

OF ORDINANCE NO. \_\_\_\_ - 22

BY: \_\_\_\_\_

AN ORDINANCE AMENDING SECTIONS OF CHAPTER 94 – NUISNACE, SECTION(S) 94.03, 94.04, 94.05, 94.06, 94.20, 94.22, 94.23, 94.29, 94.40, 94.42, 94.44, 94.45, 94.46, 94.60, 94.61, 94.62, 94.63, 94.64, 94.65, 94.70, 94.74, AND 94.75, DELETING 94.41, AND 94.43, ADDING 94.81, 94.82, AND 94.83 OF THE CODIFIED ORDINANCES, OF THE CITY OF TIPP CITY

WHEREAS, it is the desire of the City Council to keep ordinance updated; and

WHEREAS, it is the City Councils desire to protect the health, safety, and welfare of the public and community;

WHEREAS, the Council believes that updating this ordinance will provide the city staff the tools needed to gain compliance with the standards set forth,

NOW, THEREFORE, THE MUNICIPALITY OF TIPP CITY HEREBY ORDAINS:

SECTION 1. That the following changes be made to Chapter 94, Nuisances.

SECTION 2. That this ordinance shall be in full force and effect from the earliest date permitted by law.

PASSED: \_\_\_\_\_

\_\_\_\_\_  
President of Council

ATTEST: \_\_\_\_\_  
Clerk of Council

APPROVED: \_\_\_\_\_  
Director of Law

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CHAPTER 94: - NUISANCES

GENERAL PROVISIONS

§ 94.01 - Application.

The provisions of this chapter shall be enforceable within the municipality concurrently with state and federal laws relative to sanitation and health and the ordinance or orders of the county health district relative thereto, and shall not be construed as modifying, repealing, limiting or affecting in any manner such laws, ordinances, or orders.

§ 94.02 - Keeping animals.

(A) No person shall keep any pig, horse, cow, goat, 3 or more dogs or cats at least 3 months of age, or any other animal or animals or any fowl or poultry in any pen, yard, lot or other enclosure situated within 100 feet of an inhabited dwelling house, other than the house of the owner of such animal or animals, fowl or poultry.

(B) The owner or keeper of any such animal or animals, fowl, or poultry shall keep the pen, yard, lot, or other enclosure in a sanitary condition and free from preventable offensive odors.

§ 94.03 - Discarding litter prohibited.

(A) No person, regardless of intent, shall deposit litter or cause litter to be deposited on any public property, on private property not owned by him or her, or in or on waters of the state, unless one of the following applies:

(1) Except when a ~~The person is~~ picking up litter directed to do so by a public official as part of a litter collection event drive or enforcement of this section.

(2) Except as provided in division (B) of this section, the person deposits the litter in a litter receptacle in a manner that prevents its being carried away by the elements.

(3) The person is issued a permit or license ~~covering the litter~~ pursuant to R.C. Chapter 3734 Solid and Hazardous Wastes or 6111 Water Pollution Control.

(B) No person, without privilege to do so, shall knowingly deposit litter, or cause it to be deposited, in a litter receptacle located on any public property or on any private property not owned by him or her, unless one of the following applies:

(1) The litter was generated or located on the property on which the litter receptacle is located.

30 (2) The person is directed to do so by a public official as part of a litter collection event  
31 drive.

32 (3) The person is directed to do so by a person whom he or she reasonably believes to  
33 have the privilege to use the litter receptacle.

34 (4) The litter consists of any of the following:

35 (a) The contents of a litterbag or container of a type and size customarily carried and used  
36 in a motor vehicle.

37 (b) The contents of an ashtray of a type customarily installed or carried and used in a  
38 motor vehicle.

39 (c) Beverage containers and food sacks, wrappings, and containers of a type and in an  
40 amount that reasonably may be expected to be generated during routine commuting or  
41 business or recreational travel by a motor vehicle.

42 (d) Beverage containers, food sacks, wrappings, containers, and other materials of a type  
43 and in an amount that reasonably may be expected to be generated during a routine day  
44 by a person and deposited in a litter receptacle by a casual passerby.

45 (C) (1) As used in division (B)(1) of this section, *PUBLIC PROPERTY* includes any private  
46 property open to the public for the conduct of business, the provision of a service, or upon  
47 the payment of a fee but does not include any private property to which the public otherwise  
48 does not have a right of access.

49 (2) As used in division (B)(4) of this section, *CASUAL PASSERBY* means a person who does  
50 not have depositing litter in a litter receptacle as his or her primary reason for traveling to or  
51 by the property on which the litter receptacle is located.

52 (D) For the purpose of this section, the following definitions shall apply unless the context  
53 clearly indicates or requires a different meaning.

54 *DEPOSIT*. To throw, drop, discard, or place.

55 *LITTER*. Garbage, trash, waste, rubbish, ashes, cans, bottles, wire, paper, cartons, boxes,  
56 automobile parts, furniture, glass, yard waste, tree limbs, leaves, grass clippings, or anything  
57 else of an unsightly or unsanitary nature.

58 *LITTER RECEPTACLE*. A dumpster, trash can, trash bin, garbage can, or similar container in  
59 which litter is deposited for removal.

