

CODIFIED ORDINANCES OF RIVERSIDE
PART THIRTEEN - BUILDING CODE

Chap. 1301. Ohio Building Code.

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CODIFIED ORDINANCES OF RIVERSIDE

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(E), 3781.102, 3781.19
 Final jurisdiction - see Ohio R.C. 3781.04
 Application - see Ohio R.C. 3781.06, 3781.10(E), 3781.11(A)
 Submission of plans - see Ohio R.C. 3791.04
 Dead bolt locks in apartment buildings - see Ohio R.C. 3781.103
 Smoke detection system for apartments and condominiums - see
 Ohio R.C. 3781.104
 Automatic sprinkler systems - see Ohio R.C. 3781.105, 3791.041 et seq.
 Fire suppression systems - see Ohio R.C. 3781.108
 Use of public buildings by handicapped persons - see Ohio R.C. 3781.111
 Abandoned service stations - see Ohio R.C. 3791.11 et seq.
 Safety standards for refuse containers - see Ohio R.C. 3791.21

1301.01 ADOPTION.

There is hereby adopted by the Municipality, the Ohio Building Code (OBC) and related codes as adopted by the Ohio Board of Building Standards, Department of Industrial Relations, effective July 1, 2009, 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 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;
- (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 (including 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.
- (9) Building sewer piping.
- (10) Portable electric generators and wiring supplying carnival and amusement park rides regulated by the Ohio Department of Agriculture.
- (11) Structures directly related to the operation of a generating plant or major utility facilities regulated by the Power Siting Board.
(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 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 Chapter 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. 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) 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.

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 1303
Miami Valley OBOA One, Two and Three-Family Dwelling Code

1303.01 Adoption.

1303.02 Conflict.

CROSS REFERENCES

State to enforce industrialized unit regulations - see Ohio R.C. 3781.06,
3781.10

State to establish energy standards for one, two and three-family dwellings -
see Ohio R.C. 3781.181

1303.01 ADOPTION.

There is hereby adopted and incorporated by reference as if set out at length herein, for the purposes of establishing rules and regulations for the erection, construction, enlargement, alteration, repair, improvement, removal, conversion, demolition, equipment, use, occupancy or maintenance of one, two and three-family dwelling houses which are not constructed of industrialized units, and their accessory structures, that certain code known as the Miami Valley OBOA One, Two and Three-Family Dwelling Code, as adopted by the Montgomery County Board of Commissioners, effective January 1, 1998.

1303.02 CONFLICT.

Except as otherwise specifically provided for in this chapter, in all other cases of conflict between the Miami Valley OBOA One, Two and Three-Family Dwelling Code and any other municipal ordinance or technical code adopted thereby, the more restrictive provision shall govern.

CHAPTER 1311
Flood Damage Prevention

EDITOR'S NOTE: Former Chapter 1311 was repealed by Ordinance 04-0-316, passed December 2, 2004. Flood damage reduction provisions are now codified in Chapter 1113.

(NOTE: The next printed page is page 21.)

CHAPTER 1331
Exterior Property Maintenance Code

1331.01 Purpose.	1331.09 Rulemaking authority.
1331.02 Title.	1331.10 Transfer of ownership.
1331.03 Definitions.	1331.11 Abandonment of construction project.
1331.04 Administration and enforcement.	1331.12 Exterior property maintenance standards.
1331.05 Enforcement officials.	1331.13 Noxious weeds and vegetation.
1331.06 Appeals.	1331.14 Junk vehicles.
1331.07 Prosecution.	1331.99 Penalty.
1331.08 Abatement of nuisance by City and cost recovery.	

CROSS REFERENCES

Sidewalk obstructions - see GEN. OFF. 521.04, 521.06
Littering - see GEN. OFF. 521.08
Weeds - see GEN. OFF. Ch. 560

1331.01 PURPOSE.

The purpose of this Exterior Property Maintenance Code is to protect the public health, safety, morals and general welfare as it pertains to premises and buildings used for residential, commercial, and industrial purposes. This protection is hereinafter provided by:

- (a) Establishing minimum standards for maintaining residential, commercial and industrial environmental quality to preserve and achieve the presentable appearance of existing structures and premises; avoiding blighting effects of the substandard maintenance of structures and premises and its negative impact on the value of surrounding properties; and eliminating hazardous conditions;
 - (b) Fixing the responsibilities of owners, operators and occupants of structures and their premises; and
 - (c) Providing for administration, enforcement and penalties.
- (Ord. 07-0-368. Passed 5-17-07.)

1331.02 TITLE.

This Code shall be known as "The City of Riverside Exterior Property Maintenance Code" and is herein referred to as above or as the "Exterior Property Maintenance Code" or "This Code." (Ord. 07-0-368. Passed 5-17-07.)

1331.03 DEFINITIONS.

(a) Construction of Language. For the purpose of this Exterior Property Maintenance Code certain terms or words shall be interpreted as follows:

- (1) Words used in the singular shall include the plural, and the plural the singular;
- (2) Words used in the present tense shall include the future tense;
- (3) Words in the masculine gender shall include the feminine and neuter;
- (4) The word "shall" is mandatory and not discretionary;
- (5) The word "may" is permissive;
- (6) The phrase "used for" shall include the phrases "arranged for," "designed for," "intended for," "maintained for," and "occupied for;"
- (7) The word "person" includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual; and
- (8) The word "dwelling" includes the word "residence."

(b) Definitions. All words used in this Exterior Property Maintenance Code shall have their customary meanings, except those specifically defined in this section.

- (1) "Building Code" means the most current edition of the State of Ohio building code, or such other code as may be officially designated by the City of Riverside for the regulation of construction, alteration, addition, repair, removal, demolition, use, location, occupancy, and maintenance of all buildings and structures.
- (2) "Exterior property areas" means the open space on the premises and on adjoining property under the control of owners or operators of such premises.
- (3) "Junk, inoperable machinery, or inoperable vehicle" means a vehicle, including but not limited to cars, trucks, busses, trailers, and boats. A vehicle shall be deemed a junk or inoperable vehicle whenever any of the following occur:
 - A. The vehicle is without a valid current registration and/or license plate;
 - B. The vehicle is apparently inoperable by reason of dismantling, disrepair, or other cause, and is incapable of being propelled under its own power;
 - C. The vehicle is without fully inflated tires and/or has any type of support under it;
 - D. The vehicle has a substantially damaged or missing window, windshield, door, motor, transmission, or other similar major part;
 - E. Any motor vehicle which, due to its condition, cannot be lawfully operated upon any public street, and any boat which cannot be lawfully operated upon a public water-course.
 - F. Any item or piece of machinery or equipment which, by reason of dismantling, disrepair, or other cause, is incapable of functioning or being operated as it was intended to function or be operated.

