

CODIFIED ORDINANCES OF GENEVA-ON-THE-LAKE

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CODIFIED ORDINANCES OF GENEVA-ON-THE-LAKE

PART THIRTEEN - BUILDING CODE

**CHAPTER 1301
Ohio Building Code**

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CROSS REFERENCES

See sectional histories for similar State law

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

Power to enact further and additional regulations - see Ohio R.C. 3781.01

Authorization by Board of Building Standards - see Ohio R.C. 3781.12

Enforcement - see Ohio R.C. 3781.03, 3781.031, 3781.10, 3781.102, 3781.19

Final jurisdiction - see Ohio R.C. 3781.04

Application - see Ohio R.C. 3781.06, 3781.10, 3781.11

Submission of plans - see Ohio R.C. 3791.04

Dead bolt locks in apartment buildings - see Ohio R.C. 3781.103

Smoke detection system for apartments and condominiums - see Ohio R.C. 3781.104

Automatic sprinkler systems - see Ohio R.C. 3781.105, 3791.041 et seq.

Fire suppression systems - see Ohio R.C. 3781.108

Use of public buildings by handicapped persons - see Ohio R.C. 3781.111

Abandoned service stations - see Ohio R.C. 3791.12 et seq.

Safety standards for refuse containers - see Ohio R.C. 3791.21

1301.01 ADOPTION.

There is hereby adopted by the Municipality, the Ohio Building Code (OBC) and related codes as adopted by the Ohio Board of Building Standards, Department of Industrial Relations, effective January 1, 2016, and as identified and published in Division 4101:1 et seq. of the Ohio Administrative Code (OAC).

1301.02 PURPOSE.

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

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

The rules of the Board of Building Standards and proceedings shall be liberally construed in order to promote its purpose. When the Building Official finds that the proposed design is a reasonable interpretation of the provisions of this Code, it shall be approved. Materials, equipment and devices approved by the Building Official pursuant to Section 114 of the Ohio Building Code shall be constructed and installed in accordance with such approval.

(OBC 101.3)

1301.03 SCOPE.

(a) Application and Compliance. The provisions of the Ohio Building Code, the Ohio Mechanical Code and the Ohio Plumbing Code shall apply to the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance, removal and demolition of every building or structure or any appurtenances connected or attached to such buildings or structures. As provided in Section 3791.04(B) of the Ohio Revised Code, no plans or specifications shall be approved or inspection approval given unless the building represented by those plans or specifications would, if constructed, repaired, erected or equipped according to those plans or specifications, comply with Chapters 3781 and 3791 of the Ohio Revised Code and any rules adopted by the Board.

An owner may exceed the requirements of the Ohio Building Code in compliance with Section 102.9 of the Ohio Building Code.

(b) Exceptions.

- (1) The Ohio Building Code applies to detached one-, two-, and three-family dwellings and structures accessory to those dwellings, only to the extent indicated in Section 310 of the Ohio Building Code;
- (2) Buildings owned by and used for a function of the United States Government;
- (3) Buildings or structures which are incident to the use for agricultural purposes of the land on which said buildings or structures are located, provided such buildings or structures are not used in the business of retail trade; for the purposes of this section, a building or structure is not considered used in the business of retail trade if fifty percent or more of the gross income received from sales of products in the building or structure by the owner or operator is from sales of products produced or raised in a normal crop year on farms owned or operated by the seller (see Ohio R.C. 3781.06 and 3781.061);

- (4) Agricultural labor camps;
- (5) Type A or Type B family day-care homes, except for the inspection required for licensure by the Ohio Department of Jobs and Family Services (ODJFS). This required inspection shall be conducted by the certified building department having jurisdiction or the Division of Industrial Compliance and Labor in accordance with the inspection checklist found on the Board of Building Standard's website;
- (6) Buildings or structures which are designed, constructed, and maintained in accordance with federal standards and regulations and are used primarily for federal and state military purposes where the U.S. Secretary of Defense, pursuant to 10 U.S.C. Sections 18233(A)(1) and 18237, has acquired by purchase, lease, or transfer, and constructs, expands, rehabilitates, or corrects and equips, such buildings or structures as he determines to be necessary to carry out the purposes of Chapter 1803 of the U.S.C.
- (7) Manufactured homes constructed under "24 CFR Part 3280", "Manufactured Home Construction and Safety Standards", and within the scope of the rules adopted by the Ohio Manufactured Home Commission.
- (8) Sewerage systems, treatment works, and disposal systems (the tanks, piping and process equipment associated with these systems), regulated by the legislative authority of a municipal corporation or the governing board of a county or special district owning or operating a publicly owned treatment works or sewerage system as stated in division (A) of Ohio R.C. 6111.032, however a building that houses such process equipment is within the scope of this Code.
- (9) Building sewer piping.
- (10) Amusement rides and portable electric generators and wiring supplying carnival and amusement park rides regulated by the Ohio Department of Agriculture pursuant to Ohio R.C. 1711.50 et seq.
- (11) Structures directly related to the operation of a generating plant or major utility facilities regulated by the Power Siting Board. As a condition of the Power Siting Board's approval, the Building Department may be requested to review and inspect these structures for compliance with the rules of the Board of Building Standards. However, the Building Department has no enforcement authority.
- (12) Public water systems (the tanks, foundations, piping and process equipment associated with these systems) regulated by the Ohio Environmental Protection Agency in accordance with division (A) of Ohio R.C. 6109.07, however, a building that houses such process equipment is within the scope of this Code.
- (13) Private water systems (the tanks, foundations, piping and process equipment associated with these systems) regulated by the Ohio Department of Health in accordance with Ohio R.C. 3701.344, however, a building that houses such process equipment is within the scope of this Code.
- (14) Fixed or floating docks (including the electrical wiring, lighting, and fire protection systems serving the docks) at marinas or boatyards, unless the docks directly serve as a means of egress from, or an accessible route to, a regulated building located at the marina or boatyard.

- (15) Portable mobile vehicles which have been issued a Vehicle Identification Number (VIN) by the United States Department of Transportation. The vehicles have wheels and license plates and are intended for transportation on the public streets and highways. Examples of the exempt vehicles include, but are not limited to, recreational vehicles, book mobiles, blood mobiles, mobile medical imaging units, mobile concession trailers, network television transmission and production trailers used at sporting events, mobile restroom facilities, mobile pet grooming units, etc.
(OBC 101.2)

1301.04 COMPLIANCE.

(a) No owner or any other person shall construct, erect, build or equip any building or structure to which the Ohio Building Code is applicable, or make any addition thereto or alteration thereof, except in case of repairs for maintenance without affecting the construction, sanitation, safety or other vital feature of such building or structure, without complying with this chapter, Ohio R.C. Chapters 3781 and 3791 or the Ohio Building Code, or fail to comply with any lawful order issued pursuant thereto.
(ORC 3791.01, 3791.02)

(b) No architect, builder, engineer, plumber, carpenter, mason, contractor, subcontractor, foreman or employee shall violate or assist in violating this chapter, Ohio R.C. Chapters 3781 and 3791 or the Ohio Building Code, or fail to comply with any lawful order issued pursuant thereto. (ORC 3791.01, 3791.03)

(c) No owner shall proceed with the construction, erection, alteration or equipment of any building to which the Ohio Building Code is applicable until the plans or drawings, specifications, and data have been approved as Ohio R.C. 3791.04 requires, or the industrialized unit inspected at the point of origin. No plans or specifications shall be approved or inspection approval given unless the building represented would, if constructed, repaired, erected, or equipped comply with Chapters 3781 and 3791 of the Ohio Revised Code and any rule made under those chapters. (ORC 3791.04)

1301.05 EXISTING STRUCTURES.

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

The occupancy of any structure currently existing on the date of adoption of this Code shall be permitted to continue without change provided there are no orders of the Building Official pending, no evidence of fraud, or no serious safety or sanitation hazard. When requested, such approvals shall be in the form of a "Certificate of Occupancy for an Existing Building" in accordance with Section 111.2 of the Ohio Building Code.

Buildings constructed in accordance with plans which have been approved prior to the effective date of this Code are existing buildings.
(OBC 102.7)

1301.06 ORDERS AND VIOLATIONS.

(a) Adjudication Orders Required. When the Building Official denies any approval or takes action in response to findings of non-compliance, such action shall be initiated by issuing an adjudication order, prior to seeking any remedy, civil or criminal. Every adjudication order shall:

- (1) Clearly identify the section of law or rules violated.