60 (E) This section may be enforced by any sheriff, deputy sheriff, police officer of a municipal  
61 corporation, police constable or officer of a township, or township or joint police district, wildlife  
62 officer designated under R.C. § 1531.13, natural resources officer appointed under R.C. §

63 1501.24, forest-fire investigator appointed under R.C. § 1503.09, conservancy district police  
64 officer, inspector of nuisances of a county, or any other law enforcement officer within the law  
65 enforcement officer's jurisdiction. (R.C. § 3767.32)

66 (F) No property owner, nor anyone authorized to occupy said property shall permit the  
67 accumulation of litter on their property, and shall keep their property free of litter as defined in  
68 this section both in front of the property, or in any places in public view, or viewable by  
69 neighboring properties. In addition, no property owner, nor anyone authorized to occupy the  
70 property shall allow their trash or refuse to blow onto another property owner's property or  
71 within the public right of way.

72 ~~(G)(F)~~ Whoever violates any provision of this section shall be guilty of a misdemeanor of the  
73 third degree. The sentencing court may, in addition to or in lieu of the penalty provided in this  
74 division, require a person who violates this section to remove litter from any public or private  
75 property or in or on waters of the state.

76 § 94.04 – Abandoned ~~refrigerator~~ Appliances.

77 (A) No person shall abandon, discard, or knowingly permit to remain on premises under the  
78 person's control, in a place accessible to children, any abandoned or discarded stove, freezer,  
79 icebox, refrigerator, or other airtight or semi-airtight container which has a capacity of 1½ cubic  
80 feet or more and an opening of 50 square inches or more and which has a door or lid equipped  
81 with a hinge, latch, or other fastening device capable of securing such door or lid, without  
82 rendering the equipment harmless to human life by removing such hinges, latches or other  
83 hardware which may cause a person to be confined therein. This section shall not apply to a  
84 stove, freezer, icebox, refrigerator or other airtight or semi-airtight container located in that part  
85 of a building occupied by a dealer, warehouse or repairer.

86 (B) Whoever violates this section shall be guilty of a misdemeanor of the fourth degree.

87 § 94.05 - Trade or business causing nuisance.

88 (A) No person shall erect, continue, use, or maintain a building, structure, or place for the  
89 exercise of a trade, employment, or business, or for the keeping or feeding of an animal which,  
90 by occasioning noxious exhalations or noisome or offensive smells, becomes injurious to the  
91 health, comfort, or property of individuals or of the public. No person shall cause or allow offal,  
92 filth, or noisome substances to be collected or remain in any place to the damage or prejudice of  
93 others or of the public. No person shall unlawfully obstruct or impede the passage of a navigable  
94 river, harbor, or collection of water, or corrupt or render unwholesome or impure, a watercourse,  
95 stream, or water, or unlawfully divert such watercourse from its natural course or state to the  
96 injury or prejudice of others.

97 (B) No person, business, property owner, or group of persons, shall permit their property to enter  
98 into a state of disarray, disrepair, or allow their property or premises thereon, to accumulate  
99 trash, or other substances in a manner that creates causes an eyesore to neighboring properties  
100 or the public, or to become 5a nuisance as defined in this Chapter or and elsewhere.

101 § 94.06 - Loud amplification systems prohibited.

102 (A) No person operating, possessing, or occupying a motor vehicle within the city shall operate,  
103 cause to be operated, or permit the operation of any sound amplification system from within the  
104 vehicle so that the sound is plainly audible at a distance of 50 or more feet from the vehicle.

105 (B) *SOUND AMPLIFICATION SYSTEM* means any radio, tape player, cassette player, compact  
106 disc player, loudspeaker, speakers, or any other electronic device used for the amplification of  
107 musical instruments, sound effects, or the human voice.

108 (C) *PLAINLY AUDIBLE* means any sound produced by a sound amplification system which can  
109 be clearly heard by a person with normal hearing ability so as to enable the hearer to know that  
110 sound is being produced, including bass reverberations. Words or phrases need not be so distinct  
111 or clear that they can be understood, only heard. Measurements standards shall be the auditory  
112 senses, based upon direct line of sight.

113 (D) The following uses and activities shall be exempt:

114 (1) The system is being operated to request medical or vehicular assistance or to warn of  
115 a hazardous road condition;

116 (2) The vehicle is an emergency or public safety vehicle;

117 (3) The vehicle is owned or operated by the city or a gas, electric, communications, or  
118 refuse company;

119 (4) The vehicle was used in an authorized public activity such as parades, fireworks,  
120 sports events, musical productions and other activities which have the approval of the  
121 department of the city authorized to grant such approval.

122 (E) Whoever violates this section is guilty of a minor misdemeanor.

123 UNCLEAN HABITATIONS

124 § 94.20 - Posting notice of vacation.

125 (A) No owner or occupier of a property in the city limits of Tipp City shall permit any building,  
126 structure, dwelling, residence, other building, or parking lot, whether inhabited or not, and whether  
127 in use or not, to become in such a state of disrepair, blight, deterioration, accumulating of trash, or  
128 unkempt such that it is a nuisance to neighbors or citizens, or where the city staff make note of the  
129 situation and call for action.

130  
131 (B) In the event of such a violation set forth in this section the City shall initiate proceedings to  
132 remedy the situation at the cost of the property owner or the occupier, said liability shall be joint  
133 and several in the event of a final determination against said owner or occupier.