- (4) "Noxious weeds and vegetation" means any brush, grass, dead brush, dead trees, tree and stumps, bushes, and trees and other vegetative matter infested with dangerous insects or infectious diseases, vegetation, burrs, Russian and Canadian thistles, wild lettuce, wild mustard, wild parsley, ragweed, silkweed, ironweed, and all other noxious weeds or other noxious growth or any plant that is not regularly cultivated, that exceeds a height of eight (8) inches, as well as all poison ivy, poison oak, and poison sumac; and grass more than twelve (12) inches in height; and shall include any other objectionable, unsightly, or unsanitary vegetative matter. "Regularly cultivated" means any plant which is routinely cared for by a person to foster plant growth. "Weeds" shall not include plants in a maintained wildflower garden.
- (5) "Premises" means a lot, plot, or parcel of land including the buildings or structures thereon.
- (6) "Public nuisance" includes the following:
- A. The physical condition, or use of any premises regarded as a public nuisance at common law; or
 - B. Any physical condition, use, or occupancy of any premises or its appurtenances considered an attractive nuisance to children, including but not limited to junk, inoperable or unlicensed vehicles, abandoned wells, shafts, basements, excavations, abandoned refrigerators, and unsafe fences or structures, or;
 - C. Any premises which have improperly working drainage facilities; or
 - D. Any premises designated as unsafe for human habitation or use; or
 - E. Any premises, which is manifestly capable of being a fire hazard or is manifestly unsafe or unsecured as to endanger life, limb or property; or
 - F. Any premises which is unsanitary, or which is littered with rubbish or garbage; or
 - G. Any structure or building that is in a state of dilapidation, deterioration or decay; faulty construction; open, vacant, or abandoned; damaged by fire to the extent as not to provide shelter, in danger of collapse or failure, and is dangerous to anyone on or near the premises; or
 - H. That which is defined as a nuisance in section 3767.01(c) of the Ohio Revised Code, which is incorporated herein by reference and made a part hereof;
 - I. That which is defined as a nuisance in section 3767.05(e)(f)(g) of the Ohio Revised Code, which is incorporated herein by reference and made a part hereof; or
 - J. Premises or real estate, including vacant land, on which a felony occurs, a violation of chapter 2915, 2907, 2925 or 3719 of the Ohio Revised Code occurs, regardless of whether there has been a conviction for said violation;.
 - K. Maintenance of any pond, pool of water, or vessel holding stagnant water; or
 - L. Any vehicle used for any illegal purpose; or
 - M. Placing or causing to be placed in or on any motor vehicle parked upon any street, alley, or other public place within the corporate limits of the City any paper, posters, signs, cards, or other matter; or

- N. Trash, rubbish, rubble, brush, used materials, or discarded items of little or no value.
- (7) "Rubbish" means both combustible and non-combustible waste materials, including car parts, motors, and abandoned appliances. The term shall also include rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery, dust, and other similar materials, as well as the residue from the burning of wood, coal, and other combustible materials.
- (8) "Structure" means anything constructed or erected which requires location on the ground or attachment to something having location on the ground.
- (9) "Vacant property" means any property or improved parcel of property within the city of riverside that is without an occupant or inhabitant as determined through the following methods:
- A. Upon a visual inspection as may be performed by the Code Enforcement Officer where photographic evidence provides a reasonable believe that the property is uninhabited at the time of the inspection;
- B. As may be listed in the most recent and updated united states postal service bi-annual vacancy report.
- (10) "Wholly enclosed garage" and "wholly enclosed structures" means an accessory building or potion of a main building used primarily for storage, and which is equipped with a roof and capable of being completely enclosed by solid exterior walls and one or more door(s).
(Ord. 10-0-443. Passed 2-18-10.)

1331.04 ADMINISTRATION AND ENFORCEMENT.

(a) Application of Exterior Property Maintenance Code. The provisions of the Exterior Property Maintenance Code shall apply to all premises and structures within the City of Riverside used for human habitation, commercial purposes, or industrial purposes which are now or may become in the future substandard with respect to structure, maintenance, proper drainage and sanitary conditions, or other similar conditions which otherwise constitute a public nuisance. The existence of such conditions, factors or characteristics adversely affects public health, safety, morals and general welfare and leads to the continuation, extension and aggravation of blight and its attendant negative effect on surrounding property values. Therefore, adequate protection of the public requires the establishment and enforcement of these property maintenance standards.

(b) Compliance Required. Every portion of a building or premises used or intended to be used for residential, commercial, or industrial purposes, shall comply with the provisions of this Exterior Property Maintenance Code, irrespective of when such building has been constructed, altered or repaired, or premises occupied, except as hereinafter provided.

(c) Conflict of Laws. In any case where a provision of this Exterior Property Maintenance Code is found to be in conflict with a provision of any zoning, building, fire, safety or health regulation or other regulation, the provision which establishes the higher standard for the promotion and protection of the safety and health of the people shall prevail.

(d) Existing Remedies. Nothing in this Exterior Property Maintenance Code shall be deemed to abolish, impair, or prevent the execution of any existing remedies of the City of Riverside or its officers or agents related to the abatement of a public nuisance.

(e) Separability. If any section, subsection, paragraph, sentence, clause or phrase of this Exterior Property Maintenance Code is declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this Exterior Property Maintenance Code, which shall continue in full force and effect, and to this end the provisions of this Exterior Property Maintenance Code are hereby declared to be severable.

(f) Saving Clause. This Exterior Property Maintenance Code shall not affect violations of any other resolution, ordinance, code or regulation existing prior to the effective date of this Exterior Property Maintenance Code, and any violation of such shall be governed and shall continue to be punishable to the full extent of the law under the provisions of those ordinances, codes or regulations in effect at the time the violation was committed.
(Ord. 07-0-368. Passed 5-17-07.)

1331.05 ENFORCEMENT OFFICIALS.

(a) Enforcement Officers.

- (1) The City Manager shall assign the duties of administering and enforcing this Code to the Enforcement Officer. The Enforcement Officer may call upon any department, division or contractor of the City for whatever assistance may be necessary to investigate or abate a violation of this Code.
- (2) The Riverside Police Department shall be authorized to identify and investigate possible violations of this Chapter and shall inform the Enforcement Officer of any violations of this Chapter found within the City limits.
- (3) Liability. No officer, agent or employee of the City of Riverside shall be personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his duties under this Code.

(b) Inspections. The Enforcement Officer is authorized to make inspections of building exteriors and premises located within the City of Riverside for purposes of enforcing the provisions of this Exterior Property Maintenance Code. For the purpose of making such inspections, and upon showing appropriate identification, the Enforcement Officer is hereby authorized to examine and survey at any reasonable hour all residential, commercial, industrial and other premises. The City or its contractor shall not be liable in any action of trespass for entering upon private lands for the purposes of administering the provisions of this Chapter.

(c) Notice of Violation.

- (1) Content. Whenever the Enforcement Officer determines that there is a violation of the provisions of this Code, he may give notice of such violation to the person or persons responsible therefor and order compliance, as hereinafter provided. Such notice and order shall:
 - A. Be in writing;
 - B. Include a description of the real estate sufficient for identification;
 - C. Include a statement of the reason or reasons why it is being issued;
 - D. Include a correction order allowing a reasonable time for the repairs and improvements required to bring the property into compliance with the provisions of this Code; and
 - E. State the right of the violator to file an appeal of the notice with the Maintenance Code Appeals Board within ten days of receipt of the notice.
- (2) Service. A notice of violation shall be deemed to be properly served if one or more of the following methods are used:

- A. By personal delivery to the owner or occupant of the premises or by leaving the notice at the premises with a person of suitable age and discretion; or
- B. By certified mail deposited in the United States Post Office addressed to the person or persons responsible at his/their last known address, with return receipt requested. If a certified mail envelope is returned with endorsement showing that the envelope is unclaimed, then service shall be sent by ordinary mail and the mailing shall be evidenced by a certificate of mailing which shall be filed by the Enforcement Officer. Service shall be deemed complete when the fact of mailing is entered of record, provided that the ordinary mail envelope is not returned by the postal authorities with an endorsement showing failure of delivery; or
- C. By posting a copy of the notice form in a conspicuous place on the premises found in violation and publishing a legal notice in a newspaper of general circulation in the City of Riverside. The legal notice shall identify the owners of the property, the last address, if known, of the owners, the parcel identification, the location and nature of the violation. (Ord. 07-0-368. Passed 5-17-07.)