- (2) Clearly identify, in a contrasting and obviously marked manner, all violations related to accessibility.
- (3) Specifically indicate which detail, installation, site preparation, material, appliance, device, addition, alteration to structures, construction documents, assemblages or procedures are necessary to change to comply with the order.
- (4) When issued to stop work, the order shall also clearly indicate the specific work that is required to cease, when the work must cease and the conditions under which the cited work will be permitted to resume. The order to stop work shall be given to the owner of the property involved, to the owner's agent and the person doing the work.
- (5) Include notice of the procedure for appeal and right to a hearing if requested within thirty days of the mailing of the order. The order shall also indicate that, at the hearing, the owner may be represented by counsel, present arguments or contentions orally or in writing, and present evidence and examine witnesses appearing for or against the owner.
- (6) Any hearing(s) scheduled for accessibility issues shall cause the Building Official or the appeals board to notify a local advocate organization for people with disabilities of the scheduled hearing. When a local advocate organization is not available, a state organization representing people with disabilities, such as the "Governor's Council on People with Disabilities" shall be notified.
- (7) Specify a reasonable period of time in which to bring the item(s) on the order into compliance.
- (8) Include the signature of the Building Official.
- (9) The order shall be sent by certified mail, return receipt requested, to the owner and any individual designated as a representative or agent by the owner in such matters.

(b) Response to Orders. The person receiving an order shall exercise their right to appeal within 30 days of the mailing of the order, comply with the order, or otherwise be released from the order by the Building Official.

(c) Prosecution and Penalties. When an owner fails to comply with subsection (b) hereof, the owner may be prosecuted and is subject to the penalty provided in Section 1301.99.

(d) Unlawful Continuance. Failure to cease work after receipt of an order to stop work is hereby declared a public nuisance. (OBC 109)

1301.07 UNSAFE BUILDINGS.

(a) Unsafe Buildings Defined. Structures or existing equipment that are unsafe or unsanitary due to inadequate means of egress facilities, inadequate light and ventilation, or which constitute a fire hazard, or are otherwise dangerous to human life, shall be deemed a serious hazard. Where a building is found to be a serious hazard, such hazard shall be eliminated or the building shall be vacated, and where such building, when vacated, remains a serious hazard, it shall be razed.

(b) Orders, Injunction Proceedings. Where the Building Official finds that a building is a serious hazard and the owner of such building fails, in the time specified in an order from the Building Official, to eliminate such hazard, or to vacate or raze the building, the building official shall proceed under Ohio R.C. 3781.15.

(c) Restoration. Where the structure or equipment is determined to be unsafe by the Building Official, it is permitted to be restored to a safe condition. To the extent that repairs, alterations or additions are intended to be made or a change of occupancy occurs during the restoration of the structure, such repairs, alterations, additions or change of occupancy shall comply with Chapters 1 and 34 of the Ohio Building Code and this chapter.
(OBC 109)

1301.08 CONFLICT.

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

(b) Other Laws. The provisions of the Ohio Building Code shall not be deemed to nullify any provisions of state or federal law. The Municipality may make further and additional regulations, not in conflict with Ohio R.C. Chapters 3781 and 3791 or with the rules of the Board of Building Standards. However approval by the Board of Building Standards of any fixture, device, material, system, assembly or product of a manufacturing process, or method or manner of construction or installation shall constitute approval for their use anywhere in Ohio.

(c) Other Rules. As provided in division (B) of Ohio R.C. 3781.11, the rules of the Board of Building Standards shall supersede and govern any order, standard or rule of the Divisions of State Fire Marshal or Industrial Compliance in the Department of Commerce, and the Department of Health and of counties and townships, in all cases where such orders, standards or rules are in conflict with the rules of the Board of Building Standards, except that rules adopted and orders issued by the Fire Marshal pursuant to Ohio R.C. Chapter 3743 prevail in the event of a conflict.

The rules of the Board of Building Standards adopted pursuant to Ohio R.C. 3781.10 shall govern any rule or standard adopted by the Board pursuant to Ohio R.C. 4104.02 and 4105.011.
(OBC 102)

1301.09 ENFORCEMENT.

(a) Building Official. The Building Official is responsible for the enforcement of the rules of the Board and of Ohio R.C. Chapters 3781 and 3791 relating to the construction, arrangement, and the erection of buildings or parts thereof. All building officials shall conduct themselves in a professional, courteous, impartial, responsive, and cooperative manner. The Building Official shall render interpretations of this Code and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be in compliance with the intent and purpose of this Code. Building Officials shall be responsible to assure that a system is in place to track and audit all projects, to assure that all Building Department personnel perform their duties in accordance with this section, and for the overall administration of a Building Department as follows:

(b) Applications and Plan Approvals. The Building Official shall receive applications, require or cause the submitted construction documents to be examined, ascertain by such examinations whether the construction indicated and described is in accordance with the requirements of this Ohio Building Code, and shall issue plan approvals for the construction, erection, alteration, demolition and moving of buildings and structures.

(c) Plan Examination by the Building Official. When the Building Department does not have in its full-time employ a certified master plans examiner, the certified Building Official shall examine construction documents to determine compliance with the rules of the Board if the registered design professional elects to submit construction documents that contain a written certification by the registered design professional indicating conformance with the requirements of the rules of the Board and Ohio R.C. Chapters 3781 and 3791.

(d) Orders. The Building Official shall issue all orders in accordance with Section 1301.06 to ensure compliance with the Ohio Building Code.

(e) Inspections.

(1) If the plans for the erection, construction, repair, alteration, relocating, or equipment of a building are subject to inspection by the Building Official, under Section 108 of the Ohio Building Code, the Building Official shall cause to be made such inspections, investigations, and determinations as are necessary to determine whether or not the work which has been performed and the installations which have been made are in conformity with the approved construction documents.

(2) Special inspections are as required under Section 1704 of the Ohio Building Code.

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

(g) Department Reports. The Building Official shall be responsible for the submission of reports and any requested special information to the Board of Building Standards as required in paragraph (F) of Rule 4101: 7-2-01 of the Administrative Code. Failure to submit these reports as required by rule or by special request or inquiry of the Board of Building Standards may be grounds for Board action as described in paragraph (F)(7) of Rule 4101:7-3-01 of the Administrative Code.

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

1301.99 PENALTY.

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

CHAPTER 1311
Property Maintenance Code

<p>1311.01 Definitions.</p> <p>1311.02 Nuisance determination; prohibition.</p> <p>1311.03 Notice and abatement.</p> <p>1311.04 Notices.</p> <p>1311.05 Required schedule for boarded structures.</p> <p>1311.06 Noncompliant boarded structures a nuisance.</p> <p>1311.07 Cooperating owners; special notice and abatement.</p>	<p>1311.08 Expedited procedure for failure to clean up garbage, litter, rubbish and refuse, and furniture and/or other materials; work by Village; collection of expenses without lien.</p> <p>1311.09 Chapter not exclusive.</p> <p>1311.10 Severability.</p> <p>1311.11 Civil penalty for failure to pay.</p> <p>1311.12 Transfer of ownership.</p> <p>1311.99 Penalty.</p>
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CROSS REFERENCES

Unsafe structures - see BLDG. Ch. 1341

Residential Rental Dwelling Standards - see BLDG. Ch. 1371

1311.01 DEFINITIONS.

As used in this chapter:

- (a) "Dangerous building or structure" means any building, structure or mobile home (on a foundation or otherwise) which 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.
- (b) "Unsafe equipment" means any boiler, heating equipment, elevator, moving stairway, electrical wiring or device on the premises which is in such disrepair or condition that such equipment is a hazard to life, health, property or safety to the public or its inhabitants.
- (c) "Building or structure unfit for human occupancy" means any building, structure or mobile home designed or used for human occupation which is unsanitary, vermin or rat infested, contains filth or contamination, or lacks potable water, ventilation, illumination or sanitary facilities.
- (d) "Blighted building" means any building, structure or mobile home in a significant state of disrepair, including but not limited to, broken windows and doors, boarded windows or doors, crumbling foundations, missing siding or walls, etc.

