

CITY OF HUBER HEIGHTS
STATE OF OHIO

ORDINANCE NO. 2023-O-2611

AMENDING CERTAIN SECTIONS OF PART THIRTEEN, BUILDING CODE, OF THE CITY CODE OF HUBER HEIGHTS.

WHEREAS, the citizens of Huber Heights require City codified ordinances that are current, up to date, and reflect the current practices and processes of the City; and

WHEREAS, the citizens of Huber Heights desire effective and efficient enforcement of property standards; and

WHEREAS, the City Council has determined that revisions in Chapter 1313 are necessary to enhance the safety and general welfare of the City.

NOW, THEREFORE, BE IT ORDAINED by the City Council of Huber Heights, Ohio that:

Section 1. Part Thirteen, Building Code, Chapter 1313 – Property Maintenance Code, Section 1313.04(h)(6) - Maintenance Standards; is hereby amended to read as follows:

- (a) *Title.* These regulations shall be known as the Property Maintenance Code of the City of Huber Heights, hereinafter referred to as the "Code". This Code is intended to protect the public health and safety and prevent blighting conditions in the City as hereinafter provided by:
 - (1) Establishing minimum maintenance standards for the exterior of all structures and premises;
 - (2) Fixing the responsibilities of owners, operators and occupants of all structures within the City; and
 - (3) Providing for administration and enforcement and penalties regarding the Code.
- (b) This Code shall be construed liberally and justly to ensure the public health, safety and welfare by providing a standard for the exterior maintenance of the premises and structures thereon in the City.
- (c) Any repairs or alterations to a structure required by the Code shall be done in a workmanlike manner in accordance with procedures and provisions of the Building Code of the City.
- (d) The provisions of this Code shall not be construed to abolish or impair existing remedies of the jurisdiction or its officers or agencies relating to the removal or demolition of any buildings which are dangerous, unsafe and/or unsanitary.
- (e) This Code shall not affect violations of any other ordinance, code or regulation existing prior to the effective date hereof, and any such violation 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.
- (f) Where the conditions imposed by any provision of this Code upon the use or maintenance of land or buildings are either more restrictive or less restrictive than comparable conditions imposed by any other provision of this Code or any other regulation of the City or other governmental agencies, the regulations, laws, ordinances, etc. which are more restrictive or which impose higher standards or requirements shall govern.
- (g) *Maintenance Standard Required.* The exterior and condition of all buildings and structures shall be maintained so that the appearance thereof shall reflect a level of maintenance so as to avoid blighting effects and hazards to health and safety.

(h) *Property and Exterior of Structures.* In all properties and structures, the following standards shall be met:

- (1) *General.* The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare. The owner shall keep 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, windows, doors, awnings, and marquees, in good repair. All surfaces thereof shall be kept painted or protected by other approved coating or material where necessary for the preservation of the property and avoiding of blighting or influence of adjoining properties. All exterior surfaces shall be maintained free of graffiti, broken glass, loose shingles, crumbling stone or brick, peeling paint or other conditions reflective of deterioration or inadequate maintenance, to the end that the property itself may be preserved safely, fire hazards eliminated and adjoining properties and neighborhoods protected from blighting influence. If plywood or any other material is used to secure a vacant structure, it shall be kept free of all markings other than a formal posted notice or sign indicating the disposition of the property.
- (2) *Doors and windows.* All exterior doors and windows, including storm doors and screens, shall be maintained in good condition.
- (3) *Street numbers.* Each structure to which a street number has been assigned shall have such number displayed on the premises in a position easily observed and readable from the public right-of-way. All numbers shall be in Arabic numerals at least three inches (76 millimeters) high and one-half inch (13 millimeters) stroke in a contrasting color.
- (4) *Landscaping.* All land shall be properly maintained with lawns, hedges, bushes, trees and other vegetation to be trimmed and kept from becoming overgrown and unsightly where exposed to public view or such vegetation may constitute a blighting influence on adjoining property.
- (5) *Driveways and walkways.* All driveways, walkways, sidewalks, steps, parking spaces and similar paved areas for public use shall be kept in a proper state of repair, and shall be maintained free of debris and hazardous conditions. The City Engineer shall provide technical assistance where required in inspecting the condition of driveways and walkways.
- (6) *Outdoor Use and Short-Term Storage*
 - “Use” means actively used on a regular basis. “Storage or Stored” means intended for use at a later date.
 - A. Any items used or stored outside of an enclosed building or structure shall be limited to items manufactured for, intended for, or customarily used in an outdoor environment. No items manufactured for, intended for, or customarily stored or used indoors may be placed or stored outside. Lawn and power equipment must be kept in the backyard even when used on a regular basis.
 - B. All permissible items stored outside must be in good condition and usable as intended by the manufacturer. No such items that are broken, dilapidated, or discarded shall be stored outside.
 - C. No items may be stored in the public right-of-way except when placed there for removal as trash and then no earlier than 5:00 p.m. on the day preceding the normal collection day.
 - D. No items may be stored in a front yard or side yard.
 - E. The following exceptions shall apply to this Section 1313.04(h)(6)A—D
 1. Placement of items for a permitted garage sale and then those items must adhere to Section 1181.15(d) for displayed garage sale items (limited to 24 hours prior to and after the sale).

2. Outdoor retail sales and displays pursuant to Section 1181.12.
3. Such storage is one week or less prior to those items being removed with weekly trash removal, and such storage shall be against the house at the side or rear.
4. Building materials to be used for construction of structures or facilities on the same lot(s) that they are stored upon may be stored for a period 30 days or not to exceed 30 days past the close of a building permit if said permit was required.
5. Lawn and patio furniture when in use on a regular basis; bicycles and outdoor rideable toys.

Section 2. Part Thirteen, Building Code, Chapter 1313 – Property Maintenance Code, Section 1313.04(h)(7) - Maintenance Standards; is hereby added in its entirety to read as follows:

(7) Junk, inoperative, and/or unlicensed vehicles, machinery, or equipment

- (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 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 "historical motor vehicles" as defined by Ohio R.C. 4501.01.
- (c) All dismantled, partially dismantled, or inoperable motor vehicles, machinery, or equipment shall be stored or shall remain in a wholly enclosed garage or structure.
- (d) All unlicensed or inoperable "collector's vehicles" and "historical motor vehicles" shall be stored within a wholly enclosed building or structure.
- (e) The City may serve upon an owner, lessee, agent, or tenant in control of those properties not in compliance with Section 1313.04 a notice of violation. 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 Huber Heights Property Maintenance Review Board within ten days of service of notice.
- (g) If no appeal is filed, the owner, agent, or occupant shall, within ten days of service of the notice, 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 time frame specified herein, the City 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 1313.10.
- (i) All vehicles removed pursuant to this section shall be impounded and disposed of pursuant to Section 303.08 of the Huber Heights Code of Ordinances and Ohio R.C. 4513.62.

Section 3. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council and that all deliberations of this Council and of any of its Committees that resulted in such formal action were in meetings open to the public and in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

Section 4. This Ordinance shall go into effect upon its passage as provided by law and the Charter of the City of Huber Heights.

Passed by Council on the 9th day of October, 2023;
__6__ Yeas; __0__ Nays.

Effective Date: November 9, 2023

AUTHENTICATION:

Deputy Clerk of Council

Mayor

Date

Date