

RECORD OF ORDINANCES

Ordinance No. 23-O-831

Passed JUL 20 2023

Riverside, OH

AN ORDINANCE TO REPEAL AND REPLACE CHAPTERS 1331, 1341, AND 1343 OF THE BUILDING CODE OF THE CITY OF RIVERSIDE, OHIO.

WHEREAS, Article VI, Section 3 of the City of Riverside Charter grants the City Manager the power to exercise control over all City departments and to recommend to the City Council for adoption such measure as he may deem necessary and expedient; and

WHEREAS, the City Manager has recommended a revision of Chapter 1331 Exterior Property Maintenance Code, Chapter 1341 Sidewalks and Curbs, and Chapter 1343 Nuisance Abatement; and

WHEREAS, the City of Riverside Building Code must be amended in the attached "Exhibit A" to accurately reflect these changes; and

WHEREAS, the Council of the City of Riverside, Ohio, has held a public hearing thereon after notice of the time and place thereof had been given as required by law.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF RIVERSIDE, STATE OF OHIO:

Section 1: That Chapter 1331 Property Maintenance Code, Chapter 1341 Sidewalks and Curbs, and Chapter 1343 Nuisance Abatement be amended as set forth in "Exhibit A" attached hereto and incorporated herein as is fully set forth is hereby enacted.

Section 2: This Council finds and determines that all formal actions of this Council concerning and relating to the adoption 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 those actions were in meetings open to the public in compliance with the law.

Section 3: That this Ordinance shall take effect and be in force from and after the earliest date allowed by law.

PASSED THIS DAY OF JUL 20 2023.

APPROVED:



MAYOR

ATTEST:


CLERK

RECORD OF ORDINANCES

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Passed

CERTIFICATE OF THE CLERK

I, _____, Clerk of the City of Riverside, Ohio, do hereby certify that the foregoing Ordinance is a true and correct copy of Ordinance No. 23-O-831 passed by the Riverside City Council on _____.

IN TESTIMONY WHEREOF, witness my hand and official seal this day _____.

CLERK

CHAPTER 1331 EXTERIOR PROPERTY MAINTENANCE CODE¹

1331.01 Purpose. Title

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.~~

The following regulations shall be known as the "City of Riverside Building and Property Maintenance Code" and may also be referred to as the "Building and Property Maintenance Code" or "The Code."

(Ord. 11-O-467, Passed 3-3-11)

1331.02 Title. Purpose

~~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."~~

The purpose of the City of Riverside Building and Property Maintenance Code is to protect public health, safety, morals, and general welfare as it pertains to items considered public nuisances and the maintenance of the premises and buildings used for residential, commercial, institutional, and industrial purposes. This is done by:

- (a) Identifying the responsibilities of owners, operators, occupants, and property managers through the establishment of a set of maintenance standards for properties.
- (b) Preserving/achieving the presentable appearance of existing structures and premises.
- (c) Reducing the negative impact of dilapidated, blighted, or otherwise unmaintained properties on their immediate neighbors and the community.
- (d) Eliminating hazardous conditions.
- (e) Establishing the requirements for securing, mitigating, abating, and lessening the impact of structures and premises declared a public nuisance.
- (f) Establishing the responsibility for securing, mitigating, abating, and lessening the impact of structures and premises declared a public nuisance on owners and other responsible persons.

¹Cross reference(s)—Sidewalk obstructions—See § 521.04, 521.06; Littering—See § 521.08.

(g) Providing for the administration, enforcement, and penalties of the Building and Property Maintenance Code.

(Ord. 11-O-467, Passed 3-3-11)

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: ~~The terms defined in this section, for the purposes of this code and unless otherwise expressly stated, have the meanings listed below. Additionally, they should be interpreted in the following manner:~~
- (1) ~~Words used in the singular shall include the plural, and the plural the singular; Words stated in the present tense include all other tenses of the word.~~
 - (2) ~~Words used in the present tense shall include the future tense; All singular numbers include the plural, and the plural includes the singular.~~
 - (3) ~~Words used in the masculine gender shall include the feminine and neuter; The word "shall" is mandatory and not discretionary.~~
 - (4) ~~The word "shall" is mandatory and not discretionary; The word "may" is permissive.~~
 - (5) ~~The word "may" is permissive; The phrase "used for" shall include the phrases "arranged for," "designed for," "intended for," "maintained for," and "occupied for."~~
 - (6) ~~The phrase "used for" shall include the phrases "arranged for," "designed for," "intended for," "maintained for," and "occupied for;" The word "person" includes a firm, association, organization, partnership, trust, company, or corporation, as well as an individual.~~
 - (7) ~~The word "person" includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual; and The word "dwelling" includes the word "residence."~~
- (b) Any term in this code not specifically defined shall have ordinary and generally accepted meanings based on the context in which it is used and in context with the codified ordinances of the City.
- (c) The following terms are defined to support the use, understanding, and compliance with the code:
- ~~(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.

Abatement – the elimination of a nuisance.

Approved – acceptable to the Enforcement Officer or their designee.

Building Code means - the most current edition of the State of Ohio Building Code, or such any other code as may be that is 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.

Building Official – the person or, their designee, licensed by the State of Ohio and designated by the City Manager to administer the Ohio Building Code for the City of Riverside.

Criminal Activity – A criminal citation, arrest, or court issued search warrant for crimes involving:

- (a) Prostitution or Solicitation
- (b) Controlled substances
- (c) Alcohol intoxication

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- (d) Drug Possession or Use
 - (e) Menacing
 - (f) Assault
 - (g) Discharging Weapons within City Limits
 - (h) Terroristic threats or Making false alarms
 - (i) Resisting arrest
 - (j) Disorderly conduct
 - (k) Illegal gambling
 - (l) Any other felony violation as defined by the State of Ohio

Drainage swale – an open channel that collects water from hard impervious surfaces and allows it to percolate into the ground, reducing the amount of runoff leaving the road or property.

Enforcement Officer – the Zoning Administrator or their designee who is charged with the implementation, administration, and enforcement of this Code. In the absence of a Zoning Administrator, the City Manager shall designate the Enforcement Officer.

Exterior property areas - means the open space on the premises, including curtilage, and on adjoining property under the control of owners or operators of such premises.