134 (C) Whenever such procedure, in the opinion of the City Manager, is desirable or necessary, the  
135 City Manager or his or her designee, may affix conspicuously on the buildings or part thereof  
136 the notice or order of vacation.

137 § 94.21 - Enforcement of vacation order by Police Chief.

138 When the notice or order of vacation has not been complied with, and the City Manager or his  
139 or her designee certifies such fact to the Police Chief of the municipality, together with a copy  
140 of the order or notice, it shall be the duty of said Police Chief to enforce such notice or order of  
141 vacation and to cause the premises to be vacated in accordance with the terms of such notice or  
142 order.

143 § 94.22 - Enforcement through court proceedings.

144 (A) Whenever the City Manager shall certify to the ~~Solicitor~~ Law Director any failure to comply  
145 with any order or notice of vacation, with the request that civil proceedings for the enforcement  
146 thereof be instituted, the ~~Solicitor~~ Law Director shall institute any and all proceedings, either  
147 legal or equitable, that may be appropriate or necessary for the enforcement of such order or  
148 notice and the abatement of the nuisance against which such order or notice was directed; such  
149 suits or proceedings are to be brought in the name of the municipality. Proceedings under this  
150 section shall not relieve any party defendant from criminal prosecution or punishment under this  
151 code or any other criminal law or ordinance in force within the municipality.

152 § 94.23 - Cleanliness; hotels, lodging houses, etc.

153 Every owner of, and every agent in charge of, a tenement house, lodging house, tourist home,  
154 tourist cabin or hotel, or part thereof, shall cause to be kept thoroughly clean all parts of the  
155 premises not within the occupied apartments. No person shall place filth, urine, or fecal matter  
156 in any place other than provided for the same, or keep filth, urine, or fecal matter in his or her  
157 apartments or upon his or her premises such length of time as to create a nuisance, and every  
158 tenant shall keep his or her apartment in clean and sanitary condition. The walls of courts and  
159 shafts, unless built in a light color brick or stone, shall be thoroughly whitewashed or painted a  
160 light color and shall be so maintained. Such whitewash or paint shall be renewed as required by  
161 the Miami County Board of Health.

162 DEMOLITION

163 § 94.29 - Demolition permit.

164 This section shall explain the procedure, process, and requirements to obtain a demolition permit  
165 within the city.

166 (A) The City Manager or his designee is hereby authorized to enforce, issue orders to prevent  
167 and stop violations, and administer the provisions of this section.

168 (B) Demolitions within the Old Tippecanoe City Restoration and Architectural District requires  
169 an approved certificate of appropriateness. Said certificate of appropriateness shall be issued in  
170 compliance with § 154.052(L) prior to the commencement of any demolition within the Old  
171 Tippecanoe City Restoration District for which a demolition permit issued in accordance with  
172 this section is still necessary.

173 (C) *Demolition permit required.* A demolition permit issued by the City Manager's office shall  
174 be required for every demolition of any structure in excess of 200 square feet in area. Every  
175 application for a demolition permit shall include reasons for demolition, a site plan, written  
176 narrative, and such other documentation as may be necessary.

177 (1) *Site plan.* Shall contain at minimum:

178 (a) The location of all structures on the lot, with the structures' dimensions, including height.

179 (b) Property boundaries and dimensions, including distances to the structure to be demolished.

180 (c) Streets, alleys, ~~or~~ other constructed, man-made, or natural features.

181 (d) Location of proposed dumpsters, if used.

182 (e) Location of all utilities.

183 (2) *Narrative.* The narrative shall detail the justification for the requested demolition permit  
184 including but not limited to:

185 (a) A plan for clean-up and restoration of the site after the removal of the structure, including  
186 but not limited to grading, seeding and mulching;

187 (b) Disposition of utilities;

188 (c) Evidence that all taxes and utility bills are paid in full;

189 (d) Time frame for clean-up and removal of demolition debris, including footers and slabs;

190 (e) Necessary backfilling;

191 (f) Plan to secure demolition site noting what safety precautions will be taken (i.e. fencing, filling  
192 basements and the like);

193 (g) Clean-up and debris removal, noting where construction and demolition debris is being  
194 disposed of; and

195 (h) Any other information that, in the judgment of the City Manager, may be necessary to  
196 completely explain the proposed demolition.

197 (3) *License.* The applicant shall execute a license provided by the city, granting to the city the  
198 right to enter the property. The license shall permit the city to correct or eliminate any unsafe  
199 condition or conditions at the demolition site before, during and after the demolition. The license  
200 granted by the applicant shall further provide that the city shall have the sole right to determine  
201 if a condition or conditions are unsafe. The license shall further include an agreement providing  
202 that the applicant shall indemnify the city for its cost to correct or eliminate the unsafe condition  
203 or conditions. The agreement shall provide that the indemnification may be from the contractor  
204 maintenance deposit or by any another manner allowed by law, as determined by the City  
205 Manager.

206 (4) *Other approvals.* Other regulatory agency approvals which are necessary, prior to the  
207 issuance of a demolition permit by the City (i.e. OEPA, Regional Air Pollution Control  
208 Authority, Department of Health, and the like).

209 (5) *Contractor's maintenance fee.* The applicant shall post a contractor's maintenance fee  
210 (administrative regulation) to cover any necessary street cleaning or other damage that may result  
211 from the demolition, debris removal and restoration. Any unused balance shall be refunded upon  
212 successful completion of the demolition after any reductions authorized herein, if any.