1331.06 APPEALS.

(a) Appeals Board. To implement the purposes and requirements of this Exterior Property Maintenance Code, there is hereby created the Exterior Property Maintenance Code Appeals Board, hereinafter referred to as the Board. For the purposes of this Code, the City of Riverside Property Maintenance Appeals Board shall function as the Exterior Property Maintenance Code Appeals Board.

- (1) Procedure. Said Board may adopt rules of procedure not inconsistent with this Code. No member of the Board shall take part in any hearing or determination in which he or she has a personal or financial interest. Three members of the Board in attendance at any meeting shall constitute a quorum.
- (2) Authority. The Board shall hear all appeals relative to the enforcement of this Code, and by a concurring vote of the majority of its members may reverse or affirm, wholly or partly, or may modify the decision appealed from, and shall make such order or determination as in its opinion ought to be made. Failure to secure such concurring votes shall be deemed a confirmation of the decision of the inspector.

(b) Hearings. Any person affected by any notice of violation which has been issued in connection with the enforcement of any provision of this Exterior Property Maintenance Code, may request and shall be granted a hearing on the matter before the Board provided that such person shall file in the office of the Enforcement Officer an appeal on forms provided by the City of Riverside.

Unless otherwise specified in this Chapter, the appeal shall be filed within ten (10) days after the date of the notice and order, revocation or denial of permit. Upon receipt of such a petition, the Board shall set a time and place for hearing before the Board and shall give the petitioner written notice thereof by first class mail postmarked at least ten (10) days prior to such hearing. The hearing shall be held no less than ten (10) days and no more than thirty (30) days from the date the petition was filed. At such hearing, the petitioner shall be given an opportunity to be heard and to show cause why any item appearing on such notice and order should be modified, or withdrawn. The failure of the petitioner or his representative to appear and state his case at such hearing shall have the same effect as if no petition were filed.

(c) Findings. Prior to sustaining any violation notice and compliance order, the Board shall make the following findings:

- (1) The violator was served with a notice of violation and/or citation tag as provided for in Sections 1331.05(c) and 1331.07.
- (2) The notice of violation that was served stated the specific nature of the violation; corrective action needed to be taken to abate the violation; and a specific time period for abatement of the violation.
- (3) Within the time period stipulated in the citation tag and/or notice of violation, the violator failed to comply with the notice of violation by not abating the violation, and/or by not bringing the use into compliance with the City of Riverside Exterior Property Maintenance Code.
- (4) Upon expiration of the date indicated for compliance in the notice of violation, the property was being maintained in violation of specific provisions of the City of Riverside Exterior Property Maintenance Code and/or conditions imposed by the Board as a prerequisite to the modification of a previous compliance order.

(d) Authority of Board. Within thirty (30) days of the close of the public hearing, the Board shall render a decision sustaining, modifying, or withdrawing any item appearing on the notice and order. The petitioner shall be notified in writing of such action. All decisions of the Appeals Board shall be final. (Ord. 07-0-368. Passed 5-17-07.)

1331.07 PROSECUTION.

In case any violation order is not promptly complied with, the Enforcement Officer may request the City Attorney to institute an appropriate action or proceeding at law to exact the penalty provided in Section 1331.99, and in addition thereto, may ask the City Attorney to proceed at law or in equity against the person responsible for the violation for the purpose of ordering him/her to abate such nuisance. (Ord. 07-0-368. Passed 5-17-07.)

1331.08 ABATEMENT OF NUISANCE BY CITY AND COST RECOVERY.

Should the nuisance not be abated at the expiration of the time stated in the notice or order of the Enforcement Officer or any extensions granted or such additional time as the Exterior Property Maintenance Code Appeals Board may grant, the Enforcement Officer shall be authorized at any time thereafter to take such action as deemed appropriate to abate the nuisance, in addition to any remedies provided elsewhere in this Exterior Property Maintenance Code. In abating such nuisance, the Enforcement Officer may call on any department, division or contractor of the City for whatever assistance may be necessary to abate the aforesaid nuisance or may, by private contract, abate such nuisance and the cost of the contract will be paid for from City funds. All costs for abating such nuisance, including attorney's fees and court costs, shall be recovered in one of the following manner:

- (a) The owner(s) shall be billed directly by certified mail deposited with the United States Post Office. In the event the certified mail envelope is returned with endorsement showing that the envelope is unclaimed, then service shall be sent by ordinary mail and the mailing shall be evidenced by a certificate of mailing which shall be filed by the Enforcement Officer.
- (b) If the costs are not so recovered within thirty (30) days of receipt of the mailing described in subsection (a) hereof, the City may collect the cost in accordance with the Ohio Revised Code or by filing suit against the owner in a court of competent jurisdiction to recover cost. The Owner shall be liable for all court costs and attorney's fees necessary to collect the cost of abating the nuisance.
(Ord. 07-0-368. Passed 5-17-07.)

1331.09 RULEMAKING AUTHORITY.

The Enforcement Officer shall have power as may be necessary in the interest of public safety, health and general welfare, to adopt and promulgate rules and regulations to implement the provisions of this Code to secure the intent thereof and to designate requirements applicable because of local climatic or other conditions; but such rules shall not have the effect of waiving working stresses or fire protection requirements specifically provided in this Code or violating approved practice involving public safety. (Ord. 07-0-368. Passed 5-17-07.)

1331.10 TRANSFER OF OWNERSHIP.

It shall be unlawful for the owner of any building or structure who has received a notice of violation to sell, transfer, mortgage, lease or otherwise dispose of to another until the provisions of the 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 notice of violation issued by the Enforcement Officer and shall furnish to the Code Official a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such notice of violation and fully accepting the responsibility without condition for making the corrections or repairs required by such notice of violation. (Ord. 07-0-368. Passed 5-17-07.)

1331.11 ABANDONMENT OF CONSTRUCTION PROJECT.

Any building or structure for which a building permit has been issued, and except for circumstances beyond the property owner's control (e.g., labor strikes, inclement weather, etc.), all construction work shall be diligently pursued to completion. Any construction project upon which no substantial work has been undertaken for a period of six months, shall be deemed abandoned. Upon any construction project being deemed abandoned, all buildings or structures not completed to the degree such buildings or structures have been indicated on the plans submitted in support of a building permit, and all building materials and construction equipment shall be removed from the site. (Ord. 07-0-368. Passed 5-17-07.)

1331.12 EXTERIOR PROPERTY MAINTENANCE STANDARDS.

(a) Application of Maintenance Standards. The following standards are applicable to all buildings, structures, dwelling units, and premises within the City of Riverside.