- (e) "Unsightly building" means any building, structure or mobile home with missing shingles or peeling paint; or with broken or unsafe stairway, porches, fences or retaining walls.
- (f) "Dangerous landscaping" means trees, shrubs or other plants which extend out into sidewalks or the right of way in such a manner as to interfere with pedestrian or vehicular traffic. Dangerous landscape further includes residual debris and holes in the ground, including uncovered basements, left after the passage of thirty days from the beginning of a demolition.
- (g) "Owner" means the owner of record of the premises in fee or any lesser estate therein, a mortgagee or vendee in possession, assignee of the rents, receiver, executor, administrator, trustee, lessee or other person in control of the premises or their duly authorized agents including but not limited to property managers.
- (h) "Demolition material" means all material, including but not limited to, rock, stone, concrete, and asphalt which is used in construction, mining, building maintenance, or road or street maintenance.
- (i) "Furniture and/or Other Materials" means those items manufactured to be used inside a building or structure, such as, but not limited to, couches and chairs (conventional or overstuffed), mattresses, box springs, water closets, sinks, cabinets, tables, game tables, or other similar items manufactured to be used for interior purposes.
- (j) "Garbage" means all putrescible matter, including but not limited to animal or vegetable wastes or feces, whether solid, liquid or mixed, which attends, exists, or is created or accumulates within the Village.
- (k) "Litter" includes any garbage, waste, peelings of vegetables or fruits, rubbish, ashes, cans, bottles, wire, paper, cartons, boxes, parts of vehicles, wagons, furniture, glass, oil of an unsightly or unsanitary nature, or anything else of an unsightly or unsanitary nature.
- (l) "Rubbish or refuse" means all natural or manmade matter, whether putrescible or non-putrescible, combustible or noncombustible and including but not limited to ashes, paper, tin, tin cans, bottles, glass, a non-permitted temporary sign, a temporary sign when its temporary sign permit has expired, vegetable material, brush, grass, leaves, wrappings, cardboard, trees, shrubs, crockery, dead animals, furniture or appliances (or parts thereof), industrial waste, waste of a dangerous or explosive nature, septic tank cleanings, demolition matter, rubber tires, rubber products, metal, motor vehicle parts or pieces, engines and motors or parts thereof, any upholstered furniture not manufactured, designed, and intended for exterior use, or any similar object which is not clearly intended for outdoor use on the premises.
- (m) "Public nuisance" means any yard, land or lot, fence, wall, garage, shed, house, building, structure, sign, tree, pole, smoke stack, or any excavation, basement, cellar, well, cistern or sidewalk subspace or part thereof:
 - (1) Having an accumulation of demolition material, garbage, litter, rubbish or weeds, which accumulation creates a danger to health, life, limb or property; or
 - (2) Which will cause hurt, harm, discomfort, damage or injury to the public or to any considerable number of persons in the Village or to members of the public by reason of any one or more of the following:
 - A. Being detrimental to the general health of the community,
 - B. Being a fire hazard,

- C. Being unsafe for occupancy, or use,
 - D. Being an attractive nuisance to children,
 - E. Lack of reasonable or adequate maintenance of structures, and grounds, causing deterioration and blighting influence on nearby properties and thereby depreciating the enjoyment and use of the property in the immediate vicinity to such an extent that it is harmful to the community,
 - F. Having a condition which violates a provision of the Building and Housing Code adopted in Chapter Thirteen of the Codified Ordinances of the Village of Geneva on the Lake, Ohio,
 - G. Being a bench billboard which has fallen into such a state of disrepair or has suffered such damage and wear so as to no longer be in compliance with the Village's Housing and Building Code or is otherwise dangerous to use,
 - H. A sign which prohibited under Section 1133.05 of the Codified Ordinances of the Village of Geneva on the Lake, Ohio.
- (n) "Public nuisance" shall also mean any yard, land, or lot, or part thereof, other than a yard or lot zoned or legally used, for any use first permitted by Chapter Eleven of the Codified Ordinances of the Village of Geneva on the Lake which has placed or stored thereupon any used washer, dryer, refrigerator, dishwasher, stove, range, oven, freezer, water heater or other like major appliance, including, but not limited to, any yard, land, or lot or part thereof, upon which any such major household appliance is placed for purposes of outdoor sales and/or outdoor display.
(Ord. 2017-24. Passed 5-15-17.)

1311.02 NUISANCE DETERMINATION; PROHIBITION.

(a) When a reasonable basis to believe that a public nuisance exists, the Police Chief or his/her designee shall inspect or cause the inspection of the premises on which such public nuisance is believed to exist. The Fire Chief may and, upon request of the Police Chief or his/her designee, shall inspect or cause the inspection of the premises on which a public nuisance is believed to exist.

(b) No owner or occupant of a premises shall permit the existence of a public nuisance to continue on such premises. (Ord. 2017-24. Passed 5-15-17.)

1311.03 NOTICE AND ABATEMENT.

(a) If, upon inspection, it is determined that a public nuisance exists, then the Police Chief or his/her designee shall send or deliver a written notice in accordance with Section 1311.07 of this chapter to abate such public nuisance to each owner or occupant, or both, who caused or permitted the public nuisance to exist. Such notice shall identify the public nuisance and require the owner or occupant, or both, to abate the public nuisance within seven (7) days of such notice if the public nuisance is litter or rubbish and in all other cases within thirty (30) days of such notice either by the removal of the public nuisance or the repair of the public nuisance. Failure to abate the public nuisance within seven (7) or thirty (30) days of such notice, as provided herein, may cause the Village to abate the public nuisance at the expense of the owner or occupant, or both, who caused or permitted such public nuisance to exist.

(b) The Police Chief or his/her designee shall prepare or cause the preparation of a written report, including photographs, of every public nuisance for which a notice to abate is issued. All such reports shall remain on file with the Mayor's Office until the public nuisance is abated. (Ord. 2017-24. Passed 5-15-17.)

1311.04 NOTICES.

(a) Whenever the Police Chief or his designee determines that there has been a violation of any provision of this chapter, he, or his designee, may give notice of such violation to the person responsible therefor and order compliance with this chapter as hereinafter provided. Such notice and order shall:

- (1) Be put in writing on an appropriate form;
- (2) Include a list of violations, refer to the section or sections of this chapter violated and order remedial action which, if taken, will effect compliance with the provisions of this chapter;
- (3) Specify a reasonable time for performance;
- (4) Advise the owner, operator or occupant of the procedure for appeal, except emergency orders issued pursuant to Section 1311.07(b)
- (5) Be served on the owner or occupant in person or by certificate of mailing to his last known mailing address, residence, or place of business, and a copy is posted in a conspicuous place in or on the dwelling affected. The mailing shall be evidenced by a certificate of mailing, and service shall be deemed complete on the date of mailing. The mailing shall be evidenced by a certificate of mailing, and service shall be deemed complete on the date of mailing, provided that the ordinary mail envelope is not returned by the postal authorities with an endorsement showing failure of delivery.
- (6) The notice and order may, in the alternative, be served by leaving it at his last known residence or place of business in the presence of a family member or other responsible person of suitable age and discretion who shall be informed of the general nature of the contents thereof. If service is not accomplished by any of the above means, then a notification of the existence of the notice and order may be published at least once in a local newspaper of general circulation.

(b) Any person aggrieved by the determination of the Police Chief or his/her designee shall have a period of ten (10) days from receipt of the notice to file a written appeal to the Village Planning Commission. There shall be a \$50.00 filing fee paid by the aggrieved party to the Village for any appeal filed. Said appeal shall provide the name, address and phone number of the appealing party, the address of the violation, and the basis for disputing the Village determination that the property violates Chapter 1311. Said appeal shall be heard by the Village Planning Commission within forty-five (45) days, and the Administrator shall insure that the person filing the appeal has at least five (5) days' notice of said hearing. The Commission shall take testimony from the party appealing and from the Village, shall make written findings and shall issue a written decision. Any party aggrieved by the Planning Commission shall have twenty-eight (28) days from receipt of the date of decision to appeal to the Ashtabula County Common Pleas Court.

(c) In instances where a dangerous building or dangerous landscape becomes an imminent threat and danger to the occupant or to the public, and, in the case of a dangerous building, the same is supported by an affidavit from a registered engineer, county health official, State Fire Marshal or certified Building Official, the Police Chief and his/her designee may take immediate steps to eliminate the imminent threat to the public without waiting for the remedial period or an appeal, including demolition, removing occupants from the dwelling and any other measures necessary to protect the public.

(d) Upon failure of the owner to comply with the provisions of this chapter within the time limit following service of the "Notice of Violation", the Village may remediate dangerous landscaping, remove trash and rubbish, make repairs or demolish a building in order to abate the public nuisance.

(e) If the Village makes such remediation, repairs, removal or demolition pursuant to this section, the costs shall be borne by the owner, which shall include all costs incurred by the Village, including cost of performing the work, engineering or other experts and costs, if any, of borrowing funds to complete the work, together with an administrative fee of twenty percent (20%) of the total costs.