Infestation – the presence of insects, rodents, vermin, or other pests either on the interior or exterior of a structure on a property.

Junk, inoperable machinery, or inoperable vehicle - means a vehicle, including but not limited to cars, trucks, buses, trailers, motorcycles, all-terrain vehicles, snowmobiles, farm equipment, construction machinery, and boats that are not able to be operated for a variety of reasons, including: ~~A vehicle shall be deemed a junk or inoperable vehicle whenever any of the following occur:~~

- A. The vehicle or piece of machinery does not have ~~is without~~ a valid and current registration or ~~does not display a valid license plate.~~
- B. The vehicle ~~is inoperable by reason of dismantling, disrepair, lack of fully inflated tires or other cause, and is incapable of being propelled~~ or piece of machinery has been dismantled, is in disrepair, lacks fully inflated tires, and/or cannot be moved under its own power.
- C. The vehicle or piece of machinery has ~~been~~ substantially damaged, ~~has or~~ missing window(s), windshield, doors, motors, transmissions, or other similar major component.
- D. ~~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. The vehicle or piece of machinery is incapable of being operated as it was originally intended.~~
- E. Any vehicle not capable of legal operation on public streets in accordance with applicable ordinances and laws. ~~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.~~

Noxious weeds and vegetation - means any plant designated by a federal, state, or county government as injurious to public health, agriculture, recreation, wildlife, or property, as well as any other objectionable, unsightly, or unsanitary vegetation. ~~brush, grass, dead brush, dead tree, tree stump, bush, 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, as well as all poison ivy, poison oak, and poison sumac; and grass more than eight 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.~~

Occupancy - the purpose for which a building or portion of a building is utilized or occupied.

Occupant - any person living or sleeping in a building or having possession of a space within a building.

Operator - any person who oversees, cares for, or has control of property or premises that is let or offered for occupancy.

Owner - any person, agent, operator, business, firm, or corporation that has a legal or equitable interest in a property or any building or structure on the premises, including any mobile or manufactured home; or is recorded in the official records of the state, county, or municipality as holding title to the property; or any other person, firm or corporation in control of a building or premises, or their duly authorized agents including being the guardian of the estate of any such person and the executor/administrator of the estate of such person if ordered to take possession of real property by a court.

Other reasonable person - any person or persons, other than an owner, who use, occupy, establish, or conduct a public nuisance, as defined in this code, or aid or abet therein.

Person - an individual, corporation, partnership, or any other group acting as a unit.

Pest elimination - the control and elimination of insects, rodents, or other pests by the following: eliminating their harborage places; removing or making inaccessible materials that serve as their food or water; or other approved pest elimination methods.

Premises means - a lot, plot, or parcel of land, including the buildings or structures thereon.

Public nuisance - includes any of the following:

- A. The physical condition, ~~or occupancy use~~ of any premises ~~or structure~~ regarded as a public nuisance ~~at by common law, declared a nuisance under this Code, or as defined under the laws of the State of Ohio.~~ ~~or~~
- B. Any physical condition, ~~use,~~ or occupancy of any premises or its ~~appurtenances~~ ~~accessory structures~~ considered an attractive nuisance to children ~~or others~~, including but not limited to, ~~junk, inoperable or unlicensed vehicles, abandoned wells, shafts, basements, excavations, abandoned refrigerators,~~ ~~abandoned wells, shafts, basements, excavations,~~ and unsafe fences or structures. ~~or~~
- C. Any premises ~~which have improperly working drainage facilities; or~~ ~~that have unsanitary sewerage or plumbing facilities.~~
- D. Any premises designated as unsafe for human habitation. ~~or use; or~~
- E. Any premises, ~~which is~~ ~~that are~~ manifestly capable of being a fire hazard or ~~is~~ ~~are~~ manifestly unsafe or ~~unsecured~~ ~~not secured~~ so as to endanger life, limb or property. ~~or~~
- F. Any premises ~~which is unsanitary, or which is littered with rubbish or garbage; or~~ ~~from which utilities have been disconnected, destroyed, removed, or rendered ineffective; or the required precautions against trespassers have not been provided.~~
- 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~~ ~~premises upon which violations of this Chapter occur, including but not limited to premises which are unsanitary, have disabled vehicles, are littered with garbage and rubbish, junk, or have an uncontrolled growth of grasses or weeds.~~
- H. ~~That which is defined as a nuisance in Ohio R.C. 3767.01(C), which is incorporated herein by reference and made a part hereof; or~~ Any structure that is in a state of dilapidation, deterioration, or decay; faulty construction; overcrowded; open, vacant, or abandoned; damaged by fire or by natural elements to the extent so as not to provide shelter; in danger of collapse or failure; and/or dangerous to anyone on or near the premises.

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- I. ~~Premises or real estate, including vacant land, on which a felony occurs, a violation of Ohio R.C. Ch. 2915, 2907, 2925 or 3719 occurs, regardless of whether there has been a conviction for said violation;~~
or Any premises or structure in a state of deterioration and blight which has an influence on nearby properties by reason of continued vacancy and a lack of reasonable or adequate maintenance.
 - J. ~~Any pond, pool of water, or vessel holding stagnant water;~~ or premise or structure used for or involved in multiple criminal activities within a one-year period.
 - K. ~~Any vehicle used for any illegal purpose;~~ or Any premise with household property typically associated with indoor use, such as furniture, and appliances, are stored outside and whenever there is a residential stockpiling of household property, goods or merchandise in storage bins or boxes when such items are stored outside and remain outside on the property for longer than 30 consecutive days. Stockpiling as used in this section shall mean 10 or more storage bins or boxes.
 - L. ~~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
 - M. ~~Trash, rubbish, rubble, brush, used materials, or discarded items.~~

Public right of way - the strip of land on which a city street is located, including the strips on either side of the street that typically include any sidewalks, drainage swales, and/or grassy areas between streets and sidewalks.

Rubbish, Garbage and Litter - ~~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.~~

- (a) The animal and vegetable waste resulting from the handling, preparation, cooking, and serving of foods.
- (b) Combustible and non-combustible waste materials, including car parts, motors, tires, 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.
- (c) Litter means garbage, trash, waste, rubbish, ashes, cans, bottles, wire, paper, cartons, boxes, automobile parts, furniture, glass, auxiliary containers, or anything else of an unsightly or unsanitary nature.