(b) Structural Soundness and Maintenance of Buildings and Structures. Every foundation, exterior wall, and roof of every building or structure shall be so constructed and maintained and be kept in good repair and in safe condition so as to make all occupied rooms and other interior areas weather-tight, water-tight, rodent-proof and so as to be fit for human habitation and so as to not adversely affect the neighborhood in which they are located. Good repair, maintenance and safe condition shall include but is not limited to the following:

- (1) Foundations. Foundations shall support the building at all points and shall be free of all holes and cracks which admit rodents, water or dampness to the interior of the building or lessen the capability of the foundation to support the building.
- (2) Exterior walls and surfaces. Exterior walls and other exterior surface materials shall be free of holes, cracks, loose or rotting boards and timbers or any other condition which might admit rodents, rain or dampness to the interior of the building or structure.
- (3) Windows. Windows shall be fully supplied with window glass or an approved substitute which is glazed and is without open cracks or holes, shall have sashes in good condition which fit within frames, be capable of being easily opened and held in position by hardware, and maintained so as to exclude adverse weather elements from entering the structure.

- (4) Exterior doors. Doors shall be maintained so as to be structurally sound, fit within frames so as to be weatherproof, windproof, and waterproof and be provided with door hinges and door latches which are in good working condition.
- (5) Roof. Roof members, covering and flashing shall be structurally sound and tight so as to prevent the entrance of moisture and be maintained by renewal, repair, waterproofing or other suitable means. Roof drainage shall be adequate to prevent rain water from causing dampness in the interior portion of the building.
- (6) Gutters. Rain gutters, downspouts, leaders or other means of water diversion shall be provided to collect/conduct and discharge all water from the roof and maintained so as not to leak or cause dampness in the walls, ceiling, or basements or adversely affect adjacent properties.
- (7) Chimneys. Chimneys shall be free of cracks, holes or missing portions and maintained in sound condition.
- (8) Decks/Balconies/Porch/Arcade. Every structure shall be so constructed and maintained so as to be free of missing, defective, rotting or deteriorated foundations, supports, floors, other members, and steps thereto, so as to be safe to use and kept in sound condition and in good repair.
- (9) Structural member. Any structural member of a structure which has become deteriorated or damaged to the extent that it does not serve the purpose as originally intended shall be renewed, restored, repaired, or replaced as is necessary to serve the purpose as originally intended.
- (10) Exterior surfaces. Except for materials that have been designed or manufactured to remain untreated, all exterior wood, composition or metal surfaces shall be protected from the elements by paint or other protective covering. Surfaces shall be maintained so as to be kept clean and free of flaking, loose or peeling paint or covering.
- (11) Basement. Basement or cellar hatchways shall be so constructed and maintained as to prevent the entrance of rodents, rain and surface drainage into the building or structure.
- (12) Decorative features. All cornices, entablatures, bell courses, corbels, terracotta trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.

(c) Paint and Coating Materials. All paint and other coating materials shall be free of any lead. These materials shall also be free of dangerous substances banned from general use by authorized federal, state, county, or local regulatory agencies for health and safety reasons.

(d) Exterior Property and Structure Exteriors. All buildings and the exterior of all premises shall be properly maintained to achieve a presentable appearance and to avoid blighting effects and hazardous conditions.

- (1) Exterior space. The exterior open space around each building or structure shall be maintained or so improved so as to provide for:
 - A. The immediate diversion of water away from buildings and proper drainage of the lot;
 - B. Grass, plantings or other suitable ground cover to prevent soil erosion which is or may become detrimental to the structures, lot use or adjacent lots and structures;

- C. Yard-walks, parking areas, and driveways of a concrete, asphalt, pavers or similar surface which are of sound construction and properly maintained and
 - D. Exterior steps which are of sound construction and properly maintained free of hazardous conditions.
- (2) Maintenance. The exterior of all premises and every structure thereon including but not limited to walls, roofs, cornices, chimneys, drains, towers, porches, landings, fire escapes, stairs, signs, windows, doors, awnings, and all surfaces thereof, shall be maintained so as to avoid any blighting effects on neighboring properties and shall be painted or protected where necessary for the purpose of preservation. All canopies, signs, awnings, exterior stairways, fire escapes, standpipes, exhaust ducts, porches, balconies, and similar overhanging extensions, where exposed to public view, shall be maintained in good condition and shall not show evidence of ripping, tearing, or deterioration.
- (3) Fences and walls. All fences, retaining walls, or similar structures shall be anchored firmly in the ground, shall be constructed in a workmanlike manner and maintained in that same manner so that such approved fences, retaining walls, or similar structures shall always be in the state of good structural repair. If any fence, retaining wall, or similar structure is found not to be in the state of good structural repair, it shall be removed, replaced, or repaired as required. Except when constructed of materials that have been designed or manufactured to remain untreated, all fences shall be treated periodically with paint or chemicals so as to retard deterioration. Fencing shall be of standard fencing materials such as: chain link, wrought iron, solid wood, wood rail or picket, vinyl/plastic fence material. Walls shall be constructed of brick, stone or block. Corrugated metal, solid metal, chicken wire, snow fencing, or any other material not commonly recognized as standard residential fencing material is prohibited. (Reference Section 1171.13 of the Zoning Code for height requirements.)
- (4) Hazards. Hazards and unsanitary conditions shall be eliminated.
- (5) Occupancy. No temporary buildings, trailers, recreational vehicles, tents, or garages shall be used temporarily or permanently as a residence in the course of construction.
- (6) Storage. All firewood shall be stacked in a compact and orderly fashion within the side or rear yard and shall be limited to amounts intended for use by the property occupant in the current or upcoming heating season. Such storage shall be subject to all fire regulations. Except as provided for here and in other regulations of the City, all other outdoor storage of any kind shall be prohibited.
- (7) Drainage. All portions of all premises shall be so graded that there is no pooling of water or recurrent entrance of water into any part of any building except when such pooling or retention of water is part of a plan approved by the City Engineer. All condensate and waste cooling water shall be appropriately discharged into an approved drainage system.

- (8) Drainage swales. Swales are to be maintained by the owners of the parcels on which they are located, and at no time will anyone plant shrubs and/or trees, or discharge, empty, or place any material, fill or waste into any swale so as to divert or impede drainage flow. Small swales can be mowed as part of the yard. Larger swales in meadow situations should be mowed less frequently in order to allow grasses to grow taller to retard runoff and prevent erosion. Swales in woodland areas should be left in their natural condition leaving sufficient growth to retard runoff and prevent erosion.
- (9) Waste. No garbage container shall be placed at a curb earlier than twenty-four (24) hours preceding a pickup, and all containers shall be removed within twenty-four (24) hours after the pickup. All garbage receptacles shall be in an enclosed building or placed behind the front building line (the front wall of a house). Bulk items shall not be placed at the curb earlier than forty-eight (48) hours preceding the scheduled pickup. Dumpsters used in multi-family housing shall be properly screened by solid fencing or a wall so as to obscure them from view.
- (10) Traffic markings. All traffic markings such as directional arrows, lane division lines, parking space lines, stop signs, etc., shall be maintained so as to be clearly visible and easily recognized.
- (11) Conduct of business.
- A. All business activity, except as permitted by applicable provisions of the Riverside Zoning Ordinance, shall be conducted within completely enclosed buildings.
 - B. All trash receptacles and/or dumpsters shall be located in the rear of the property and properly screened by solid fencing or a wall so as to obscure them from view.
 - C. All storage of materials, goods or products, including inoperable vehicles, shall be within a completely enclosed building.
- EXCEPTION: Those businesses which are permitted or conditionally permitted under the terms of the City of Riverside Zoning Ordinance to conduct business or maintain outdoor storage of materials, goods or products out-of-doors are excepted from compliance with this subsection and subsection (d)(11)A hereof.
- (12) Exterior light fixtures. Exterior lighting fixtures over steps, paths, walkways, courts, drives and parking lots shall be neatly maintained in operable condition and lighted for sufficient periods of time before and after business hours to provide for pedestrian and employee safety and properly aimed so as not to shine on adjacent properties (per local zoning regulation).
- (e) Stairways.
- (1) Exterior stairways. All exterior stairways on all premises shall be in accordance with the following provisions:
- A. Stairways shall be maintained free of holes, grooves, and cracks which constitute a safety hazard;
 - B. Stairways shall be maintained free of rotted or deteriorated supports;
 - C. Stairways shall have treads of uniform width and risers of uniform height; and