213 (a) Street closure permit request, if necessary.

214 (b) Dumpster permit request, if dumpster is to be placed within the public right-of-way.

215 (c) Each property owner or authorized agent shall be required to attest to the correctness of the  
216 statements and items furnished with the application.

217 (d) *Permit expiration.* Any demolition permit issued under this section shall expire 30 days from  
218 the date of issuance if the demolition has not commenced.

219 (6) *Fee.* The demolition permit fee and any other related fees as determined by City Council are  
220 posted in a fee schedule available through the Community and Economic Development  
221 Department. All fees are payable upon receipt of the demolition permit.

## 222 CLEANING PREMISES

223 § 94.40 - Order to clean premises.

224 Prior to May 10 in every year, the ~~City Mayor or other chief administrative officer~~ shall cause a  
225 ~~notice or proclamation~~ to be inserted in 1 or more newspapers of general circulation within the  
226 municipality, ordering persons to clean thoroughly and provide proper drainage for all lands,  
227 yards, vaults, cesspools, sheds and barns and to cause all tin cans, trash and other unclean and  
228 unsightly matter to be removed therefrom on or before May 10.

229 § 94.41 ~~Sanitary inspection.~~ Reserved



230 ~~In the month of May of each year the Police Chief shall make a thorough sanitary inspection of~~  
231 ~~all public and private property in the municipality and shall transmit his or her report, together~~  
232 ~~with his or her recommendations, to the Council on or before the first day of June. A copy of~~  
233 ~~such report shall also be sent to the County Health Department.~~

234 § 94.42 - Individual orders for abatement.

235 If, ~~upon conviction~~, it is found that the published order has not been complied with in § 94.40,  
236 as to any lot or parcel of ground, Council shall by resolution the City shall send a written notice  
237 by either certified mail, served personal, or being posted on the property directing the owner,  
238 occupant or person in charge of the land ~~within 10 days~~ to abate said nuisance with in five (5)  
239 days and, setting forth the nature of the violation and the acts required to be done. The ~~resolution~~  
240 notice shall provide that, upon failure or refusal to comply with the order, the work required will  
241 be done by the municipality, with the amount expended thereof to be a valid claim against such  
242 owner or occupant and charged as a lien upon said land and recovered by the municipality by  
243 suit in a court of competent jurisdiction.

244 § 94.43 - ~~Copy of resolution to be served or published~~ Reserved.

245 ~~A copy of the resolution adopted under § 94.42 herein, may be served personally or at the usual~~  
246 ~~place of residence of such owner, occupant or person in charge of such land or by registered~~  
247 ~~mail; or in lieu of such service, may be published for 2 consecutive weeks in a newspaper of~~  
248 ~~general circulation in the municipality.~~

249 § 94.44 - Unclean premises prohibited.

250 (A) No owner, occupant or person in charge of any lot or parcel of ground shall cause or permit  
251 water to accumulate thereon and become stagnant, or permit culverts, drains or natural  
252 watercourses thereon to become obstructed, or cause or permit any putrid or unsanitary substance  
253 to accumulate thereon.

254 (B) No owner, occupant or person in charge of any lot or parcel of ground shall cause or permit  
255 to accumulate on the exterior of the premises anything of an unsanitary or unsightly nature which  
256 creates a public nuisance, including, but not limited to the following:

257 (1) Litter, debris, rubbish, garbage, and other similar articles or materials which are  
258 patently unsightly and offensive to the senses;

259 (2) Junk motor vehicles and parts thereof including tires, wheels, batteries, radiators,  
260 hoods, doors and fenders;

261 (3) Broken, dilapidated or discarded furniture, mattresses, appliances, fixtures or other  
262 household furnishings;

263 (4) Tree and bush trimmings, decayed wood, building materials not in use, leaves and  
264 yard waste, excepting properly maintained compost piles or bins located in a rear yard.

265 ~~(C) No owner, occupant or person in charge of any lot or parcel of ground shall cause, or permit~~  
266 ~~a structure to be maintained in a condition which creates a fire, safety or health hazard or which~~  
267 ~~by a lack of maintenance, creates a public nuisance, including, but not limited to the following:~~

268 ~~(1) Broken or dilapidated gutters, awnings, windows, fences, walls, foundations, roof or~~  
269 ~~other structures;~~

270 ~~(2) Missing parts of walls, siding, facia, roofs, decks or other structural elements.~~

271 ~~(3) Peeling paint or other deteriorated treatment of exterior elements of structures.~~

272 § 94.45 - Periodic inspection.

273 Independent of the annual clean-up and inspection provided for in §§ 94.40 and ~~94.41~~ herein,  
274 the City Manager or his or her designee shall make periodic inspection of properties within the  
275 municipality and shall order all uncorrected violations of § 94.44 to be abated. In the event that  
276 the enforcement of the City Manager's order to abate these violations would necessitate the use  
277 of the equitable powers of the Common Pleas Court of Miami County, Ohio, the City Manager  
278 shall report such uncorrected violations to the Law Director who shall take the appropriate  
279 ~~Council which shall, by resolution, approve the~~ enforcement action necessary for compliance  
280 with this section ~~to be taken.~~

281 § 94.46 - Enforcement; court proceedings.