(f) The expenses of the abatement shall be determined and billed to the property owner by regular mail. If the bill is not paid within ten (10) days following the date of mailing, the Fiscal Officer shall certify to the County Auditor the action taken under this chapter, a statement of the charges for such action, and a proper description of the premises, for the purpose of making the same a lien upon such land to be collected as other taxes and returned to the Village General Fund in accordance with Ohio R.C. 731.54.
(Ord. 2017-24. Passed 5-15-17.)

1311.05 REQUIRED SCHEDULE FOR BOARDED STRUCTURES.

(a) The owner of a structure known to have been boarded up for one hundred eighty (180) days shall receive from the Police Chief or his/her designee a "Notice to Elect Whether to Rehabilitate, Sell, or Demolish the Structure." Within ninety (90) days after the aforesaid Notice to Elect is sent to the owner, the owner of the structure (hereafter termed "owner") shall prepare a proposal to sell, demolish, or rehabilitate said structure including a timetable for completing said proposal. Police Chief or his/her designee shall examine the owner's proposal and timetable to see if it is a reasonable response to the condition of the structure. Provided there is a timely start and adequate progress, a timetable of as long as fifteen (15) months can be approved by the Police Chief or his/her designee.

(b) If the Police Chief or his/her designee determines that the proposed timetable to sell, demolish, or rehabilitate the structure is reasonable, and the proposed work program will result in bringing the structure into compliance with law, then the owner's proposal shall be approved by the Police Chief or his/her designee, and further Village enforcement shall be withheld as long as the property remains secure, and the timetable and work program are fulfilled.

(c) If the Police Chief or his/her designee determines that the timetable is unreasonable, or that the proposed work program will not bring the structure into compliance with the law, then the Police Chief or his/her designee shall disapprove the proposal, state the reasons therefor in writing, and continue enforcement action to require the repair or demolition of the structure.

(d) Sale. If the approved proposal calls for sale of the property, then the property shall be continuously listed on the Multiple Listing Service at a price deemed reasonable by the Police Chief or his/her designee, considering the conditions of the structure and the value of the underlying property. The listing must commence within thirty (30) days of the approval of the proposal.

(e) Demolition. If the approved proposal calls for demolition of the property, then the necessary approvals (historical or other) must be sought in a timely manner, all necessary submissions being completed within thirty (30) days of the approval of the proposal. Once all needed approvals have been received, the structure's demolition must begin within thirty (30) days and be continuously pursued.

(f) Rehabilitation. If the approved proposal calls for the rehabilitation and repair of the structure, then all trash, debris, and other contents impeding the necessary examinations by contractors and inspectors, shall be removed within thirty (30) days of the approval of the proposal. Thereafter the approved timetable and work program shall be fulfilled on schedule, or the Police Chief or his/her designee shall commence an action to force repair or demolition. The approved rehabilitation program shall be subject to the same requirements for building permits, zoning approvals, and such other regulatory approvals as apply to other structures within the Village. (Ord. 2017-24. Passed 5-15-17.)

1311.06 NONCOMPLIANT BOARDED STRUCTURES A NUISANCE.

It is hereby found that structures which have been boarded up for more than one hundred eighty (180) days, have been the subject of a "Notice to Elect" pursuant to Section 1311.08 for longer than ninety (90) days, yet still have no approved proposal, are in fact public nuisances. This finding reflects the blighting influence of such structures, their tendency to become attractive nuisances, their tendency to harbor rats and vermin, and the accelerated decay common to such structures. Therefore, while noncompliant owners are subject to the penalties referenced in Section 1311.99, the structures themselves are to be the subject of appropriate proceedings to mandate the abatement of the public nuisance. (Ord. 2017-24. Passed 5-15-17.)

1311.07 COOPERATING OWNERS; SPECIAL NOTICE AND ABATEMENT.

When, upon inspection, it is determined that a public nuisance exists in the form of litter, rubbish, or refuse as defined in Section 1311.01 at a single-family dwelling unit, then the Police Chief or his/her designee shall send or deliver a written notice to abate such public nuisance to each owner and to the tenant who caused or permitted the public nuisance to exist. Such notice served on the tenant shall identify the public nuisance and require the tenant to abate the public nuisance within seven (7) days of such notice and such notice served on the owner shall identify the public nuisance and require the owner to abate the public nuisance within fourteen (14) days of such notice either by the removal of the public nuisance or the repair of the public nuisance. Failure to abate the public nuisance within fourteen (14) days of such notice being served on both the owner and tenant, as provided herein, may cause the Village to abate the public nuisance at the expense of the owner or tenant, or both, who caused or permitted such public nuisance to exist. (Ord. 2017-24. Passed 5-15-17.)

1311.08 EXPEDITED PROCEDURE FOR FAILURE TO CLEAN UP GARBAGE, LITTER, RUBBISH AND REFUSE, AND FURNITURE AND/OR OTHER MATERIALS; WORK BY VILLAGE; COLLECTION OF EXPENSES WITHOUT LIEN.

(a) The owner, occupant or person having the charge or management of any lot or parcel of land situated within the Village, whether the same be improved or unimproved, vacant or occupied, shall properly dispose any and all garbage, litter, rubbish and refuse, or furniture and/or other material located on such lot or parcel of land in violation of the provisions of this Chapter 1311. Upon being notified in writing by the Police Chief or his/her designee to do so, such owner, occupant or person in charge or having the management of any such lot or parcel of land shall properly dispose any and all garbage, litter, rubbish and refuse, or furniture and/or other materials located on such lot or parcel of land in violation of the provisions of this Chapter 1311 within five (5) days of the date of service of such notice. Such notice shall conform to the provisions of subdivision (b) of this Section 1311.11.

- (b) The notice specified in subdivision (a) shall:
- (1) Be put in writing on an appropriate form;
 - (2) Include a list of violations, refer to the section or sections of this chapter violated and order remedial action which, if taken, will effect compliance with the provisions of this chapter;
 - (3) Specify a reasonable time of five (5) days or more for performance;
 - (4) Be served on the owner, occupant or agent in person. However, this notice and order shall be deemed to be properly served upon the owner, occupant or agent if a copy thereof is sent by ordinary mail to his last known mailing address, residence, or place of business, and a copy is posted in a conspicuous place in or on the land affected. The mailing shall be evidenced by a certificate of mailing, and service shall be deemed complete on the date of mailing.

(c) If the owner, occupant or agent having the charge or management of any lot or parcel of land situated within the Village fails to comply with the notice provided for in this section within five (5) days from the time of service thereof, the Police Chief or his/her designee shall cause such garbage, litter, rubbish and refuse, furniture and/or other materials located on such lot or parcel of land to be removed and disposed of. He shall, with the assistance of the Village Solicitor, cause the cost of such removal and disposal to be collected through such legal processes as are available to the Village for the collection of such debts. All expenses so incurred, including charges for all services and service of notice, the use of machinery, equipment, landfill fees and labor necessary for removal of such garbage, litter, rubbish and refuse, or furniture and/or other material from such lot or parcel of land and disposed of, may be charged to such owner, occupant or agent having the charge or management of any lot or parcel of land on which the Village caused such garbage, litter, rubbish and refuse, or furniture and/or other materials to be removed and disposed of and upon whom the notice specified in subdivision (a) of this Section 1311.08 was served in accordance with subdivision (b) of this Section 1311.08.

(Ord. 2017-24. Passed 5-15-17.)

1311.09 CHAPTER NOT EXCLUSIVE.

This chapter shall not be deemed to be a limitation or restriction on the authority of any department, division, official or employee of the Village, but shall be deemed as an enlargement of any authority existing by virtue of the statutes of the State of Ohio, or any ordinance heretofore enacted by Council. (Ord. 2017-24. Passed 5-15-17.)

1311.10 SEVERABILITY.

Should any section or provision of this chapter be held by the courts to be unconstitutional or invalid, such decision shall not affect the validity of this chapter as a whole or any part thereof other than the part so decided to be unconstitutional or invalid.
(Ord. 2017-24. Passed 5-15-17.)

1311.11 CIVIL PENALTY FOR FAILURE TO PAY.

In the event any person fails to pay a sum, required to be paid to the Village under this Chapter (hereinafter the "principal sum"), within ninety (90) days after the sum becomes due and owing to the Village, a civil penalty is imposed on such person equal to thirty-three and thirty-three one-hundredths percent (33.33 %) of the sum of the following two items:

- (a) The unpaid principal sum due and owing to the Village under this Chapter,
 - (b) Court costs incurred in obtaining a judgment against such person for the unpaid principal sum due and owing to the Village under this Chapter.
- (Ord. 2017-24. Passed 5-15-17.)

1311.12 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 Police Chief or his/her designee and shall furnish to the Police Chief or his/her designee 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.
(Ord. 2017-24. Passed 5-15-17.)