D. Stairway handrails and/or railings shall be firmly fastened and maintained in good condition. Where the absence of handrails and/or railings create a hazardous condition, the Enforcement Officer may require their installation in accordance with the provisions of the Building Code.

(f) Accessory Structures. All structures accessory to the principal building, including detached garages, shall be maintained structurally sound, neatly maintained, and in good repair or shall be razed to grade level and debris removed from the premises.

(g) Portable Toilet Usage. Shall be limited to temporary events, and on construction sites. They shall not be used as permanent sanitary facilities, shall be located to the rear of the lot, and shall be removed within twenty-four (24) hours after the close of the event or termination of construction. (Ord. 07-0-368. Passed 5-17-07.)

1331.13 NOXIOUS WEEDS AND VEGETATION.

(a) All noxious weeds and vegetation growing, lying, or located on any land within the City are hereby declared to be a public nuisance *per se*.

(b) The City Manager shall provide a notice in a newspaper of general circulation to be published on or about the fifteenth (15th) day of the fourth (4th) month of the calendar year informing the property owners of the City of Riverside about Section 1331.13 Vegetation of City of Riverside Code of Ordinances. Said notice shall substantially state the following:

- (1) "All properties within the City of Riverside shall keep their property in accordance with Section 1331.13 of the City of Riverside Code of Ordinances;"
- (2) Should the owner of the property fail to comply with Section 1331.13, the City will cut the weeds or grass at the owner's expense;
- (3) Contact information of the City agency.

(c) Unless otherwise provided by the City Manager, said notice published in the newspaper of general circulation shall be the only notice of any violation given to a property owner. Failure to read the notice shall not constitute a defense to, nor waive liability imposed by the tax lien.

(d) The Enforcement Officer may serve upon an owner, lessee, agent, or tenant in control of those properties not in compliance with the Section 1331.13 by issuing a notice of violation pursuant to Section 1331.08. Said notice shall order the owner, agent, or occupant to take such measures as may be reasonably necessary to prune, spray, remove or caused to be prune, spray, or remove the noxious weeds and vegetation located on the premises.

(e) The owner, agent, or occupant shall have the right to file an appeal with the Property Maintenance Appeals Board within forty-eight (48) hours of service of notice.

(f) If no appeal is filed, the owner, agent, or occupant shall, within five (5) days of service of the notice, prune, spray, remove or caused to be prune, spray, or remove the noxious weeds and vegetation located on the premises.

(g) In case the owner, agent, or occupant refuses or fails to carry out the order within the timeframe specified herein, the Enforcement officer shall carry out the pruning, spraying, or removal of the noxious weeds and vegetation located on the premises and shall recover the cost of such action pursuant to Section 1131.08.
(Ord. 07-0-368. Passed 5-17-07.)

1331.14 JUNK VEHICLES.

(a) The presence of a dismantled, partially dismantled, or inoperable motor vehicle, machinery, or equipment, or any part thereof, which remains uncovered or outside of a wholly enclosed building or structure for a period greater than seventy-two (72) consecutive hours is in violation of the terms of this chapter, and is declared to be a public nuisance *per se*.

(b) The term junk vehicle shall not apply to collector's vehicles or historic vehicles as defined by Ohio R.C. Section 4501.01.

(c) All dismantled, partially dismantled, or inoperable motor vehicles, machinery, or equipment shall be stored or remain in a wholly enclosed garage or structure. Provided, however, that any bona fide owner, co-owner, tenant, or co-tenant may store, permit to be stored, or allow to remain, on the premises of which he is the owner, co-owner, tenant, or co-tenant one (1) dismantled, partially dismantled, or inoperable motor vehicles, machinery, or equipment for a period not to exceed seven (7) days, if that motor vehicle, machinery, or equipment is currently registered in his name.

(d) All unlicensed or inoperable collector's and historic vehicles shall be screened by means of buildings, fences, vegetation, terrain, or other suitable obstruction if such vehicles are stored or kept in the open.

(e) The Enforcement Officer may serve upon an owner, lessee, agent, or tenant in control of those properties not in compliance with the Section 1331.14 by issuing a notice of violation pursuant to Section 1331.08. Said notice shall order the owner, agent, or occupant to take such measures as may be reasonably necessary to remove the dismantled, partially dismantled, or inoperable motor vehicle, machinery, or equipment in accordance with this Section.

(f) The owner, agent, or occupant shall have the right to file an appeal with the Property Maintenance Appeals Board within forty-eight (48) hours of service of notice.

(g) If no appeal is filed, the owner, agent, or occupant shall within ten (10) days of service of the notice shall remove or cause to be removed the dismantled, partially dismantled, or inoperable motor vehicle, machinery, or equipment in accordance with this Section.

(h) In case the owner, agent, or occupant refuses or fails to carry out the order within the timeframe specified herein, the Enforcement officer shall carry out the removal of the dismantled, partially dismantled, or inoperable motor vehicle, machinery, or equipment and shall recover the cost of such action pursuant to Section 1131.08.

(i) All vehicles removed pursuant to the this section shall be impounded and disposed of pursuant to Section 303.08 of the Riverside Code of Ordinances and Ohio Revised Code Section 4513.62. (Ord. 07-0-368. Passed 5-17-07.)

1331.99 PENALTY.

(a) No person shall violate any provision or fail to conform to any of the requirements of this Exterior Property Maintenance Code or fail to comply with any order made thereunder.

(b) Whoever violates any section of this Code shall be fined not more than one hundred dollars (\$100.00) for the first offense, and for each subsequent offense shall be fined not more than two hundred fifty dollars (\$250.00) or imprisoned not more than thirty days, or both. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.

(c) The application of the penalty provided in subsection (b) hereof shall not be held to prevent the enforced removal of prohibited conditions.
(Ord. 07-0-368. Passed 5-17-07.)

**CHAPTER 1341
Sidewalks and Curbs**

1341.01 Authority to require sidewalks.

CROSS REFERENCES

Parking - see TRAF. 351.03(a)

Obstructions - see GEN. OFF. 521.04

Duty to keep in repair - see GEN. OFF. 521.06

1341.01 AUTHORITY TO REQUIRE SIDEWALKS.

(a) Whenever lot improvements, including building additions, additional buildings totaling twenty-five percent (25%) or more of the existing square footage of the principal existing building or structure, in any zoning district, the issuance of a building permit for such improvement may be conditioned upon a sidewalk and/or curb being installed at the expense of the permit applicant; provided however, that such requirement shall not apply to an existing principal single family dwelling on a residentially zoned lot.