Shrub – any woody vegetation or woody plant having multiple stems and bearing foliage from the ground up.

Structure ~~means~~ - anything constructed or erected which requires location on the ground or attachment to something having location on the ground.

Tenant - person, corporation, partnership, or group, whether or not the legal owner of record, occupying a building or portion thereof as a unit.

Unenclosed - areas not enclosed by a building with walls through which one cannot see.

Unsanitary conditions - a condition constituting a danger or hazard to the health of a person or persons occupying or frequenting a building, structure, dwelling, or premises or to the general public.

Vacant property ~~means~~ - any property or improved parcel of property within the City of Riverside that is without an occupant or ~~inhabitant~~ tenant as determined through the following methods:

- A. Upon a visual inspection as may be performed by the City where photographic evidence provides a reasonable basis for the belief 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.
- C. As listed in the City's official registry of vacant properties.

Vehicle – as defined in Section 4501.01 of the Ohio Revised Code.

Wholly enclosed garage and wholly enclosed structures ~~mean - an~~ accessory buildings or portions of a main building used primarily for storage, and which ~~is~~ **are** equipped with a roof and capable of being completely enclosed by solid exterior walls and one or more door(s).

Workmanlike manner - construction, repair, or maintenance done skillfully, adequately, and following community standards.

Yard - an open space on the same lot with a structure.

(Ord. 11-O-467, Passed 3-3-11)

1331.04 Administration and enforcement. Enforcement Officer

- ~~(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) **Savings 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.~~
- (a) The Enforcement Officer is responsible for administering and enforcing this code and can delegate these powers to another City official as deemed appropriate.**
- (b) The Enforcement Officer can call upon any department, division, or contractor of the City of Riverside for any assistance that may be necessary to investigate, enforce, or abate a violation of this code.**

1331.05 Enforcement officials. ~~Administration~~

(a) ~~Enforcement Officers.~~

- (1) ~~The City Manager shall be responsible for administering and enforcing this Code and may delegate such powers as deemed appropriate. The City Manager 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 City Manager or his delegate(s) 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 City shall 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, those employees of the City tasked by the City Manager with the authority to enforce the Exterior Property Maintenance Code are 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 and Order of Compliance and Correction.~~

- (1) ~~Content. Whenever the City determines that there is a violation of the provisions of this Code, it may give notice of such violation to the person or persons responsible therefor and order compliance, as hereinafter provided. Such Notice of Violation and Order of Compliance and Correction, which may be captioned simply "Notice of Violation," shall:~~
 - A. ~~Be in writing;~~
 - B. ~~If the violation involves real estate, 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 compliance and correction order allowing a reasonable time for the repairs and improvements required to bring the property or vehicle 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 and Order of Compliance and Correction 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. ~~Service shall be sent by ordinary mail and the mailing shall be evidenced by a certificate of mailing which shall be retained by the City. Service shall be deemed complete when the fact of~~

mailing is entered upon the City's 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 and order in a conspicuous place on the premises or on the vehicle found to be in violation.~~

(d) ~~Abatement Action Fees. Any person who neglects, fails or refuses to correct a violation within the stated compliance deadline provided under Section 1331.05(c) shall be assessed an abatement action fee for inspections which occur after the compliance date. All fees shall be based upon the costs incurred, including administrative expenses, as established by schedule of the City Manager. Upon completion of the re-inspection, the Director of Planning or Program Management shall send, by certified, preposted U.S. mail, a fee statement to the owner of the property or premises. This statement shall include a demand for payment of the statement amount within 30 days from the date of the statement. If the statement that was attempted to be served by certified, pre-posted U.S. mail is returned within 14 days after the date of mailing showing that it was not delivered, or is not returned within 14 after the date it was mailed, then a second statement shall be sent by regular U.S. mail, postage prepaid. If payment of the second statement is not made within 30 days after the date of mailing or posting of the second statement, whichever is later, then the Planning and Zoning Administrator is authorized to take the necessary action to certify the amount of the statement to the Montgomery County Auditor for collection the same as other taxed and assessments are collected.~~

- a) Application of Building and Property Maintenance Code - The Building and Property Maintenance Code applies to all properties and structures within the City of Riverside used for human habitation or commercial/industrial purposes. The existence of conditions or characteristics that violate this code on any property constitutes a public nuisance and, therefore, establishes the need to enforce the code's standards to protect the public's health, safety, and general welfare.
- b) Intent- The Building and Property Maintenance Code shall be construed liberally and justly in favor of ensuring the public health, safety, and general welfare.
- c) Compliance Required- Every portion of every building and premise in the City of Riverside must comply with the provisions of this Building and Property Maintenance Code, no matter when a building or structure was constructed, or a premise was altered, repaired, or occupied except as otherwise provided by the Code.
- d) Conflict with other Laws- If any part of this Building and Property Maintenance Code is found to conflict with any zoning, building, fire, safety, health, or other regulation, the regulation that established the higher standard for the promotion and protection of public health and safety shall be the standard enforced.
- e) Existing Remedies- No portion of this Building and Property Maintenance Code abolishes, Impairs, or prevents the execution of any existing remedies of the City of Riverside, its officers, or agents in relation to the abatement of a public nuisance.
- f) Severability-The provisions of this Building and Property Maintenance Code are severable; therefore, if any portion of it is found by a court of law to be invalid for any reason, it does not affect the remaining portions of the code, which will remain in full force and effect.
- g) Savings Clause - The Building and Property Maintenance Code does not affect violations of any other resolution, ordinance, code, or regulation existing before its effective date. Such violations will continue to be governed and punishable to the full extent of the law under the provisions of the resolution, ordinance, code, or regulation that was in effect at the time the violation was committed.

h) Inspections - The Enforcement Officer, as defined in Section 1331.03 of this Code, will inspect buildings and properties located within the City of Riverside to enforce the provisions of this Building and Property Maintenance Code.

i) Liability

(1) The Enforcement Officer or any other officer, agent, or employee of the City of Riverside is not personally liable for any property damage that may occur because of any action required by or permitted by this Code.

(2) The Enforcement Officer or any other officer, agent, or employee of the City of Riverside, upon showing appropriate identification, is authorized to examine and survey, at any reasonable hour, all properties within the City of Riverside and shall not be liable for trespassing when entering private properties for the purposes of administering and enforcing this code.