1311.99 PENALTY.

Whoever violates or fails to comply with any provision of this chapter shall be fined not more than one hundred fifty dollars (\$150) on a first offense and for a second offense, shall be fined not more two hundred fifty dollars (\$250.00) or imprisoned not exceeding thirty (30) days, or both. (Ord. 2017-24. Passed 5-15-17.)

CHAPTER 1321
Flood Damage Prevention

EDITOR'S NOTE: Pursuant to Ordinance 909, passed October 5, 1987 the Village has enacted a Flood Damage Prevention Ordinance to comply with the National Flood Insurance Program requirements which is attached to said Ordinance as Exhibit "A" and which is incorporated herein as if fully rewritten herein.

CROSS REFERENCES

Adoption by reference - see Ohio R.C. 731.231

Flood insurance - see Ohio R.C. 3925.34(C), 3941.122(A)(1)

**CHAPTER 1331
Numbering Structures**

1331.01	Property numbering map.	1331.05	Alteration.
1331.02	Display of number.	1331.99	Penalty.
1331.03	Future structures.		
1331.04	Standards.		

CROSS REFERENCES

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

1331.01 PROPERTY NUMBERING MAP.

The property numbering map entitled Geneva-on-the-Lake Numbering Map is hereby adopted as the property numbering map of the Village, and all buildings, houses, and property numbers shall be assigned in accordance with this numbering map, and no other property numbers shall be used or displayed within the Village except in accordance with the numbering map adopted herein which shall be on file in the office of the Mayor.
(Ord. 1033. Passed 11-7-94.)

1331.02 DISPLAY OF NUMBER.

Every property owner of improved property shall on or before January 1, 1995, affix and display in a conspicuous place on said house, building or property the number assigned in the manner as hereinafter set forth.
(Ord. 1033. Passed 11-7-94.)

1331.03 FUTURE STRUCTURES.

All residence and business buildings erected after the adoption of this chapter shall be assigned a number in accordance with the property numbering map and shall display said number as provided for herein.
(Ord. 1033. Passed 11-7-94.)

1331.04 STANDARDS.

Each building or dwelling to which a number has been assigned shall have such number displayed in a position easily observed and readable from the road, sidewalk or other public right of way. All numbers shall be Arabic or plain block, not script or written numbers, and shall be at least 3 inches high and ½ inch stroke and shall be set on a background of a contrasting color. When a house is some distance from a road or when view of the house is blocked by trees or shrubs, house numbers should be on a sign attached to a tree, fence, gate, or lawn stake. On a corner lot, the house number should face the street named in the address. In a rural area the house number should be on both sides of the mailbox as well as on the house or building. House numbers should be illuminated and easily visible at night. (Ord. 1033. Passed 11-7-94.)

1331.05 ALTERATION.

It shall be unlawful for any person to alter, deface, or take down any number placed on any property in accordance with this chapter, except for repair or replacement of such number. (Ord. 1033. Passed 11-7-94.)

1331.99 PENALTY.

Any person, firm or corporation found guilty of violating any section of this chapter shall be fined not more than twenty-five dollars (\$25.00). Each day of continued violation is a separate violation. (Ord. 1033. Passed 11-7-94.)

CHAPTER 1341
Unsafe Structures

1341.01	Defined; abatement.	1341.05	Failure to repair.
1341.02	Inspection; notice to repair.	1341.99	Penalty.
1341.03	Posting of notice.		
1341.04	Permits required.		

CROSS REFERENCES

Removal of unsafe structures - see Ohio R.C. 715.26 et seq.

1341.01 DEFINED; ABATEMENT.

All buildings or structures which are structurally unsafe or not provided with adequate egress or which constitute a fire hazard, or are otherwise dangerous to human life or which in relation to existing use constitute a hazard to health by reason of inadequate maintenance, dilapidation or obsolescence are for the purpose of this chapter, "unsafe buildings". All such unsafe buildings are declared to be public nuisances and shall be abated by repair and rehabilitation or by demolition in accordance with the procedure of this chapter.
(Ord. 642. Passed 1-15-73.)

1341.02 INSPECTION; NOTICE TO REPAIR.

The Building Inspector shall examine or cause to be examined every building or structure or portion thereof reported as or believed to be an unsafe building as defined in Section 1341.01. He shall give written notice to the owner or owners of record, including any purchasers under a recorded land contract and to the persons occupying said building if they are not the owners thereof, at least thirty days prior to the removal or repair of any insecure, unsafe or structurally defective building by certified mail to the holders of legal or equitable liens recorded upon the real property of which such building is located and to owners of record of such property. Notice shall also be given to any purchaser under a recorded land contract to the person occupying said building, if they are not the owners thereof. The written notice shall specifically state the defects that cause the building to be unsafe and shall state that this work shall commence within thirty days and continue work whether to complete the repair or improvement or to demolish and remove the building or structure or portion thereof, leaving the premises in a clean and safe and sanitary condition. Such condition being subject to the approval of the Building Inspector except that in cases of emergency making immediate repair necessary, the Building Inspector may order the changes or demolition be made within a shorter period of time. The notice shall also require the building or portion thereof to be vacated forthwith by the occupants thereof.
(Ord. 642. Passed 1-15-73.)

1341.03 POSTING OF NOTICE.

The Building Inspector shall cause to be posted at each entrance to such building a notice to read: "DO NOT ENTER. UNSAFE TO OCCUPY. DIVISION OF BUILDING REGULATION, VILLAGE OF GENEVA-ON-THE-LAKE, OHIO". Such notice shall remain posted until the required repairs are made or demolition is completed. It shall be unlawful for any person to remove such notice without permission of the Building Inspector or for any other person to enter the building, except for the purpose of making the required repairs or of demolishing same. (Ord. 642. Passed 1-15-73.)

1341.04 PERMITS REQUIRED.

In all cases of construction or repair pursuant to orders of the Building Inspector, permits covering such work shall be obtained as required by other sections of the Village Building Code. (Ord. 642. Passed 1-15-73.)

1341.05 FAILURE TO REPAIR.

In case the owner of record or the purchaser under a land contract if that be the case, shall fail, neglect or refuse to comply with the notice to repair, rehabilitate, or demolish and remove such building or structure or portion thereof, such party either the owner of record or the purchaser under a land contract shall be subject to the penal provisions of this chapter and the Building Inspector shall proceed to have the building or structure or portion thereof demolished and removed from the premises leaving the premises in a clean, safe and sanitary condition and the cost of such work shall be paid by the Village. The total costs whether such costs are incurred due to use of employees, materials and equipment of the municipal corporation or by contract for labor, materials, and equipment or both of removing insecure, unsafe or structurally defective buildings or other structures regardless whether such removal is authorized under Ohio R.C. 715.26 or Section 3 of Article 18 of the Ohio Constitution, including costs of service of publication of notice together with proper description of the premises shall be certified by the Clerk of Council to the County Auditor and by him placed upon the tax duplicate and such costs are a lien upon such lands from and after the date of entry and shall be collected as other taxes and returned to the municipal corporation. (Ord. 642. Passed 1-15-73.)

1341.99 PENALTY.

Whosoever violates any provision of this chapter shall be deemed guilty of a misdemeanor and shall be fined not more than fifty dollars (\$50.00) and be imprisoned for not more than ten days or both. Each section and each part of each section of this chapter is hereby declared to be an independent section or part of a section and notwithstanding any other evidence of legislative intent. It is hereby declared to be the controlling legislative intent that if any subsection or part of a section or any provision thereof or the application thereof to any person or circumstances is held to be invalid, the remaining sections or parts of sections in the application of said provision to any other person or circumstances other than those as to which it is held invalid shall not be effected thereby; and it is hereby declared to be the legislative intent that the other provisions of this chapter would have been adopted independently of such section, sections or parts of the section so held to be invalid. (Ord. 642. Passed 1-15-73.)

**CHAPTER 1345
Building Demolition**

1345.01 Demolition permit required.	1345.03 Barricades required.
1345.02 Standards for demolition.	1345.99 Penalty.

CROSS REFERENCES
Unsafe structures - see BLDG Ch. 1341

1345.01 DEMOLITION PERMIT REQUIRED.

No landowner shall begin, or cause to begin, the demolition of any building or structure without first obtaining a demolition permit from the Ashtabula County Building Department and providing a copy of the same with the Village Administrator.
(Ord. 2010-74. Passed 11-15-10.)