(b) The requirement to install a sidewalk and/or curb shall be made by the Zoning Administrator, based upon vehicular and pedestrian traffic reasonably to be expected in the neighborhood and upon all other relevant conditions found to exist within the applicable area. A decision by the Zoning Administrator that sidewalks and/or curbs shall be installed may be appealed by the permit applicant as a final decision to the Board of Zoning Appeals pursuant to the provisions of Section 1135.04 of the Code of Ordinances. Prior to making a decision on said appeal, the Board of Zoning Appeals shall obtain the written recommendation of the Planning Commission. (Ord. 01-0-229. Passed 9-20-01.)

**CHAPTER 1343
Nuisance Abatement**

<p>1343.01 Scope. 1343.02 Intent. 1343.03 Other regulations. 1343.04 Other remedies. 1343.05 Saving clause. 1343.06 Procedures for securing an open structure or other open hazard. 1343.07 Procedure for abatement of a public nuisance by condition. 1343.08 Procedure for abatement of a public nuisance by activity or use. 1343.09 Service of notice.</p>	<p>1343.10 Abatement of nuisance by owner. 1343.11 Duty to vacate premises. 1343.12 Appeal hearing of public nuisance. 1343.13 Abatement of nuisance by the City. 1343.14 Adoption of procedures in R.C. 3929.86(C) and (D). 1343.15 Illegal occupancy of a public nuisance. 1343.16 Unauthorized entry upon nuisance premises. 1343.99 Penalty.</p>
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CROSS REFERENCES

Animal nuisance - see GEN. OFF. 505.08

1343.01 SCOPE.

(a) The provisions of this chapter shall govern those items that are considered nuisances as defined in Section 1331.03

(b) This section is intended to protect the health, safety, and welfare in all existing residential and nonresidential structures, premises by:

- (1) Establishing the minimum requirements for securing, mitigating, abating, and lessening the impact of structures and premises declared a public nuisance
- (2) Fixing the responsibility for securing, mitigating, abating and lessening the impact on owners, operators, and occupants of structures and premises declared a public nuisance, and
- (3) Providing for administration, enforcement, and penalties.
(Ord. 09-0-413. Passed 5-21-09.)

1343.02 INTENT.

This section shall be construed liberally and justly to insure the public health, safety, and general welfare. (Ord. 09-0-413. Passed 5-21-09.)

1343.03 OTHER REGULATIONS.

The provision of this section shall not be construed to prevent the enforcement of other ordinances or regulations which prescribe standards other than are provided herein. (Ord. 09-0-413. Passed 5-21-09.)

1343.04 OTHER REMEDIES.

This section shall not be deemed to abolish or impair existing remedies of the City or its officer or agencies relating to the removal or demolition of any buildings deemed dangerous, unsafe, or unsanitary. (Ord. 09-0-413. Passed 5-21-09.)

1343.05 SAVING CLAUSE.

If any section, subsection, paragraph, sentence, clause, or phrase of this section shall be declared invalid for any reason, such decision shall not affect the remaining portions of this Section which shall continue in full force and effect, and, the provisions of this code are declared severable. (Ord. 09-0-413. Passed 5-21-09.)

1343.06 PROCEDURE FOR SECURING AN OPEN STRUCTURE OR OTHER OPEN HAZARD.

Upon finding a vacant structure open to entry at doors, windows, or other points accessible to the general public, or upon finding an open hazard which poses a threat to the public safety, the Zoning Administrator shall make recommendation to the City Manager to immediately secure such structure or hazard. The City Manager may call on any department, division, bureau of the city, or may arrange by private contract for whatever assistance may be necessary to secure such structure or hazard as recommended by the Zoning Administrator, and the following provisions shall apply:

- (a) If directed to secure such structure or hazard by the City Manager, the Zoning Administrator shall have probable cause to enter on the premises for the purposes of securing said vacant structure or hazard. Photographs of the structure or hazard shall be taken prior to securing it, and those photographs shall be filed appropriately with the City.
- (b) Twenty-four (24) hours prior to securing a vacant structure or hazard, the Zoning Administrator shall serve a written notice on the owner in the manner provided in Section 1343.09(b)(4), provided however, that prior notice shall not be required if the City Manager determines that such structure or hazard poses an imminent threat to the public safety requiring emergency measures to secure the same, in which case notice shall be served within twenty-four (24) hours after securing the same. Any notice under this subsection shall inform the owner of:
 - (1) The date on which such structure was found open to entry or such open hazard was found, and of the date and estimated time of when the securing of the structure will occur,
 - (2) The estimated cost to be incurred in securing the structure or hazard and that the city will recover such costs in the manner prescribed by Section 1343.12, and
 - (3) The right to appeal the said notice to the Property Maintenance Appeals Board by making a written demand to the City Manager within 15 days after receipt of the notice.

- (c) As soon as practicable after the securing of a vacant structure or hazard, the Zoning Administrator shall serve additional written notice on the owner in the manner provided in Section 1343.09(b)(1), (2), or (3). The notice shall inform the owner of:
- (1) The date on which such structure was found open to entry or such open hazard was found and of the date when such structure or hazard was secured,
 - (2) The actual cost incurred in securing the structure or hazard and that the city will recover such costs in the manner prescribed by Section 1343.12, and
 - (3) The right to appeal the said notice to the Property Maintenance Appeals Board by making a written demand to the City Manager within 15 days after receipt of the notice.
- (d) Upon an appeal to the Property Maintenance Appeals Board, the Board may:
- (1) Sustain the recommendation by the Zoning Administrator; or
 - (2) Find that the action taken to secure the structure was unconstitutional, illegal, arbitrary, capricious, or unreasonable
- (e) If the Property Maintenance Appeals Board does not sustain the recommendation of the Zoning Administrator, the costs incurred in securing the structure or hazard shall be paid from city funds specifically authorized by the City for such purpose.
(Ord. 09-0-413. Passed 5-21-09.)

**1343.07 PROCEDURE FOR ABATEMENT OF A PUBLIC NUISANCE BY
CONDITION.**

(a) Whenever the Zoning Administrator suspects the existence of a public nuisance in the City as defined in Section 1331.03(b)(5)A., the Zoning Administrator or a designee shall promptly inspect the premises on which the public nuisance is suspected to exist. Should the Zoning Administrator find that a public nuisance does exist, it shall be the duty of the Zoning Administrator or a designee to photograph such public nuisance and to file with the City the inspector's photographs and the written report of the findings. The Zoning Administrator shall notify the owner pursuant to Section 1343.09(b)(2), (3), or (4). The notice shall state the findings with respect to the existence of a public nuisance and that unless the owner(s) thereof abate the public nuisance by rehabilitation or by removal of the building, structure or nuisance, the City will abate the nuisance at the owner's expense. The Zoning Administrator may also order the owner to take such measures as are reasonably necessary to lessen the severity of the public nuisance. If the owner fails or refuses to comply with such order, the City may abate or lessen the public nuisance's severity through rehabilitation, repair, or removal of the building, structure, or nuisances at the owner's expense. Abatement by the owner shall, on the issuance of a special nuisance abatement permit or a special demolition permit, start within fifteen (15) days after service of the notice and shall be complete within the time prescribed in Section 1343.09 or such additional time as the Zoning Administrator may deem necessary to complete the abatement.