(3) Nothing within this chapter shall be construed to waive or limit the privileges and immunities granted to officers, agents, and employees of the City of Riverside pursuant to all applicable state and local laws and regulations.

(Ord. 16-O-595, Passed 4-7-16)

1331.06 Appeals. Property Maintenance Standards

Application of Maintenance Standards - The following standards are applicable to all properties within the City of Riverside.

~~(a) Appeals Board. To implement the purposes and requirements of this Exterior Property Maintenance Code, the Property Maintenance Appeals Board, hereinafter referred to as the "Board", as established and defined under Section 1343.12 of the Codified Ordinances of the City of Riverside, shall have the authority to hear and rule upon appeals as may be filed under the terms and conditions herein.~~

~~(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.~~

~~(3) Recusal of Members. In the event that the recusal of members of the Board causes there to be no quorum such that less than a majority of members are able to hear the appeal, then a unanimous vote of all remaining voting members will be required in order to reverse or modify the finding of violation and order of correction and compliance.~~

~~(b) Hearings. Any person affected by any Notice of Violation and Order of Compliance and Correction 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 public hearing on the matter before the Board provided that such person shall file a written request for such an appeal in the office of the City Manager located at Riverside City Hall.~~

Unless otherwise specified in this Chapter, the appeal shall be filed within ten days after the date of the notice and order. Upon receipt of such a petition, the Board shall set a time and place for the public hearing before the Board and shall give the petitioner written notice thereof by first class mail postmarked at least ten days prior to such hearing. The hearing shall be held no less than ten days and no more than 30 days from the date the petition was filed, unless it is not possible to obtain a quorum or unless the petitioner and the City agree to extend the time for the hearing, which agreement shall be in writing. In the event that all or all but one of the members of the Board are unavailable to hear the appeal within 30 days of the date the petition for appeal was filed, then the Clerk of Council shall notify the petitioner, that the hearing will be delayed until the Council has had the opportunity to make new appointments to the Board or the requisite number of members become available to hear it.

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 Order of Correction and Compliance as provided for in Sections 1331.05(c) and 1331.07.~~
- ~~(2) The Notice of Violation and Order of Correction and Compliance 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 notice and order, 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) The property was being maintained in violation of specific provisions and/or conditions imposed by the Board as a prerequisite to the modification of a previous compliance order.~~

(d) ~~Authority of Board.~~ Within 30 days of the close of the public hearing, or as soon thereafter as is practicable, the Board shall render a written 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.

a) *Structural soundness and maintenance of buildings and structures* - Every structure in the City of Riverside shall be constructed, maintained, and repaired to a safe condition that ensures all occupied rooms and interior areas are weather-tight, water-tight, pest-proof, fit for human habitation, and the structure does not adversely affect the neighborhood in which it is located.

- (1) *Foundations* - Foundations shall support the building at all points and be free of any 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/timbers, or any other condition that 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 that is glazed and without open cracks or holes. Additionally, windows shall have sashes in good condition which fit within frames, be capable of being easily opened and held in position by hardware and be maintained to exclude adverse weather elements from entering the structure.
- (4) *Exterior doors* - Doors shall be structurally sound, fit within frames to be weatherproof, windproof, and waterproof, and be provided with door hinges and door latches that are in good working condition.

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- (5) *Roofs* - Roof members, coverings, and flashing shall be structurally sound and tight to prevent the entrance of moisture and be maintained by renewal, repair, waterproofing, or other suitable means.
 - (6) *Roof drainage* - Roof drainage shall be adequate to prevent rainwater from causing dampness in the interior portion of the building.
 - (7) *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.
 - (8) *Chimneys* - Chimneys shall be free of cracks, holes, or missing portions and maintained in sound condition.
 - (9) *Decks/balconies/porches/arcades* - Every structure shall be so constructed and maintained to be free of missing, defective, rotting, or deteriorated foundations, supports, floors, other members, and steps thereto, to be safe to use and kept in sound condition and in good repair.
 - (10) *Structural member* - Any structural member of a structure that 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.
 - (11) *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 to be kept clean and free of flaking, loose, or peeling paint or covering.
 - (12) *Basement* - Basement or cellar hatchways shall be constructed and maintained to prevent the entrance of rodents, rain, and surface drainage into the building or structure.
 - (13) *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.
 - (b) *Paint and coating materials* - All paint and other coating materials shall be free of lead and any other dangerous substances banned from general use by authorized federal, state, county, or local regulatory agencies for health and safety reasons.
 - (c) *Exterior property and structure exteriors* - The exterior of all buildings, curtilage and 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 to provide for:
 - i. The immediate diversion of water away from buildings and proper drainage of the lot.
 - ii. Grass, plantings, or other suitable ground covers to prevent soil erosion which is or may become detrimental to the structures, lot use, or adjacent lots and structures.
 - iii. Walkways, parking areas, and driveways of concrete, asphalt, pavers, or similar surface which are of sound construction and properly maintained.
 - iv. Exterior steps 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 to avoid any blighting effects on neighboring properties and shall be painted or protected where necessary for the purpose of preservation.

(3) *Overhanging extensions* - 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.

(4) *Fences and walls* –

- i. All fences, retaining walls, or similar structures shall be anchored firmly in the ground, constructed in a workmanlike manner, and maintained so that such approved fences, retaining walls, or similar structures are always in the state of good structural repair. Grass, plantings, or other suitable ground covers to prevent soil erosion which is or may become detrimental to the structures, lot use, or adjacent lots and structures.
- ii. 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.
- iii. Except when constructed of materials that have been designed or manufactured to remain untreated, all fences shall be treated periodically with paint or chemicals to slow deterioration.
- iv. Fencing shall be of standard fencing materials such as: chain link, wrought iron, solid wood, wood rail or picket, vinyl, or plastic fence material.
- v. Walls shall be constructed of brick, stone, or block.
- vi. Corrugated metal, solid metal, chicken wire, snow fencing, or any other material not commonly recognized as a standard residential fencing material is prohibited.
- vii. Reference Section 1115.01 of the Zoning Code for height requirements.

(5) *Hazards* - Hazards and unsanitary conditions are not permitted and shall be eliminated.