1345.02 STANDARDS FOR DEMOLITION.

All landowners, and those employed by landowners, demolishing any building or structure shall satisfy all of the following criteria:

- (a) The demolition shall be completed within thirty days after work begins to demolish such building or structure.
- (b) To deter rodent infestation, eliminate odors and avoid backfill clogging storm and sewer lines, all abandoned storm drains and sanitary sewers shall be capped with at least four inches of concrete before being covered. The landowner, and those employed by the landowner, shall not cover such drains or sewers without the Village Administrator first inspecting and approving the capping of such abandoned storm drains and sanitary sewers.
- (c) To avoid spontaneous combustion or explosion, all combustible materials, such as wood, paper, rags and all fuel tanks, both above and below ground, must be removed from the site.
- (d) To provide a safe and well groomed area, within thirty days, all basements or other excavated areas must be filled and graded. Fill material must consist of clean earth, brick, stone or concrete free of garbage or decaying material. The top six inches of fill must be clean soil.
- (c) All sidewalks, streets, or roadways damaged as a result of the demolition work shall be restored to their original condition by the owner, within thirty days, unless a longer time is approved by the Village Administrator. During demolition of the building and improvements, sidewalks, streets and roadways shall be maintained in usable condition. (Ord. 2010-74. Passed 11-15-10.)

1345.03 BARRICADES REQUIRED.

(a) No person shall abandon or knowingly permit to remain on public or private property, any excavation, well, cesspool or structure which is in the process of construction, reconstruction, repair, alteration or demolition unless the same is adequately protected by suitable barricades and guarded by warning devices or lights at night so that the condition will not reasonably provide danger to life or limb.

(b) No person shall destroy, remove, damage or extinguish any barricade or warning light that is placed for the protection of the public so as to prevent injury to life or limb.
(Ord. 2010-74. Passed 11-15-10.)

1345.99 PENALTY.

Violation of any provision of this chapter is a minor misdemeanor, subject to a fine of fifty dollars (\$50.00) per day.
(Ord. 2010-74. Passed 11-15-10.)

CHAPTER 1351
Community Reinvestment Area

1351.01 Purpose.	1351.06 Housing Officer.
1351.02 Established.	1351.07 Community Reinvestment Area Housing Council.
1351.03 Eligibility.	1351.08 Tax Incentive Review Council.
1351.04 Tax exemption.	
1351.05 Commercial and industrial projects.	

1351.01 PURPOSE.

The area designated as the Village of Geneva-on-the-Lake Community Reinvestment Area constitutes an area in which housing facilities or structures of historical significance are located, and in which new construction or repair of existing facilities has been discouraged. (Ord. 2006-87. Passed 11-27-06.)

1351.02 ESTABLISHED.

Pursuant to Ohio R.C. 3735.66, the Geneva-on-the-Lake Community Reinvestment Area is hereby established for the entire corporate limits of the Village of Geneva-on-the-Lake, Ohio. The Community Reinvestment Area is approximately depicted as the cross hatched area on the map attached to Ordinance 2006-87, marked Exhibit "B", and by this reference incorporated herein. Only residential, commercial and/or industrial properties consistent with the applicable zoning regulations within the designated Community Reinvestment Area will be eligible for exemptions under this Program. (Ord. 2006-87. Passed 11-27-06.)

1351.03 ELIGIBILITY.

All properties identified in Exhibit "A" as being within the designated Community Reinvestment Area are eligible for this incentive (the Village may determine that all or any combination of project types--residential, commercial and industrial as eligible). This proposal is a public/private partnership intended to promote and expand conforming uses in the designated area. As part of the project, the Village intends to undertake supporting public improvements in the designated area. (Ord. 2006-87. Passed 11-27-06.)

1351.04 TAX EXEMPTION.

Within the Community Reinvestment Area, the percentage of the tax exemption on the increase in the assessed valuation resulting from improvements to commercial and industrial real property and the term of those exemptions shall be negotiated on a case-by-case basis in advance of construction or remodeling occurring according to the rules outlined in Ohio R.C. 3735.67. The results of the negotiation as approved by this Council will be set in writing in a Community Reinvestment Area Agreement as outlined in Ohio R.C. 3735.671. For residential property, a tax exemption on the increase in the assessed valuation resulting from the improvements as described in Ohio R.C. 3735.67 shall be granted upon proper application by the property owner and certification thereof by the designated Housing Office for the following periods. Residential applications must be filed with the Housing Officer no later than six months after construction completion and shall be accompanied by a one hundred dollar (\$100.00) application fee.

- (a) Five years for the remodeling of every residential dwelling unit containing not more than two family units and upon which the cost of remodeling is at least ten thousand dollars (\$10,000), as described in Ohio R.C. 3735.67, and which such exemption being fifty percent (50%) for each of the five years.
- (b) Five years for new residential construction consisting of not more than two family units, as described in Ohio R.C. 3735.67, and with such exemption being fifty percent (50%) for each of the five years.
- (c) Anything more than two residential units per lot shall be deemed commercial.
- (d) Up to twelve years and up to one hundred percent (100%) for existing commercial and industrial facilities, the term and percentage of which shall be negotiated on a case-by-case basis in advance of construction or remodeling occurring.
- (e) Up to fifteen years and up to one hundred percent (100%) for new commercial or industrial facilities, the term and percentage of which shall be negotiated on a case-by-case basis in advance of construction occurring.
- (f) Mixed use facilities (i.e. combined residential and commercial use) shall be treated as a commercial project in its entirety subject to the term length and percentages as set forth in subsections (d) and (e) above.

If remodeling qualifies for an exemption during the period of the exemption, the exempted percentage of the dollar amount of the increase in market value of the structure will be exempt from real property taxation. If new construction qualifies for an exemption, during the period of exemption, the exempted percentage of the structure shall not be considered to be an improvement on the land on which it is located for the purpose of real property taxation. (Ord. 2006-87. Passed 11-27-06.)

1351.05 COMMERCIAL AND INDUSTRIAL PROJECTS.

All commercial and industrial projects are required to comply with the state application fee requirements of Ohio R.C. 3735.672(C) and the local annual monitoring fee equal to the greater of one percent (1%) of the amount of taxes exempted under the agreement or five hundred dollars (\$500.00); provided, however, that if the value of the incentives exceeds two hundred fifty thousand dollars (\$250,000), the fee shall not exceed two thousand five hundred dollars (\$2,500). The fee shall be payable to Council once per year for each year the agreement is effective on the days and in the form specified in the agreement. Fees paid shall be deposited in a special fund created for such purpose by Council and shall be used by Council exclusively for the purpose of complying with Ohio R.C. 3735.672 [3735.67.2] and by the tax incentive review council created under Ohio R.C. 5709.85 exclusively for the purposes of performing the duties prescribed under that section. (Ord. 2006-87. Passed 11-27-06.)

1351.06 HOUSING OFFICER.

To administer and implement the provisions of this chapter, the Code Enforcement Officer of the Village is designated the Housing Officer as described in Ohio R.C. 3735.65 through 3735.70. He shall be compensated at the rate of ten dollars (\$10.00) per hour, for time specifically authorized by the Mayor, provided such compensated time is above the twenty hours per week dedicated to other code enforcement activities.
(Ord. 2006-87. Passed 11-27-06.)

1351.07 COMMUNITY REINVESTMENT AREA HOUSING COUNCIL.

(a) A "Community Reinvestment Area Housing Council" shall be created, consisting of two members appointed by the Mayor, two members appointed by Council and one member appointed by the Planning Commission. The majority of the members shall then appoint two additional members who shall be residents within the area. Terms of the members of the council shall be for three years. An unexpired term resulting from a vacancy in the council shall be filled in the same manner as the initial appointment was made.

(b) The council reserves the right to re-evaluate the designation of the Genera-on-the-Lake Community Reinvestment Area after December 31, 2007, on an annual basis, at which time the council may direct the Housing Officer not to accept any new applications for exemptions as described in Ohio R.C. 3735.67.

(c) The Community Reinvestment Area Council shall make an annul inspection of the properties within the district for which an exemption has been granted under Ohio R.C. 3735.67. The council shall also hear appeals under Ohio R.C. 3735.70.
(Ord. 2006-87. Passed 11-27-06.)

1351.08 TAX INCENTIVE REVIEW COUNCIL.

A Tax Incentive Review Council shall be established pursuant to Ohio R.C. 5709.85 and shall consist of three representatives appointed by the Board of County Commissioners, two representatives of the Village, appointed by the Mayor with Council concurrence, the county auditor or designee and a representative of each affected Board of Education. At least two members must be residents of the Village. The Tax Incentive Review Council shall review annually the compliance of all agreements involving the granting of exemptions for commercial or industrial real property improvements under Ohio R.C. 3735.671 and make recommendations to the Council as to continuing, modifying or terminating said agreement based upon the performance of the agreement.
(Ord. 2006-87. Passed 11-27-06.)