(b) Whenever the Zoning Administrator determines the existence of a public nuisance as defined in Section 1331.03(b)(5)A., the Zoning Administrator or designee shall serve a written notice on the owner and/or other responsible persons, stating the findings with respect to the existence of a public nuisance and ordering the owner and/or other responsible person, to abate the public nuisance within 15 days. Whenever the issues raised by the written notice and order have been finally determined, the Zoning Administrator may recommend to the City Manager the

abatement of the public nuisance in the manner provided in Chapter 3767 of the Ohio Revised Code. Upon the Zoning Administrator's recommendation, the City Manager shall determine if such assistance is warranted and may authorize the Law Director to pursue the same. If the owner and/or other responsible person fails or refuses to comply with the order to abate the public nuisance, the Zoning Administrator may, in addition to proceeding as provided hereinabove, proceed against the owner for any violations of the Riverside Building Code.
(Ord. 09-0-413. Passed 5-21-09.)

**1343.08 PROCEDURE FOR ABATEMENT OF A PUBLIC NUISANCE BY
ACTIVITY OR USE.**

(a) Whenever the Zoning Administrator suspects the existence of a public nuisance in the City as defined in Section 1331.03(b)(5)B., the Zoning Administrator or a designee shall, with the assistance of the Riverside Police Department, promptly inspect the premises on which the public nuisance is suspected to exist. Should the Zoning Administrator find that a public nuisance does exist; it shall be the duty of the Zoning Administrator or a designee to file with the City a written report of the findings along with any documented previous activity on file with the Riverside Police Department. The Zoning Administrator shall notify the owner pursuant to Section 1343.09(b)(2), (3), or (4) and the notice shall state the findings with respect to the existence of a public nuisance and order the owner to take such measures as are reasonably necessary to lessen the severity of the public nuisance.

(b) Whenever the Zoning Administrator, with assistance from the Riverside Police Department, determines that the continued existence of a previously identified public nuisance as defined in Section 1331.03(b)(5)B. remains, the Zoning Administrator or designee may serve a written notice on the owner and/or other responsible person, stating the findings with respect to the existence of a public nuisance and ordering the owner and/or other responsible person, to abate the public nuisance within 15 days. Whenever the issues raised by the written notice and order have been finally determined, the Zoning Administrator may recommend to the City Manager the abatement of the public nuisance in the manner provided in Chapter 3767 of the Ohio Revised Code. Upon the Zoning Administrator's recommendation, the City Manager shall determine if such assistance is warranted and may authorize the Law Director to pursue the same. If the owner and/or other responsible person fails or refuses to comply with the order to abate the public nuisance, the Zoning Administrator may, in addition to proceeding as provided hereinabove, proceed against the owner for any violations of the Riverside Building Code.
(Ord. 09-0-413. Passed 5-21-09.)

1343.09 SERVICE OF NOTICE.

(a) Any notices required to be served under Sections 1343.07 or 1343.08 shall contain the findings and orders specified thereunder.

(b) Unless otherwise specified herein, written notices pursuant to this ordinance shall be served on the owner and/or other responsible person:

- (1) Personally;
- (2) By certified mail addressed to the owner at the owner's last known place of residence as appearing in the records of the City of Riverside, Ohio;
- (3) At the owner's tax mailing address as indicated on the county tax duplicate;
or
- (4) By posting a copy of the notice in a conspicuous place on the structure or premises to which it relates.

(c) If notices mailed are returned un-served, then a notice shall be published once a week for two consecutive weeks in a newspaper of general circulation in the county.

(d) The Zoning Administrator shall complete a certificate of service which shall set forth the name and address of the person served, the manner of service, and the date thereof.
(Ord. 09-0-413. Passed 5-21-09.)

1343.10 ABATEMENT OF NUISANCE BY OWNER.

(a) On being served notice of a public nuisance as defined in Section 1331.03(b)(5)A., the owner may within 15 days after receipt of notice, may apply in writing to the Zoning Administrator for a temporary special nuisance abatement permit to abate the public nuisance. Upon reviewing the Zoning Permit Application, the Zoning Administrator shall issue the temporary special nuisance abatement permit which shall state the time frame of thirty (30) days during which time the applicant must either abate the nuisance or make application to the Montgomery County Building Department for such additional permits as may be necessary to abate the nuisance.

(b) The owner shall furnish to the Montgomery County Building Department adequate plans and specifications as required by the Montgomery County Building Department, covering the repairs or replacements.

(c) Upon receipt of the building permit, the applicant shall apply for a permanent special nuisance abatement permit from the City. This permit shall be valid for a period of 90 days and within that time the owner shall begin the repairs or replacements to abate the nuisance. The Zoning Administrator may grant an extension to the special nuisance abatement permit, in writing, if the owner shows reason or cause for the requested extension and the extension will more readily affect the repairs and/or replacements.

(d) Whenever permits are issued for repairs to the plumbing, electrical, heating and air conditioning, or similar systems in a nuisance structure, such permits shall be valid for a period of time not to exceed the unexpired term of the special nuisance abatement permit, or extension thereof, pursuant to subsection (c) of this section, notwithstanding any other provision of the Code to the contrary. In the event the said permits are issued for work which exceeds that which is necessary for the abatement of the nuisance, and if the nuisance is abated within the time provided in subsection (c) of this section, then the said permits shall remain valid, subject to the terms, provisions and limitations of the Unified Building Code.

(e) On being served notice, the owner may within 15 days apply in writing or in person to the Montgomery County Building Department for a demolition permit to abate the nuisance completely by demolition and removal of the structure. The demolition permitted by the permit shall begin within thirty (30) days from issuing the permit.
(Ord. 09-0-413. Passed 5-21-09.)

1343.11 DUTY TO VACATE PREMISES.

(a) Within fifteen (15) Days after the City finally determines that a public nuisance as defined in Section 1331.03(b)(5)B. exists:

- (1) All persons responsible therefore shall vacate the premises;
- (2) The owner(s) shall diligently evict all persons from the premises; and
- (3) After the last person vacates the premises, the owner shall keep such premises vacant for a period of three hundred sixty five (365) days.

(Ord. 09-0-413. Passed 5-21-09.)

1343.12 APPEAL HEARING OF PUBLIC NUISANCE.

(a) There is hereby created a Property Maintenance Appeals Board which shall consist of the following members:

- (1) The Chair of the Board of Zoning Appeals,
- (2) The Chair of the Planning Commission,
- (3) The Chair of the Health & Safety Commission,
- (4) The Chair of the Real Estate Acquisition Program Committee
- (5) One electorate of the City of Riverside chosen by the City Council who shall serve at the will of the Council for a two year renewable term,
- (6) The Fire Chief or designee (Ex-Officio),
- (7) The Director of Public Service or designee (Ex-Officio),

(b) The owner or other responsible person named on a nuisance notice may within fifteen (15) days after receipt of notice or within fifteen (15) days after any other Zoning Administrator determination made pursuant to this chapter, demand in writing to the Zoning Administrator for a hearing on any legal or factual issue relating to the nuisance notice or on any Zoning Administrator determination made pursuant to the authority granted by this chapter. The demand shall include the correct mailing address of the owner or person representing the owner. The hearing shall be scheduled within a reasonable time, not to exceed thirty (30) days following receipt of the written demand.

