the Building Commissioner to carry out the responsibilities and duties prescribed by this Property Maintenance Code.**
- k) Section 103.5 (Page 2). Delete: Entire Section
- l) Section 106.3 (page 3, first sentence). Delete: First sentence and substitute: Any person failing to comply with a notice of violation or order served in accordance with Section 107 shall be guilty of a misdemeanor of the fourth degree, and the violation shall be deemed a strict liability offense.
- m) Section 106.3 (page 3, second sentence). Language shall read: “If the notice of violation is not complied with, the code official shall institute the appropriate proceeding at law or in equity (**including action for permanent injunctive relief**) to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy **or use** of the structure in violation of the provisions of this code or of the order or direction made pursuant thereto.
- n) Section 111.2.1 (page 5, second line). Language shall read: “The chief appointing authority ~~shall~~ **may** appoint two or more alternate members...”
- o) Section 111.2.4 (page 5). Delete: Paragraph. Insert: **“The Building Commissioner shall serve as secretary to the Board.”**
- p) All references to “chief appointing authority” shall be substituted to read **“Council of the Village of Newtown”**.

- q) Section 111.7 (page 5) Delete: Entire Section. Insert: **Any person with standing may appeal the decision of the Newtown Board of Building Appeals to the Court of Common Pleas as authorized in the Ohio Revised Code.**
- r) Section 301.2 (page 9, seventh line) Insert: "Occupants of a dwelling unit are **also** responsible..."
- s) Section 304.10 (page 10, fifth line, as last sentence) Insert: **"Said areas shall be kept clear of hazards and debris and shall not be used as storage areas."**
- t) Section 304.14 (page 10, first and second lines) Insert: **April 1 [to] October 31.**
- u) Section 305.1 (page 11, second sentence) Language shall read: **"In addition to the property owner, occupants shall also be responsible for keeping ~~keep~~ that part of the structure which they occupy or control in a clean and sanitary condition."**
- v) Section 602.3 (page 17, fifth line) Insert: **October 1 [to] March 31.**
- w) Section 602.4 (page 17, third line) Insert: **October 1 [to] March 31.**

SECTION 4.

That, in the event any conflict between the requirements of the Property Maintenance Code of The Village of Newtown, Ohio as adopted herein and those of any other codes or resolutions, statutes or rules adopted by The Village of Newtown, Hamilton County or the State of Ohio, that requirement which establishes the higher or stricter standard shall prevail.

SECTION 5.

That nothing in this Ordinance or in the Property Maintenance Code hereby adopted shall be construed to affect any suit or proceeding pending in any court, or any liability incurred or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed.

SECTION 6.

That the Village Clerk shall certify the adoption of this Ordinance, and cause the same to be published as required by law; and this Ordinance shall take effect and be in force from and after its approval as required by law.

SECTION 7.

That, upon the effective date of the Property Maintenance Code adopted herein, Ordinance # 103-2003, entitled "AN ORDINANCE PROVIDING FOR THE ADOPTION OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE, DISPENSING WITH THE

SECOND AND THIRD READINGS AND DECLARING AN EMERGENCY" shall be and is hereby repealed.

SECTION 8.

Buy at least three fourths vote of all of its members, the Council of the Village of Newtown waives the requirement that this ordinance be read on three separate days and authorizes its passage upon the reading.

VOTE RECORD:

Mr. Evans YES

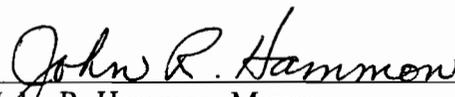
Ms. Hueber YES

Ms. McCarthy YES

Mr. Phillips YES

Mr. Thomas YES

PASSED this 10th day of May, 2005.



John R. Hammon, Mayor
Village of Newtown, Ohio

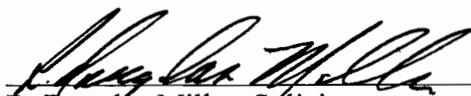
AUTHENTICATION

This is to certify that this ordinance was duly passed, and filed with the Village of Newtown this 10th day of May, 2005.



Keri Everett, Fiscal Officer
Village of Newtown, Ohio

APPROVED AS TO FORM



R. Douglas Miller, Solicitor
Village of Newtown, Ohio