CHAPTER 1361
Standards for Dwelling Units, RV's and Temporary Structures

1361.01	Definitions.	1361.05	Temporary structures.
1361.02	Connection required for all dwelling units.	1361.06	Title.
1361.03	RV's in residentially zoned areas.	1361.07	Other prohibitions.
1361.04	RV's in commercially zoned area.	1361.99	Penalty.

CROSS REFERENCES

Property Maintenance Code - see BLDG. Ch. 1311

1361.01 DEFINITIONS.

As used in this chapter:

- (a) "Village" refers to the Village of Geneva on the Lake, State of Ohio.
- (b) "Dwelling Unit" is defined as a house, stationary trailer or any other non-mobile unit designed or used for human habitation. This chapter shall not apply to any trailer, tent, camper, or other unit located within a properly licensed campground.
- (c) "Temporary Structure" is defined as a structure which is not permanently affixed to the ground and which is not listed on the Ashtabula County Auditor's list as an improvement to the land, and shall include but not limited to: trailers (with or without wheels and axles), kiosks, tents, booths, carts and other enclosures.
- (d) "RV" is defined as a mobile living unit, whether motorized or drawn by a motorized vehicle.
- (e) "Occupy" shall mean: using an RV for overnight stays or otherwise using the RV for enjoyment or other recreational activities.
(Ord. 2016-44. Passed 9-19-16.)

1361.02 CONNECTION REQUIRED FOR ALL DWELLING UNITS.

(a) It shall be unlawful for any person to own or occupy any dwelling unit which is not properly connected to electric, Village water or other Health Department approved water supply, or the Village sanitary sewer system or other Health Department approved septic tank system. It shall not be a violation if the dwelling unit is connected to the utilities listed above, but currently shut off, provided that the dwelling unit is not occupied or used for human habitation.

(b) Any dwelling unit not complying with this chapter is deemed a public nuisance and hazard and the Village shall notify in writing the owner of the land upon which the dwelling unit sits that s/he has three days in which to remove the dwelling unit or to complete the connections required by this chapter. (Ord. 2016-44. Passed 9-19-16.)

1361.03 RV's IN RESIDENTIALLY ZONED AREAS.

(a) It shall be unlawful for any person to allow or permit any person to occupy an RV on a lot in a zoned residential district except as follows:

- (1) The owner of the property where the RV is to be occupied shall obtain from the Village Mayor or his designee during regular Village business hours a permit to occupy an RV on his land. The permit shall be good for only four days and can be obtained no more than four times per year at a cost of \$50.00 per permit. The permit shall be prominently displayed on the RV.
- (2) The RV shall be located no closer than ten feet from any building or structure and within the side setbacks for the zoning district, and shall not obscure the roadway or present risks or danger to pedestrians, cyclists or motor vehicles, and
- (3) An RV that is occupied or used may be located only on a residential lot with a dwelling and shall not be located on a residential vacant lot except where the adjacent lot has a permanent dwelling and there is common ownership of the vacant lot and the dwelling lot, and
- (4) Only one RV, whether occupied or stored, shall be located on any residential lot including a residential lot adjacent to a commonly owned vacant lot.

(b) It shall be unlawful for any person to store more than one RV on a lot in a zoned residential district. An RV stored on a residential lot shall meet the following criteria:

- (1) Such RV must be titled to the owner/spouse of the lot where it is stored, or the lessee of the property with the written consent of the titled owner.
- (2) An RV shall not be stored on a vacant lot unless said lot is adjacent to a lot with a dwelling owned by the same person.
- (3) The RV must meet all setbacks required by zoning.
- (4) The RV must have current registration and be kept in good order and repair.
- (5) Any RV stored on a residential lot shall meet the requirements of Section 1121.11.

(Ord. 2016-44. Passed 9-19-16.)

1361.04 RV'S IN COMMERCIALY ZONED AREA.

No owner of land shall permit or allow any person to occupy an RV in a commercially zoned area unless all the following conditions are met:

- (a) The owner of the land upon which the RV is located obtains a permit from the Mayor or his designee at a cost of \$50 per event.
- (b) The persons occupying such RV are vendors, employees and immediate family, servicing the lot upon which the RV is located.
- (c) Such person is a vendor or employee of a vendor serving an on-site event where serviced continually by ten or more vendors not to exceed fourteen days per month, on such lot or lot immediately adjacent thereto.

- (d) The RV is located on the parcel hosting the on-site event.
- (e) There is at least ten (10) feet between each RV and any structures or buildings.
- (f) The RV is fully equipped with an approved holding tank for grey water and sanitation.
- (g) The RV is removed within 24 hours after the completion of the on-site event.
- (h) Nothing in this chapter shall prohibit the use of an RV associated with a live band provided that:
 - (1) The RV is located on the property where the band is playing or designated parking areas,
 - (2) The RV shall not be parked for more than 24 hours.
(Ord. 2016-44. Passed 9-19-16.)

1361.05 TEMPORARY STRUCTURES.

No person shall locate a temporary structure within fifty feet of the edge of State Route 531 or 534, or adjacent sidewalks except during an on-site event on that parcel serviced continually by ten or more vendors, in which case such temporary structure shall be located at least twenty feet from the edge of the road or sidewalk, whichever is greater.
(Ord. 2016-44. Passed 9-19-16.)

1361.06 TITLE.

Nothing in this chapter shall be construed to prohibit the use or occupancy of RVs in licensed RV sites and licensed campgrounds. Nothing in this chapter shall be construed to prohibit the reasonable use of a tent for overnight accommodation in the back yard of residential lots wherein a dwelling is located provided that the tent is used by minor children of the owner or his guests. (Ord. 2016-44. Passed 9-19-16.)

1361.07 OTHER PROHIBITIONS.

- (a) No person shall dump, release or otherwise dispose of any waste or wastewater except in approved sanitation facilities.
- (b) No person shall utilize an electric generator, however powered, for any dwelling unit or RV.
(Ord. 2016-44. Passed 9-19-16.)

1361.99 PENALTY.

- (a) Anyone found violating any provision of this chapter shall on a first offense, be fined \$150.00, and each day of violation shall be considered a new violation. Anyone found violating any provision of this chapter on a second offense shall be fined \$500.00.
- (b) Violations of Sections 1361.03, 1361.04 and 1361.05 are deemed public nuisances and the Village is authorized to seek injunctions and other legal remedies to abate such nuisances.
- (c) Anyone found violating the prohibitions of Section 1361.07 shall be deemed guilty of a first degree misdemeanor including a maximum of a \$1,000.00 fine and a maximum of six months in jail. (Ord. 2016-44. Passed 9-19-16.)

CHAPTER 1371
Residential Rental Dwelling Standards and Inspections

<p>1371.01 Definitions.</p> <p>1371.02 Certificate of rental occupancy; application.</p> <p>1371.03 Fee.</p> <p>1371.04 General requirements.</p> <p>1371.05 Other provisions.</p> <p>1371.06 Inspection of premises.</p> <p>1371.07 Inspections.</p> <p>1371.08 Notice of violation.</p>	<p>1371.09 Repairs to comply with Building and Health Codes.</p> <p>1371.10 Violation deemed a public nuisance.</p> <p>1371.11 Failure to comply with notice; penalty.</p> <p>1371.12 Legal action by Village.</p> <p>1371.13 Action or inaction by Village not construed as determination of safety.</p>
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CROSS REFERENCES

Property Maintenance Code - see BLDG. Ch. 1311

1371.01 DEFINITIONS.

As used in this chapter:

- (a) "Dwelling unit" means: any building, including mobile homes and trailers whether affixed to the land or not, used or designed to be used for human habitation.
- (b) "Rental unit" shall mean the renting of a dwelling unit, including government subsidized housing, and shall not include hotels, motels, campgrounds, mobile home parks or other residential rentals subject to state regulation and inspection.
- (c) "Inspector" means the Village Fire Chief or his designee provided such designee is a state certified fire inspector. (Ord. 2016-33. Passed 5-16-16.)

1371.02 CERTIFICATE OF RENTAL OCCUPANCY; APPLICATION.

No person shall rent to another a residential dwelling unit without first applying for and obtaining a certificate of rental occupancy from the Village. Such certificate is in addition to the Village Business license. Such application shall include:

- (a) The name of the person or entity owning the property, including the address, phone number, and email address.
- (b) The name of the person, if any, managing the rentals of such property, including their address and phone number.
- (c) The name and address of the insurance company covering the insurance for such property.
(Ord. 2016-33. Passed 5-16-16.)