282 In case of failure or refusal to comply with any such notice ~~resolution of Council~~, the work  
283 required thereby may be done at the expense of the corporation and the amount of money  
284 expended therefor shall be a valid claim against said owner, occupant or person in charge and a  
285 lien upon such land which may be enforced by suit in any court of competent jurisdiction.  
286 Proceedings under this section shall not relieve any party defendant from criminal prosecution  
287 or punishment for violation of any section of this code or any other criminal law or ordinance in  
288 force within the municipality.

289 CUTTING GRASS AND WEEDS

290 § 94.60 - Keeping down grass and weeds.

291 (a) No person, whether the owner, lessee, agent, tenant or other person or entity having charge or  
292 care of land in the City, shall permit grass or noxious weeds to grow thereon or on the adjacent  
293 right of way to a height in excess of six (6), or to mature seeds thereon, or fail to cut and destroy  
294 such high grass or noxious weeds when notified by the City Code Enforcement Officer or designee  
295 to do so. ~~Any person owning or having charge of land within the municipality shall keep the~~  
296 ~~property free and clear of all grass overgrowth, noxious weeds and rank vegetation, and shall be~~

297 required to cut all grass, weeds and rank vegetation on the land owned or controlled by him or  
298 her at least 6 times in every year; once between April 1 and May 1; once between May 1 and  
299 June 1; once between June 1 and July 1; once between July 1 and August 1; once between August  
300 1 and September 1; and once between September 1 and October 1. In no case shall the person  
301 having charge of said lands allow grass and weeds to exceed a height of 10 inches. For the  
302 purposes of this regulation, grass overgrowth shall be defined as grassy vegetation exceeding 6  
303 inches in height, excepting cultivated ornamental grasses in garden areas, ~~M~~Managed ~~N~~Natural  
304 ~~L~~Landscaped ~~A~~Areas, and cultivated agricultural crops in farm fields. Grass and weeds in  
305 uncultivated gardens or fallow fields shall not be excepted.

306 (b) “Noxious weeds” includes thistle, burdock, jimson weed, ragweed, mullein, poison ivy and  
307 other vegetation of rank growth, and the failure to cut the same is declared a nuisance and a hazard  
308 to the health and safety of the residents of the City.

309 (c) Managed Natural Landscaped Areas means area of designed and cultivated plant  
310 communities that are self-sustaining with minimal resort to artificial methods of plant care and that  
311 serve at least 1 of the following purposes: (1)The offset and control of a potential or existing soil  
312 loss; (2)The enrichment or stabilization of soil fertility; (3)Governmental programs, including,  
313 without limitation, conservation, storm water control, and well field protection; (4) Educational  
314 studies. Managed Natural Landscaped Areas shall be designated by the City Manager or his  
315 designee.

316 § 94.61 – ~~Published N~~notice to cut grass and noxious weeds; ~~service.~~

317 The City Manager or his designee shall, annually, cause a notice to be published in a newspaper  
318 of general circulation within the city, stating that no, owner, lessor, tenant or other person or  
319 entity having charge or care of the land shall permit grass or noxious weeds to grow thereon or  
320 on the adjacent right of way to a height in excess of six (6) inches, or to mature seeds thereon, or  
321 fail to cut and destroy such high grass or noxious weeds when notified by the City Code  
322 Enforcement Officer or designee to do so. ~~grass overgrowth and noxious weeds growing on lands~~  
323 ~~within the limits of the city and within 200 feet of residential property or public right of way~~  
324 ~~shall be cut periodically.~~ The notice shall not be required to describe the lands or to specify the  
325 name of the owner of the property; however, the notice shall constitute notice to any owner,  
326 lessee, agent, or tenant having charge of or care of any land on which grass overgrowth and  
327 noxious weeds are grown that the grass and weeds must be cut and destroyed within five (5) ~~15~~  
328 days after the publication. Notice shall be published one (1) time in order to constitute notice  
329 hereunder.

330 § 94.62 - Procedure when owner fails to comply with published notice; written notice.

331 When any person, being the owner, lessee, agent, or tenant having charge of or care of the lands  
332 mentioned in § 94.60, fails to comply with the notice set forth in the publication published notice,  
333 the City Manager or his designee may cause the grass overgrowth and noxious weeds to be cut  
334 and destroyed and may employ the necessary labor to perform the task. All expense incurred  
335 shall, when approved by the City Manager, be paid out of any money in the city treasury not

336 ~~otherwise appropriated.~~ the City manager or designee shall cause a written notice of violation to  
337 be served upon any of the owners, lessees, tenants or other persons or entities having charge or  
338 care of land in the City, notifying them that grass of excessive length or noxious weeds are growing  
339 on land in their care and ordering that such grass or noxious weeds be cut within five (5) days after  
340 the service of the notice of violation. Written notice may be served by any of the following  
341 methods:

342 (a) Handing the notice to some person of suitable age and discretion residing or employed therein;  
343 or

344 (b) (1) Mailing the notice by United States First Class mail to the owner of record of the lands at  
345 the address designated with the County Auditor for the purpose sending the owner tax bills, and to  
346 lessees, tenants or other persons or entities having charge or care of lands at the address designated  
347 for the lands; and (2) posting the notice by affixing it to the front of the building in clear view  
348 from the street or affixing it to a free-standing post or stake in clear view from the street, service  
349 being effective upon posting; or (3) by personal service.

350 (c) Publishing the notice once in a local newspaper of general circulation.