(6) *Occupancy* - No temporary buildings, trailers, recreational vehicles, tents, or garages of any type or size shall be used temporarily or permanently as a residence.

(7) *Firewood* - All firewood shall be stacked in a compact and orderly fashion within the side or rear yard, meet all fire regulations, and be limited to amounts intended for use by the property occupant in the current or upcoming heating season.

(8) *Outdoor storage* - All outdoor storage of any kind shall be prohibited unless otherwise provided for in this Code.

(9) *Drainage* - All portions of a premise shall be graded so 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.

(10) *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 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 to allow grasses to grow taller to slow runoff and prevent erosion. Swales in woodland areas should be left in their natural condition, leaving sufficient growth to slow runoff and prevent erosion.

(11) *Waste* – No garbage and rubbish container shall be placed at a curb earlier than 24 hours preceding a pickup, and all containers shall be removed within 24 hours after the pickup. All garbage and rubbish 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 48 hours preceding the scheduled pickup. Dumpsters used in multi-family housing shall be properly screened by solid fencing or a wall to obscure them from view.

(12) *Traffic markings* - All traffic markings, such as directional arrows, lane division lines, parking space lines, stop signs, etc., shall be maintained to be clearly visible and easily recognized.

(13) *Conduct of business* –

- i. All business activity, except as permitted by applicable provisions of the City of Riverside Zoning Ordinance, shall be conducted within completely enclosed buildings.
- ii. All garbage and rubbish receptacles and/or dumpsters shall be in the rear of the property and properly screened by solid fencing or a wall to obscure them from view.
- iii. All storage of materials, goods, or products, including inoperable vehicles, shall be within a completely enclosed building except as permitted by applicable provisions of the City of Riverside Zoning Ordinance.

(14) *Exterior light fixtures* – Exterior lighting fixtures shall be properly aimed so as not to shine on adjacent properties, neatly maintained in operable condition, and lighted for sufficient periods of time before and after business hours to provide for pedestrian and employee safety.

(15) *Off-Street parking* - Parking and/or the storage of any vehicle in a yard is prohibited. All vehicles must be wholly parked on approved driveways and paved hard surfaces only.

(d) *Stairways*

- i. *Exterior stairways* - All exterior stairways on all premises shall:
 - a. Be maintained free of holes, grooves, and cracks which constitute a safety hazard.
 - b. Be maintained free of rotted or deteriorated supports.
 - c. Have treads of uniform width and risers of uniform height.
 - d. Have stairway handrails and/or railings firmly fastened and maintained in good condition. (In cases where the absence of handrails and/or railings creates a hazardous condition, the City may require their installation in accordance with the provisions of the Building Code.)

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

(f) *Portable toilet usage* - Portable toilet usage shall be limited to temporary events and construction sites, shall be located to the rear of the lot, and shall be removed within 24 hours after the close of the event or termination of construction.

(g) *Rodent harborage* - Structures and exterior property areas shall be kept free from rodent harborages and infestation. Where rodents are found, they shall be promptly exterminated by approved processes that will not be injurious to human health. After pest elimination, proper precautions shall be taken to eliminate rodent harborages and prevent re-infestation.

(Ord. 11-O-467, Passed 3-3-11)

1331.07 ~~Prosecution~~ High Grass, Noxious Weeds, and Vegetation

~~In case any violation order is not promptly complied with, the City 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.~~

(a) Premises and exterior property areas shall be maintained free from weeds, grasses, or plant growth more than eight (8) inches in height, with an exception made for cultivated flowers, gardens, and drainage swales as described in section 1331.19 of this code.

(b) 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.

(c) The City Manager shall cause an annual notice to be posted the last full week of March on the City's website informing the property owners of the City of Riverside about this Section. Said notice shall substantially state the following:

(1) "All properties within the City of Riverside shall keep their property free of noxious weeds and high grass in accordance with Section 1331.07 of the Codified Ordinances. Should the owner of the property fail to comply with Section 1331.07, the City will cut the high grasses or abate the noxious vegetation at the owner's expense."

(2) Contact information of the City agency.

(d) Unless otherwise provided by the City Manager, said notice posted on the city website 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.

(e) The Code Enforcement Officer or their designee may cause a written notice of violation to be served upon any of the owners, lessees, tenants or other persons or entities having charge or care of land in the City, notifying them that grass of excessive length or noxious weeds are growing on land in their care and ordering that such grass or noxious weeds be cut within five (5) days after the service of the notice of violation. Only one written notice of violation per calendar year is required to be served by the Code Enforcement Officer or their designee in order to cause abatement of a grass or noxious weed offense by the City. If, after one notice of violation has been served, the Code Enforcement Officer or designee determines that one or more subsequent violations have occurred on the subject lot or parcel of land during the calendar year, the City may proceed to immediately abate such violations as provided in this chapter. Written notice may be served in accordance with Section 1331.12.

(f) The owner, agent, or occupant shall have the right to file an appeal with the City Manager within five days (5) of service of the Notice of Violation and Order of Compliance and Correction.

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

(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 pruning, spraying, or removal of the noxious weeds and vegetation located on the premises and shall recover the cost of such action pursuant to the provision included in this Code.

(Ord. 11-O-467 Passed 3-3-11)

~~1331.08 Abatement of nuisance by city and cost recovery.~~ Junk, Inoperable Vehicles, Machinery, and Equipment

~~Should the nuisance not be abated at the expiration of the time stated in the notice or order of the City or any extensions granted or such additional time as the Property Maintenance Appeals Board may grant, the City 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 City 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 or by ordinary mail evidenced by a certificate of mailing which shall be filed by the City.~~
- ~~(b) If the costs are not so recovered within 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.~~

(a) The accumulation and storage of any operable or inoperable trailers, dismantled vehicles, partially dismantled vehicles, Inoperable vehicles, machinery, or similar equipment, or any part thereof, which remains uncovered or outside of a wholly enclosed building or structure for a period greater than 48 consecutive hours is declared to be a public nuisance per se.