1371.03 FEE.

Each application for a rental occupancy certificate shall be accompanied by a fee in the amount of \$25.00 per property address and, if more than three dwelling units within such building or property address titled to the same owner, an additional five dollars (\$5.00) for each such unit over three units. Each Certificate of Rental Occupancy shall expire in one year or upon a change in ownership. Such fees shall not be prorated. The revenue generated by such fees shall be placed in a designated fund and shall be used solely for the costs of administering the rental inspection program or other property maintenance enforcement actions.
(Ord. 2016-33. Passed 5-16-16.)

1371.04 GENERAL REQUIREMENTS.

(a) For the renewal of a rental occupancy permit, the applications and filing fees shall be filed with the Village no later than January 31st of each year; a \$25 late fee shall be assessed for those applications filed after April 1, 2016 and in the following years for those applications filed after January 31st.

(b) The Village shall inspect the premises as soon as possible to determine compliance with the provisions of Section 1371.06.

(c) The Village shall issue a Certificate of Rental Occupancy:

- (1) If the owner has submitted its application for occupancy accompanied by the required fee and certificate of insurance.
- (2) If the owner is current on Village bed tax and income tax.

(d) The Certificate of Rental Inspection shall not be transferable or assignable.
(Ord. 2016-33. Passed 5-16-16.)

1371.05 OTHER PROVISIONS.

For new rental occupancy permits, or those not operating in the year prior to the current year, the application and filing fee shall be filed at least ten (10) days prior to operating the business. Any person seeking a rental occupancy permit application after renting the unit, shall be assessed in addition to the occupancy permit fee a late fee of \$25 per month, or portion thereof, after it has begun rental operations. Prior to issuing a certificate for rental occupancy, the Village shall inspect the rental premises for compliance with Section 1371.06.
(Ord. 2016-33. Passed 5-16-16.)

1371.06 INSPECTION OF PREMISES.

The Village Inspector shall inspect all rental premises to determine compliance with the following conditions:

(a) Exterior/Structural of the Rental Unit.

- (1) Roof shall be in good order and repair with no signs of leakage or damage.
- (2) All habitable rooms with an outside wall including kitchen, bathroom, bedrooms and living room shall have at least one window therein capable of opening and closing, and shall be covered with a screen. Windows shall be unbroken and shall not be boarded while the dwelling is inhabited.
- (3) Stairs and porches shall be in good order and repair. Any staircase with more than three steps shall have a handrail.
- (4) Siding shall be in good order and repair without holes or damage.
- (5) Doors shall be in good order and repair, swing freely and without hindrance, and all locks shall be functional.

- (6) There shall be no structural hazards which present an unreasonable risk to the health and safety of the occupants including, but not limited to, damaged or unstable floors, walls, ceilings, sidewalks, steps or roofs.
- (7) Trees and shrubs shall be trimmed so as not to interfere or block driveways and sidewalks.
- (b) Interior and Exterior Plumbing.
 - (1) Sink areas in kitchens and bathrooms shall have hot and cold running water and shall not leak.
 - (2) Toilets and other sources of wastewater from sinks, showers, tubs, washing machines, etc., shall be properly disposed through appropriate and secure wastewater connections, in conformity with County Health and Building Codes, into the Village sanitary sewer system or a County approved private septic system.
- (c) Fire Safety Issues.
 - (1) All electrical connections shall be secure with no bare or unprotected wires protruding from any fuse box, outlet or electrical conduit.
 - (2) All light fixtures shall be fixed securely to walls, or ceilings, and attached to cover all bare wires or other conductive material.
 - (3) Fireplaces shall be equipped with screens and closing doors.
 - (4) Each home shall have at least one functional alarm for smoke detection per floor, or carbon monoxide detector and at least one functional fire extinguisher in the kitchen.
 - (5) Each living area shall otherwise meet basic fire safety standards.
- (d) Other Criteria.
 - (1) If equipped with a basement, the basement shall be free of standing water.
 - (2) Each bedroom, kitchen, bathroom and living area shall have a lamp or other light fixture and a screened window capable of opening and closing.
 - (3) All appliances including but not limited to heating units, refrigerators, and stoves shall be in good working order.
 - (4) Each living unit shall not have holes in walls, doors or floors.
 - (5) If the unit is rented from November 1-May 1, or any portion thereof, there shall be an adequate, safe and functioning heat source. No living unit shall be solely dependent on heat from any portable source, including kerosene or portable electric heaters.
 - (6) There shall be no infestation of rats or other rodents, cockroaches, insects or vermin, mold or other plant, animal, insect, or microbiological life capable of carrying disease or otherwise presenting a risk to human health or safety, or property. There shall be no conditions on the rental premises which encourage such infestations including, but not limited to, garbage, unsanitary conditions or wet conditions.
 - (7) Every occupant of a dwelling unit shall be responsible for keeping the occupied area and premises in a clean, safe and sanitary condition.
 - (8) No living unit shall have any condition creating a risk to human life or property. (Ord. 2016-33. Passed 5-16-16.)

1371.07 INSPECTIONS.

(a) In order to safeguard the safety, health and welfare of the public, the inspector is authorized to gain consensual entry to any structure or premises at any reasonable time for the purpose of making inspections and performing duties under this chapter or under other applicable provisions of this chapter.

(b) If any owner, occupant or other person in charge of the dwelling unit and subject to the provisions of this chapter refuses, impedes or otherwise obstructs entry and free access to any part of the premises as part of the duties imposed upon the inspector, the Inspector shall be permitted to seek in a court of competent jurisdiction a warrant for administrative inspection.

(c) Any warrant for administrative inspection shall allow for the inspection of the subject structure and premises subject to the provisions of this Code and shall be so limited in scope.

(d) Nothing herein shall be construed to limit the authority of the Code Official to gain access to any structure or premises in emergency circumstances or otherwise pursuant to law. (Ord. 2016-33. Passed 5-16-16.)

1371.08 NOTICE OF VIOLATION.

(a) Upon finding any violation under Section 1371.07 or any other danger or risk to human life or property, the inspector shall prepare a Notice of Violation and serve it personally upon the owner, or shall serve the owner of the premises by regular mail at their last known address as reflected in the tax records of the Ashtabula County Auditor. Such notice shall identify each violation, a statement as to whether the condition presents a serious risk to human health/life or a serious risk to property, and a deadline with which the repair must be completed.

(b) Any owner who is denied a rental permit, or who objects to the Notice of Violation, shall have ten (10) days from the date the Notice is mailed or the permit denied to appeal the decision or findings of the Inspector. (Ord. 2016-33. Passed 5-16-16.)

1371.09 REPAIRS TO COMPLY WITH BUILDING AND HEALTH CODES.

All repairs made pursuant to this chapter shall be fully compliant with County Building and Health Codes. (Ord. 2016-33. Passed 5-16-16.)

1371.10 VIOLATION DEEMED A PUBLIC NUISANCE.

Any violation of this chapter or condition which creates a serious risk to human life/health, or serious risk to property, shall be deemed a public nuisance and shall be remedied by the owner within five days. (Ord. 2016-33. Passed 5-16-16.)

1371.11 FAILURE TO COMPLY WITH NOTICE; PENALTY.

Any owner of real estate who fails to comply with the Notice of Violation within the time set forth in Section 1371.10 shall be guilty of a third degree misdemeanor punishable by up to 90 days in jail and a fine of \$50 per day. Additionally, the Mayor may revoke the Certificate of Rental Occupancy and the Business License held by the owner. A second offense shall be punishable by up to 90 days in jail and a fine of \$100 per day. (Ord. 2016-33. Passed 5-16-16.)

1371.12 LEGAL ACTION BY VILLAGE.

The imposition of any penalty as set forth in Section 1371.11 above shall not prevent the Village from instituting legal action in a court of competent jurisdiction to prevent an unlawful repair, or to restrain, correct or abate a violation, or to prevent the occupancy or remove the occupants of a dwelling. (Ord. 2016-33. Passed 5-16-16.)

**1371.13 ACTION OR INACTION BY VILLAGE NOT CONSTRUED AS
DETERMINATION OF SAFETY.**

No action or inaction on the part of the Village or its employees and agents shall be construed as a determination that any dwelling or appliance is safe for human habitation as such a determination is ultimately the responsibility of the owner and occupant of the premises. By the passage of this chapter, the Village is setting forth standards of human occupation of rental premises and the Village, its employees and agents, is not accepting responsibility for any defect or unsafe condition not found by its inspectors.

(Ord. 2016-33. Passed 5-16-16.)