351 Only one written notice of violation per calendar year is required to be served by the City Manager  
352 or designee in order to abate a grass or noxious weed offense as provided in § 94.62 (a). If, after  
353 one notice of violation has been served, the City Manager or designee determines that one or more  
354 subsequent violations have occurred on the subject lot or parcel of land during the calendar year,  
355 the City may proceed to immediately abate such violations as provided in § 94.63. A notice of  
356 violation for each offense is required to be served by the City Manager or designee prior to filing  
357 criminal charges under § 94.65.

358 § 94.63 - ~~Reimbursement procedure~~ Failure to comply with notice

359 When any person, being the owner, lessee, agent, or tenant having charge of or care of the lands  
360 mentioned in § 94.60, fails to comply with any written notice ~~set forth in the publication~~ served  
361 pursuant to § 94.62, the City Manager may cause the grass overgrowth and noxious weeds to be  
362 cut and destroyed and may employ the necessary labor to perform the task. All expense incurred  
363 shall, when approved by the City Manager, be paid out of any money in the city treasury not  
364 otherwise appropriated.

365 § 94.64 ~~Enforcement court proceedings~~ Reimbursement procedure

366 Charges for city action to cut grass overgrowth and weeds in accordance with § 94.63 shall be  
367 invoiced to the ~~property~~ owner of record at the address designated with the County Auditor for  
368 the purpose sending the owner tax bills. The City Manager shall make a written return to the  
369 County Auditor with a statement of the charges that remain unpaid for over 30 days for services  
370 in cutting the grass overgrowth and weeds, together with a proper description of the premises.  
371 The amounts shall be entered on the tax duplicate, shall constitute a lien on the lands from the  
372 date of the entry, and shall be collected as other taxes and returned to the city with the general  
373 fund.

374 § 94.65 - ~~Managed natural landscaped areas. Enforcement; court proceedings.~~

375 Failure to keep down grass and weeds within five (5) days after being served with a notice  
376 pursuant to § 94.62 ~~as required by § 94.60~~ shall be punishable as provided in § 94.99. A  
377 ~~misdemeanor citation may be issued by any police officer without previous notice other than as~~  
378 ~~specified in § 94.61. Proceedings under § 94.62, or § 94.63, or 96.64~~ shall not relieve any party  
379 from criminal prosecution or punishment for violation of this subchapter.

380 ~~(A) MANAGED NATURAL LANDSCAPED AREAS shall be defined as designed and cultivated~~  
381 ~~plant communities that are self-sustaining with minimal resort to artificial methods of plant care~~  
382 ~~and that serve at least 1 of the following purposes:~~

383 ~~(1) The offset and control of a potential or existing soil loss.~~

384 ~~(2) The enrichment or stabilization of soil fertility.~~

385 ~~(3) Governmental programs, including, without limitation, conservation, storm water control,~~  
386 ~~and well field protection.~~

387 ~~(4) Educational studies.~~

388 ~~(B) Managed natural landscaped area shall be designated by the City Manager or his designee.~~

## 389 UNSAFE STRUCTURES

390 § 94.70 - Authority of the City ~~Manager~~ Engineer.

391 The City Manager or his designee ~~Engineer, or the City Engineer's designee~~, is authorized to  
392 order and initiate the removal or repair of any building or structure that is found upon inspection  
393 by an official acting on behalf of the city, of Miami County, or of the State of Ohio to be insecure,  
394 unsafe, structurally defective, or in material non-compliance with any applicable regulations of  
395 Tipp City, Miami County, or the State of Ohio.

396 § 94.71 - Procedures for abatement of unsafe structures.

397 When the City Manager or his designee ~~it is determined the City Engineer, or the City Engineer's~~  
398 ~~designee~~, determines that an order of abatement should be issued requiring the removal or repair  
399 of any building or structure found to be insecure, unsafe, or structurally defective, or in material  
400 non-compliance with applicable regulations, the City Manager or his designee ~~Engineer, or the~~  
401 ~~City Engineer's designee~~, shall provide notice of the determination to order such removal or  
402 repair to the holders of legal or equitable title of record of the building or structure and the real  
403 property on which the building or structure is located.

404 (A) Notice shall be by certified mail or served personally upon the landowner.

405 (B) The notice shall be given no fewer than fourteen (14) 30 days prior to such removal or repair.  
406 The notice shall state:

407 (1) That the owner or owners have fourteen (14) 30 days within which to provide  
408 voluntarily for the complete removal of the building or structure, to the city's satisfaction;  
409 or

410 (2) That the owner or owners have fourteen (14) 30 days within which to reach an  
411 agreement with the city according to which the owner or owners will cause the building  
412 or structure to be made fully and completely secure, safe, structurally sound, and in  
413 compliance with all applicable regulations, so long as the terms and conditions of any  
414 such agreement are to the city's satisfaction.

415 (3) Whether the owner or owners elect to remove the building or structure voluntarily, or  
416 enter into an agreement with the city for the repair of the building or structure, the city  
417 may require sufficient surety from the owner or owners to guarantee timely completion  
418 of the removal or repair, and that the city shall have sole discretion regarding the selection  
419 of the required surety, which may include (without being limited to): Cash, bond, or a  
420 letter of credit.