(c) The hearing shall be conducted by the Property Maintenance Appeals Board.

(d) In an appeal pursuant to Section 1343.07(a) or Section 1343.08(a), the Property Maintenance Appeals Board may vote to:

- (1) Sustain the finding that a public nuisance exists on the property and, if the public nuisance is of the type defined in Section 1331.03(b)(5)(A), order the abatement thereof by repair or replacement or removal of the use or condition found to constitute a public nuisance, or order the abatement thereof by demolition; or
- (2) Sustain the finding that a public nuisance exists on the property and order that the structure be secured and the premises maintained so as to lessen the severity of the public nuisance; or
- (3) Continue the matter for a period not to exceed forty-five (45) days for further investigation and disposition; or
- (4) Take such other action and render such other orders as it deems appropriate within the authority conferred by this chapter; or
- (5) Reverse the finding that a public nuisance exists on the property and dismiss the case.

(e) In an appeal pursuant to Section 1343.07(b) or Section 1343.08(b), the Property Maintenance Appeals Board may vote to:

- (1) Sustain the finding that a public nuisance exists on the property and order the abatement thereof.
- (2) Take such other action and render such other orders as it deems appropriate within the authority conferred by this chapter.
- (3) Reverse the finding that a public nuisance exists on the property and dismiss the case.

- (4) Determine that the owner of the real property or personal property used in furtherance of the public nuisance was, in good faith, innocent of knowledge of the use of such property as a nuisance and that, with reasonable care and diligence, such owner could not have known thereof, and dismiss the case with respect to that owner.

(f) The Property Maintenance Appeals Board shall mail a copy of the decision, with certificate of mailing, to the last known address of the owner, or person representing the owner, who demanded the hearing. It shall be the responsibility of the owner, or person representing the owner, to keep the secretary of the Property Maintenance Appeals Board apprised of his/her current mailing address. For the purpose of appeal pursuant to R.C. Chapter 2506, the final order shall be deemed to have been entered on the date on which the copy of the decision was mailed. (Ord. 09-0-413. Passed 5-21-09.)

1343.13 ABATEMENT OF NUISANCE BY THE CITY.

Should a nuisance, as defined by Section 1331.04(b)(5)A. not be abated at the expiration of the time stated in the notice, or expiration of the time stated in the temporary or permanent special building permit or demolition permit, or any extension granted by the Zoning Administrator or such time as the as the Property Maintenance Appeals Board may grant:

- (a) The Zoning Administrator, with the approval of the City Manager, shall have authority to demolish, remove the structure, or take other such actions appropriate to abate or lessen the severity of the public nuisance should the nuisance, as defined in Section 1331.03, continue past the time stated in the notice, special nuisance abatement permit, special demolition permit, extension granted by the Zoning Administrator, or such additional time granted by the Property Maintenance Appeals Board. In abating such nuisance, the Zoning Administrator with the approval of the City Manager may call upon any department, division, or bureau of the city for whatever assistance necessary to abate such public nuisance. The Zoning Administrator with the approval of the City Manager may also privately contract for services to take such other action as may be deemed appropriate to abate or lessen the severity of the public nuisance. The cost of the contract will be paid for from city funds specifically authorized by the City Manager to be used for that purpose. Should the nuisance structure or premises catch fire between the time it is declared a nuisance and is fully abated, the cost of abating or lessening the severity of the public nuisance shall include the reasonable City expenses incurred by the Fire Department. The City shall recover the cost of abating or lessening the severity of such public nuisance in the manner provided in subsection (b) hereof.
- (b) The City shall recover the cost of abating, lessening the severity of such public nuisance, or of such other action taken by the City pursuant to this chapter in the following manner:
- (1) The City shall bill the owner(s) directly by certified mail for the cost of abating or lessening the severity of such public nuisance. The owner(s) shall pay the bill within sixty (60) days after receipt of same.
 - (2) If the bill is not paid within sixty (60) days, the City may collect the cost by any of the following methods:
 - A. The City may levy as an assessment and recover in accordance with R.C. 715.261 the cost of abating or lessening the severity of such public nuisance.

- B. The City may bring a civil action to recover the cost from the owner, as provided in R.C. 715.261.
(Ord. 09-0-413. Passed 5-21-09.)

1343.14 ADOPTION OF PROCEDURES IN R.C. 3929.86(C) AND (D).

This section incorporates, adopts by reference, and makes part of this chapter with the same force and effect as though set out in full herein, the provisions of Chapter 1503, Codified Ordinances of the City of Riverside, Ohio, with respect to the procedures contained in Sections 3929.86(C) and (D) of the Ohio Revised Code relating to recovery of costs incurred by the city in repairing, removing, or securing fire damaged buildings or other structures.
(Ord. 09-0-413. Passed 5-21-09.)

1343.15 ILLEGAL OCCUPANCY OF A PUBLIC NUISANCE.

(a) No owner or other person shall occupy, let, permit to be occupied, or let by another for occupancy any structure declared by the city as a public nuisance without first applying for and obtaining the written consent of the Zoning Administrator. The Zoning Administrator shall consent when:

- (1) All violations of all applicable housing, building, and other health and safety codes of the City of Riverside and the State of Ohio have been corrected,
- (2) When any injunctions obtained against use or occupancy have been dissolved and,
- (3) When all parties have complied with all applicable requirements of Section 1343.11 (duty to vacate premises).

(b) In the event of a violation of Section 1343.15 (a) by the owner, the City shall include the cost of relocating the tenants by the city as a cost of abating or lessening the severity of a public nuisance. The City shall recover such costs in the manner provided by Section 1343.13. (Ord. 09-0-413. Passed 5-21-09.)

1343.16 UNAUTHORIZED ENTRY UPON NUISANCE PREMISES.

(a) Unless the owner(s) has upon their person a written authorization granted by the Zoning Administrator, they shall not enter in or be present upon any building or premises posted with a notice identifying the building or premises as a public nuisance.

(b) It shall be an affirmative defense to a violation of this Section that the person was the owner, or was authorized by the owner to be present on the said premises, and that one of the persons present had the required written authorization on his/her person at the time.

(c) The officers, agents, and employees of the City, State, or Federal government, or any political subdivision or of any public utility are exempt from the requirement of this section while in the course of their employment.

(d) Written authorization, as provided in this section, shall be issued by the Zoning Administrator to any person who provides documentation, on its face, that such a person is either an owner of the premises or is authorized by the owner to be present, or to any person who applies and pays for any permit to do work on the premises.

(e) Written authorization, as provided in this section, shall not be issued in connection with any property which has been declared a public nuisance as provided, unless all parties have complied with the vacate provision.
(Ord. 09-0-413. Passed 5-21-09.)

1343.99 PENALTY.

A violation of the requirements of Sections 1343.11(b), 1343.15, or 1343.16 shall constitute a misdemeanor of the third degree, punishable as provided in Section 501.99, and each day such violation continues shall constitute a separate offense.
(Ord. 09-0-413. Passed 5-21-09.)