(b) The term " vehicle" shall apply to all types defined by Ohio R.C. 4501.01 except for "collector's vehicles¹¹ or 11 historical motor vehicles.¹¹

(c) All dismantled operable or inoperable trailers, dismantled vehicles, partially dismantled vehicles, inoperable vehicles, machinery, or similar equipment, or any part thereof shall be stored or shall remain in a wholly enclosed garage or structure. Any person who is repairing or who is about to have repaired any inoperable vehicles, machinery, or similar equipment, may obtain an authorization from the City's Zoning Administrator to permit the inoperable vehicles, machinery, or similar equipment to remain on the premises for an additional period of ten (10) days.

(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 1331.12, a Notice of Violation and Order of Compliance and Correction.

(1) Said notice shall order the owner, agent, or occupant to take measures that may be reasonably necessary to remove the dismantled vehicle, partially dismantled vehicle, inoperable vehicle, machinery, trailer, or similar equipment in accordance with this Section.

(2) The owner, agent, or occupant shall have the right to file an appeal with the City Manager within ten (10) days of service of notice.

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

(4) 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 vehicle, partially dismantled vehicle, inoperable vehicle, machinery, trailer, or similar equipment and shall recover the cost of such action pursuant to the provisions included in this Code.

(f) All vehicles, machinery, trailers, or equipment removed pursuant to this section shall be impounded and disposed of pursuant to Section 303.08 of the City of Riverside Code of Ordinances and Ohio R.C. 4513.62.

(Ord. 11-O-467, Passed 3-3-11)

1331.09 Rulemaking authority. Garbage and Rubbish

The City 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.

Accumulation of garbage and rubbish - Exterior property areas and premises shall be free from any accumulation of garbage and rubbish.

- (a) Disposal of Garbage and Rubbish - Every occupant of a structure shall dispose of garbage and rubbish in a clean and sanitary manner by placing such garbage and rubbish in an approved garbage and rubbish disposal facility or approved garbage and rubbish container.
 - (1) Garbage and Rubbish Facilities -The owner of every dwelling shall supply one or more of the following: an approved mechanical food waste grinder in each dwelling unit; an approved incinerator unit in the structure available to the occupants in each dwelling unit; or an approved leakproof, covered, outside garbage and rubbish container.
 - (2) Containers – The operator of every establishment producing garbage and rubbish shall provide, and at all items cause to be utilized, approved leakproof containers provided with close-fitting covers for the storage of such materials until removed from the premises for disposal.

(Ord. 11-O-467, Passed 3-3-11)

1331.10 Transfer of ownership. Pest Elimination

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 City and shall furnish 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.

(a) Infestation – Structures shall be kept free from insect and rodent infestation. Structures in which insects and rodents are found shall be promptly exterminated by approved processes that will not be injurious to human health. After pest elimination, proper precautions shall be taken to prevent re-infestation.

(b) Owner – The owner of any structure shall be responsible for pest elimination within the structure prior to renting or leasing the structure.

(c) Single Occupant – the occupant of a one-family dwelling or of a single-tenant nonresidential structure shall be responsible for pest elimination on the premises.

(d) Multiple occupancies – the owner of a structure containing two or more dwelling units, multiple occupancies, a rooming house, or a nonresidential structure shall be responsible for pest elimination in public or shared areas of the structure and exterior property. If infestation is caused by the failure of an occupant to prevent such infestation in the area occupied, the occupant and owner shall be responsible for pest elimination.

(e) Occupant – The occupant of any structure shall be responsible for the continued rodent and pest-free condition of the structure.

(f) Exception – Where the infestations are caused by structural defects, the owner shall be responsible for pest elimination.

(Ord. 11-O-467, Passed 3-3-11)

1331.11 Abandonment of construction project. Construction Projects

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. In the event such structures and/or materials are not removed pursuant to this Section, the City of Riverside reserves the right to do so with all fees and costs billable to the property owner.

(a) Construction – All construction work on a property must adhere to the City of Riverside Zoning Ordinance and the Ohio Building Code as adopted by the City of Riverside in Chapter 1301 of the codified ordinances.

(b) Abandonment of construction projects – All construction work shall be diligently pursued to completion for any building or structure that has been issued a building permit except for circumstances beyond the property owner's control, such as labor strikes, inclement weather, natural disasters, or other such unforeseen circumstances that could not be reasonably predicted. Where a certificate of occupancy has not been issued, and there has been a cessation of substantial construction work for a period longer than three (3) months, the Code Enforcement Officer shall order the owner of the property to resume construction immediately. If construction does not resume immediately, the City shall pursue legal remedies or other applicable actions to remove all structures not completed according to the building plans submitted in support of a building permit.

(Ord. 11-O-467, Passed 3-3-11)

1331.12 Exterior property maintenance standards. Enforcement and Abatement

(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.

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- (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) ~~*Roofs.*~~ Roof members, coverings 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/porches/arcades.*~~ 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 or 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 24 hours preceding a pickup, and all containers shall be removed within 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 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 creates a hazardous condition, the City 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. 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 24 hours after the close of the event or termination of construction.~~

Whenever the Enforcement Officer suspects the existence of a public nuisance in the City as defined in this Chapter based upon the condition of any structures or buildings on the premises, conditions found upon a premises, or use of or activity on a premises, the Enforcement Officer shall promptly inspect the premises on which the public nuisance is suspected to exist. To perform the inspection, the Enforcement Officer may call upon any City department, including the Riverside Police Department, for assistance if necessary. Should the Enforcement Officer find that a public nuisance does exist, it shall be the duty of the Enforcement Officer to file with the City a written report of the Enforcement Officer's findings along with any additional supporting documentation, such as photographs of the nuisance or accounts of previous activity that may be on file with the Riverside Police Department. The Enforcement Officer shall use the following procedures for public nuisance or property maintenance cases:

(a) Notice of Violation and Order of Compliance and Correction

(1) Any notices required to be served under this Code shall contain the findings and orders specified thereunder.