421 (C) If necessary, such notice shall also require the building, structure or portion thereof to be  
422 vacated forthwith and not re-occupied until the specified repairs and improvements are  
423 completed, inspected and approved by the official acting on the city's behalf ~~City Engineer or~~  
424 ~~the City Engineer's designee.~~

425 (1) The City ~~Manager~~ ~~Engineer~~ shall cause to be posted at each entrance to such building  
426 a notice: "This building is unsafe and its use or occupancy has been prohibited by the  
427 City of Tipp City."

428 (a) Such notice shall remain posted until the required repairs are made or  
429 demolition is completed.

430 (b) It shall be unlawful for any person, firm or corporation, or his, her or its agents  
431 or other servants, to remove such notice without written permission of the City  
432 ~~Engineer~~ or for any person to enter the building except for the purpose of making  
433 the required repairs or of demolishing the same.

434 (D) If the City ~~Engineer~~ determines that circumstances exist as described above, notice may be  
435 given ~~other than by certified mail and~~ fewer than fourteen (14) 30 days prior to such removal or  
436 repair. In this instance, delivery of the notice to an owner of record shall be sufficient notice.

437 (E) If notice is given by certified mail and the certified mail is returned unclaimed or refused,  
438 the notice shall be resent by ordinary mail and the owner(s) to whom notice has been sent shall  
439 be deemed to have received said notice on the date after it has been resent, unless said notice  
440 was personally served.

441 § 94.72 - Failure to comply with notice of abatement.

442 When the owner/owners of record of the building or structure and of the property fail to comply  
443 with the notice of abatement, the City Manager may cause the removal or repair of such building  
444 or structure.

445 (A) The city may employ the necessary labor to perform the task.

446 (B) All expenses incurred shall, when approved by the City Manager, be paid out of any money  
447 in the city funds not otherwise appropriated.

448 § 94.73 - Reimbursement procedure.

449 Charges for city action to remove or repair an unsafe structure shall be invoiced to the property  
450 owner(s) of record. The City Manager shall make a written return to the County Auditor with a  
451 statement of the charges that remain unpaid for over 30 days for such removal or repair, together  
452 with a proper description of the premises. The amounts shall be entered on the tax duplicate,  
453 shall constitute a lien on the lands from the date of the entry, and shall be collected as other taxes  
454 and returned to the city with the general fund.

455 § 94.74 - Appeal of order to abate unsafe structure.

456 (A) The order to initiate the removal or repair of any building or structure may be appealed to  
457 the City Council within 10 days of the service of the notice of the order. Notice of appeal must  
458 be filed with the City Manager and may be filed by the applicant or by any party deemed by City  
459 Council to have interest in the decision appealed. The appellant and other interested parties shall  
460 be advised of the date and time of the appeal before Council. Council shall hear and decide the  
461 appeal by motion within days 30 days of the filing of the notice of appeal. In deciding the appeal,  
462 Council may:

463 (1) Reverse the decision to repair of remove the structure of building of the City Engineer;

464 (2) Affirm the decision to repair of remove the structure of building of the City Engineer;

465 (3) Modify the decision to repair of remove the structure of building of the City Engineer;

466 (4) Reject the appeal on the ground that the appellant does not have sufficient interest in  
467 the decision to file an appeal; or

468 (5) Remand the appeal to the City Manager Engineer for reconsideration if the Council  
469 determines there is new evidence.

470 (B) An appeal shall stay all proceedings in furtherance of the action, unless the City ~~Engineer~~  
471 determines that an emergency exists as noted above.

472 § 94.75 - Emergency orders.

473 Whenever the City ~~Manager~~ finds that a building condition exists which poses an imminent  
474 threat, requiring immediate response to protect the public's health and safety, or to protect the  
475 occupants thereof from collapse, contamination or conflagration, the City Manager shall issue  
476 an order reciting the existence of the emergency conditions and requiring immediate vacation of  
477 the premises and abatement of the hazardous condition. The City Manager or his designee shall  
478 attempt to notify the owner of the property of the specifics of the emergency order through  
479 reasonable means. If the owner fails to act immediately to abate the imminent hazard, the City  
480 Manager shall have the authority to have the hazard abated through any available public agency  
481 or contract or arrangement of private persons, and the cost thereof, if not paid by the owner, shall  
482 be charged against the real estate upon which the structure is located and shall be a lien upon  
483 such real estate.

484 § 94.76 - Failure to abate.

485 Any person who shall fail or refuse to abate or remove the same within the reasonable time  
486 required and specified in the notice to abate is in violation of this Code and is subject to the  
487 penalties noted in § 94.99.

488 PROPERTY MAINTENANCE

489 § 94.80 - Purpose.

490 It is the desire of the council to provide for the health, safety, and welfare of the residents in the  
491 community by requiring property owners to maintain their property and providing and adopting  
492 standards to assist the property owner in maintaining their property. In addition to the standards  
493 set forth in this section, the council may adopt other standards and regulation for the public good.

494 § 94.81 - Definitions.