(2) Content – When the City of Riverside determines a violation of this Code has occurred, it shall give notice of the violation to the property owner and order compliance. The Notice of Violation and Order of Compliance and Correction (also known as "Notice of Violation") shall:

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- i. Be in writing.
 - ii. Include a description of the real estate for identification If the violation involves real estate.
 - iii. State the reason why the Notice of Violation is being issued.
 - iv. Include an Order of Compliance and Correction describing the items required to be undertaken to abate the nuisance and allowing ten (10) days for the repairs and improvements required to bring the property into compliance with the Code. The order should notify the property owner of their right to contact the Enforcement Officer to request an extension to complete the necessary repairs or improvements to bring the property into compliance. No extension shall be granted without written approval of the Enforcement Officer.
 - v. Notify the property owner of their right to file an appeal within ten (10) days of receipt of the Notice of Violation.
 - vi. Public Nuisance Cases. A statement informing the owner or other responsible person that if the notice and findings of the Enforcement Officer are not appealed or abate the public nuisance, the Enforcement Officer's determination will be final, and the City may also issue an order requiring the premises to be vacated and kept vacant for a period of 365 days in accordance with Section 1331.15. If an owner or other responsible person served with a written notice of under Section 1331.12(a) does not appeal to the Property Maintenance Appeal Board or abate the public nuisance within 10 days after receipt of the notice, the determination of the Enforcement Officer is final.
- (3) Service – The Notice of Violation and Order of Compliance and Correction will be considered served or received by the property owner when one or more of the following occurs:
- i. The Enforcement Officer personally delivers the Notice of Violation to the owner or an occupant of the property of suitable age and discretion.
 - ii. The Enforcement Officer leaves the Notice of Violation with a person of suitable age and discretion at the usual residence of the person served.
 - iii. The Enforcement Officer posts a copy of the Notice of Violation in a visible location on the property, including, but not limited to, a doorway or a vehicle found to be in violation.
 - iv. The Enforcement Officer sends the Notice of Violation via the United States Postal Service to the owner or other responsible person at the last known address as appearing in the records of the Montgomery County Auditor, the owner at the owner's tax mailing address as indicated on the county tax duplicate, or the owner or other responsible person at his or her address as determined by an examination of the public records of Montgomery County, Ohio or the State of Ohio.
- (b) Abatement Procedures
- (1) If a violation is not abated within the timeframe stated in the Notice of Violation and Order of Compliance and Correction, or after any extension granted by the City, the City is authorized to take any actions required to abate the nuisance. This includes the ability to abate the nuisance by demolition, removal of the structure, or such other actions appropriate to abate or lessen the severity of the public nuisance. The Enforcement Officer may call on any City department, division, or contractor for assistance and the ability to hire a private contractor. Any costs incurred by the City to bring a property back in compliance with this code, including any attorney fees and court costs, shall be recovered in one of the following ways:
- i. The property owner will be billed directly by the City through the United States Postal Service or any other method of providing notice authorized by this code.

ii. If the costs are not so recovered within 30 days of billing the property owner directly, the City may collect the cost in accordance with the Ohio Revised Code or by taking appropriate legal action against the property owner, including, but not limited to:

- Levying as an assessment and recovering in accordance with Ohio R.C. 715.261 the cost of abating or lessening the violation of this code; or
- Bringing a civil action to recover the cost from the owner, as provided in Ohio R.C. 715.261, and/or against another responsible person; or
- Pursuing any other available legal or administrative remedy pursuant to existing law.

(2) 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 as described in this section.

(c) Repeat Violators.

(1) For the second violation of the same general character occurring not sooner than twenty (20) days and not later than two (2) years after the first violation, a Notice of Violation specifying that the violation shall be corrected within 24 hours of receipt of said violation notice may be sent. If the violation is not corrected by the specified compliance date, appropriate action or proceeding shall be instituted in a court of proper jurisdiction or by the abatement procedures described in this Chapter.

(2) For the third violation of the same general character occurring not sooner than twenty (20) days after the second violation and not later than two (2) years after the first violation, appropriate action or proceeding may be instituted immediately in a court of proper jurisdiction or by the abatement procedures described in this Chapter.

(Ord. 11-O-467, Passed 3-3-11)

1331.13 Noxious weeds and vegetation. Prosecution

If any Notice of Violation and Order of Compliance and Correction is not complied with in the timeframe detailed within the Notice, the City may request the Law Director to pursue an appropriate legal action to exact the penalty provided in Section 1331.99. The City may also ask the Law Director to pursue legal action against the person responsible for the violation to abate the nuisance property.

~~(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 the last full week of the third month of the calendar year informing the property owners of the City of Riverside about Section 1331.13, Noxious Weeds and Vegetation, of the Codified 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 Codified 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 City 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 cause to be pruned, sprayed, or removed 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 ten days of service of notice.~~
- ~~(f) If no appeal is filed, the owner, agent, or occupant shall, within ten days of service of the notice, prune, spray, remove or cause to be pruned, sprayed, or removed 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 time frame specified herein, the City 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. 11-O-467, Passed 3-3-11)

1331.14 Junk vehicles.-Procedure for Securing an Open Structure or other Open Hazards

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 that poses a threat to public safety, the Enforcement Officer shall make a recommendation to the City Manager to immediately secure such structure or hazard. The City Manager may call on any department, division, or 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 Enforcement Officer, and the following provisions shall apply:

- (a) If directed to secure such structure or hazard by the City Manager, the Enforcement Officer, and any other department, division, or bureau of the City, or any private contractor retained by the City and accompanied by the Enforcement Officer, 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 before securing it, and those photographs shall be filed appropriately with the City.
- (b) Twenty-four (24) hours before securing a vacant structure or hazard, the Enforcement Officer shall serve a written notice on the owner and/or other responsible person in the manner provided in Section 1331.05 however, such 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 same, in which case notice shall be served within twenty-four (24) hours after securing same.