495 For purposes of Chapter 94, the following definitions apply:

496 (a) “Code Inspector” shall means a Zoning Inspector, or a Zoning Administrator, or duly  
497 authorized representative of the City Manager of the City of Tipp City

498 (b) “Owner” means any of the following:

499 (1) The owner of record as shown on the current tax list of the Auditor of Miami County, Ohio;  
500 (2) The mortgage holder of record, if any, as shown in the mortgage records of the recorder of  
501 Miami County, Ohio; (3) Any person who has a freehold or lesser estate in the premises; (4) A  
502 mortgagee or vendee in possession. “In possession” means someone who evidences charge, care  
503 or control of the premises, and includes someone to whom the Sheriff of Miami County has issued  
504 a deed for the premises whether or not the deed has been recorded; (5) Any person who has charge,



505 care or control of the premises as agent, executor, administrator, assignee, receiver, trustee,  
506 guardian or lessee; (6) Any person who holds himself or herself out to be in charge, care or control  
507 of the premises as evidenced by negotiating written or oral lease agreements relative to the  
508 premises, collecting rents for the premises, performing maintenance or repairs on the premises or  
509 authorizing others to perform maintenance or repairs on the premises.

510 (c) “Public nuisance” means any of the following:

511 (1) Any building, premises or real estate, including vacant land, or any appurtenance thereto  
512 which is not in compliance with any building, housing, property maintenance, nuisance  
513 abatement, sanitation, health, fire, zoning or safety code of the City of Tipp City, Ohio;

514 (2) Any building, premises or real estate, including vacant land, or any appurtenance thereto  
515 which its real property taxes have remained unpaid in excess of one (1) year from date of  
516 assessment.

517 (3) Any building, premises or real estate, including vacant land, or any appurtenance thereto which  
518 two or more felony violations of Ohio Revised Code Chapter 2925 or 3719 have occurred within  
519 a twelve (12) month period.

520 (4) Any building, premises or real estate, including vacant land, or any appurtenance thereto as  
521 defined as a nuisance or public nuisance in Ohio Revised Code Chapter 3767.

522 (5) Any building, premises or real estate, including vacant land, or any appurtenance thereto that  
523 is used or occupied by a criminal gang (as defined in Ohio Revised Code 2923.41 on more than  
524 two (2) occasions within a 36-month period to engage in a pattern of criminal gang activity (as  
525 defined in Ohio Revised Code 2923.41).

526 (6) Any building, premises or real estate, including vacant land, or any appurtenance thereto used  
527 in violation of Ohio Revised Code Chapter 2915.

528 (7) Any building, premises, or real estate, including vacant land, or any appurtenance thereto,  
529 used in violation of Chapter 37 of the Ohio Revised Code and not remedied pursuant to this  
530 chapter.

531 (A) The purpose of this Chapter is to protect the public's health, safety and welfare and to prevent  
532 the blighting of the city's neighborhoods.

533 (B) This Chapter shall not be construed to prevent the enforcement of other provisions of the  
534 Codified Ordinances of the City of Tipp City, Ohio or the Ohio Revised Code that prescribe  
535 standards other than are provided in this Code.

#### 536 94.82 - Guidelines

537 No owner, occupant or person in charge of any lot or parcel of ground shall cause, or permit a  
538 structure to be maintained in a condition which creates a fire, safety or health hazard or which  
539 by a lack of maintenance, creates a public nuisance, including, but not limited to the following:

540 (1) Broken or dilapidated gutters, awnings, windows, fences, walls, foundations, roof,  
541 decks, steps, or other structures;

542 (2) Missing parts of walls, siding, fascia, overhangs, roofs, decks or other structural  
543 elements.

544 (3) Peeling paint or other deteriorated treatment of exterior elements of structures.

545 (4) Site conditions that create hazards such as but not limited to pot holes, deteriorated  
546 curb and gutter, sidewalks, driveways, drive approach, drive lanes, etc.,.

547 94.83 - ENFORCEMENT.

548 (a) The City Manager or his designee, in enforcing provisions of this Code is authorized and  
549 directed to make inspections either in response to a complaint alleging the existence of a public  
550 nuisance or when there is reasonable grounds to believe a public nuisance exists.

551 (b) Upon presentation of proper credentials and when permission is granted by a person who  
552 represents he or she has authority to grant permission, the City Manager or designee may enter any  
553 building, premises or real estate, including vacant land, or any appurtenance thereto in the City of  
554 Tipp City, Ohio to perform any duty imposed upon him or her by this code. Absent such  
555 permission, the Law Director may apply to a judge of a court of record, pursuant to the Ohio  
556 Revised Code for an administrative warrant to conduct an inspection.

557 Every occupant of a building, premises or real estate or any appurtenance thereto shall give the  
558 owner access to any part of the building, premises or real estate or any appurtenance thereto at all  
559 reasonable times for the purposes of making an inspection or maintenance, repair or alteration of  
560 the building, premises or real estate of any appurtenance thereto as are necessary to comply with  
561 this Code.

562 § 94.99 - Penalty.

563 (A) Except as otherwise provided in the individual sections, whoever violates any provisions of  
564 this chapter, and who has not previously been convicted of a violation of this chapter is guilty of  
565 a minor misdemeanor, as defined in §§ 130.03 and 130.99 of the Tipp City Code of Ordinances.

566 (B) Any person who has been previously convicted of a violation of any provision of this chapter  
567 is guilty of the following level of offense as defined in §§ 130.03 and 130.99 of the Tipp City  
568 Code of Ordinances:

569 (1) One previous conviction - fourth degree misdemeanor.

570 (2) Two previous convictions - third degree misdemeanor.

571 (3) Three previous convictions - second degree misdemeanor.

572

(4) Four or more previous convictions - first degree misdemeanor.