Notice issued under this subsection shall state:

- (1) The name of the owner and/or other responsible person, the address of the structure or hazard and the date the notice was issued;
- (2) The date on which such structure was found open to entry, or such open hazard was found, and the date and estimated time when the securing of the structure will occur, or did occur in the case of an imminent threat;

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- (3) The estimated cost to be incurred in securing the structure or hazard, or estimated costs already incurred in the case of securing an imminent threat, and that the City will recover such costs in the manner prescribed by Section 1331.11; and
 - (4) The right to appeal the notice and decision to secure the structure or premises to the City Manager by making a written demand to the Enforcement Officer within ten (10) days after receipt of service of the notice.
- (c) As soon as practicable after the securing of a vacant structure or hazard, the Enforcement Officer shall serve additional written notice on the owner and/or other responsible person in the manner provided in this code. The notice shall state:
- (1) The name of the owner and/or responsible person, the address of the structure or hazard, and the date the notice was issued;
 - (2) 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;
 - (3) The actual cost incurred in securing the structure or hazard and that the City will recover such costs in the manner prescribed by this code; and
 - (4) The right to appeal the notice and decision to secure the structure or premises to the City Manager by making a written demand to the Enforcement Officer within ten (10) days after receipt of service of the notice.
- (d) If an owner or other responsible person served with a written notice does not make a written demand for an appeal to the Enforcement Officer within ten (10) days after receipt of service of the notice, the notice and determination of the Enforcement Officer is final.
- (e) If the City Manager does not sustain the recommendation of the Enforcement Officer, the costs incurred in securing the structure or hazard shall be paid from City funds specifically authorized by the City for such purpose.
- ~~(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 the Section 1331.14 a notice of violation pursuant to Section 1331.05. 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 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.~~

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- ~~(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 1131.08.~~
- ~~(i) All vehicles removed pursuant to this section shall be impounded and disposed of pursuant to Section 303.08 of the Riverside Code of Ordinances and Ohio R.C. 4513.62.~~

(Ord. 11-O-467, Passed 3-3-11)

1331.15 Duty to Vacate Premises in the Event of a Public Nuisance

After the City determines that a public nuisance as defined by this Code exists, the Enforcement Officer, with the approval of the City Manager, shall have the authority to order any of the following:

- (a) That all persons responsible shall vacate the premises within ten (10) days;
- (b) That within ten (10) days the owner shall initiate such legal action as is necessary to vacate all persons responsible therefore from the premises, and shall diligently prosecute such legal action to conclusion; and
- (c) After the last person responsible for the nuisance vacates the premises, the owner shall keep such premises vacant for a period of 365 days, unless the owner and every person responsible who wishes to occupy the premises, each file a bond naming the City of Riverside, Ohio as obligee, with sureties to be approved by the Enforcement Officer. The bond shall be in the amount of the property's value, as determined by the Enforcement Officer. The Enforcement Officer may base such determination on the total market value of the land and improvements, as shown on the Montgomery County Auditor's current valuation record or based on any other reliable evidence. The bond shall be conditioned that such owner and other persons responsible for the nuisance will immediately abate the nuisance and prevent the same from being established or kept during the 365-day period. The bond shall be posted for a full 365 days.

1331.16 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 Enforcement Officer. The Enforcement Officer 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 1331.11 (duty to vacate premises).
- (b) In the event of a violation of this section 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 1331.10.

1331.17 Unauthorized Entry Upon Nuisance Premises

- (a) Unless the owner(s) or other person(s) has upon their person a written authorization granted by the Enforcement Officer, 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.

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- (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 Enforcement Officer 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 in this chapter, unless all parties have complied with the vacate provisions of Section 1331.11.

1331.18 Appeals

- (a) There is hereby created a Property Maintenance Appeals Board hereinafter referred to as the "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 Community Development Department Director,
 - (4) The Public Service Department Director, and
 - (5) The Chief of Police.
- (b) Authority to Hear and Determine Appeal. The Board is hereby vested with the following jurisdiction and responsibilities.
 - (1) To hold hearings and determine appeals requested by property owners for appeals of Property Maintenance Code ("Code") violations or Public Nuisance Determinations.
 - (2) The decision of the Board on an appeal shall be limited to the application of this Code. The Board may not disregard, vary,/ or modify the Code language.
 - (3) A majority of the members shall constitute a quorum for hearing and determining appeals.
 - (4) Any such decision of the Board shall be deemed to be a final administrative order appealable to the courts. The City shall be deemed to be adversely affected and aggrieved by a Board decision which modifies or reverses an order or decision of the Enforcement Officer, and the City shall have the right to appeal such a decision to the court.
 - (5) Within 30 days of the close of the public hearing, or as soon thereafter as is practicable, the Board shall render a written decision sustaining, modifying, or withdrawing any item appearing on the notice and order. The Board or their designee shall mail a copy of the decision to the last known address of the owner, or person representing the owner, and/or person who demanded the hearing. It shall be the responsibility of the owner, or person representing the owner, to keep the City of Riverside apprised of their current mailing address. For the purpose of appeal pursuant to Ohio R.C. Ch. 2506, any decision and/or order of the Board shall be deemed to have been entered on the date on which the copy of the decision was mailed.
- (c) Application for Appeal. Any person has the right to appeal a decision of the Enforcement Officer, or a notice order issued under this code to the Property Maintenance Appeals Board ("The Board"). The appeal is to be filed in writing with the City of Riverside within ten (10) days from the date of the Notice of Violation and Order of Compliance and Correction was served. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly

interpreted. The appeal application shall include a fee in the amount established in the City of Riverside City Council and the written basis for the appeal.

- (d) **Appeal Process.** Any person affected by any Notice of Violation and Order of Compliance and Correction 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 public hearing on the matter before the Board provided that such person shall file a written request for such an appeal in the City of Riverside Administrative Office.
- (1) **Hearing Procedure.** Upon receipt of such an application, the Enforcement Officer, shall set a time and place for the public hearing before the Board and shall give the applicant 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 30 days from the date the application was filed, unless it is not possible to obtain a quorum or unless the applicant and the City agree to extend the time for the hearing, which agreement shall be in writing. In the event a quorum is unavailable to hear the appeal within 30 days of the date the application for appeal was filed, then the Enforcement Officer shall notify the applicant, that the hearing will be delayed until the City Manager or City Council has had the opportunity to make new appointments to the Board or the requisite number of members become available to hear it.
- The Board may adopt rules of procedure not inconsistent with this Code. At such hearing, the applicant 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 applicant or their representative to appear and state their case at such hearing shall have the same effect as if no application were filed.
- (2) **Recusal of Members.** No member of the Board shall take part in any hearing or determination in which they have a personal or financial interest. In the event that the recusal of members of the Board causes there to be no quorum such that less than a majority of members are able to hear the appeal, then a unanimous vote of all remaining voting members will be required in order to reverse or modify the finding of violation and order of correction and compliance.
- (e) **Findings.** Prior to upholding any Notice of Violation and Order of Compliance and Correction, the Board shall make the following findings:
- (1) The City properly served a Notice of Violation and Order of Correction and Compliance as provided for in this Code; or
- (2) The Notice of Violation and Order of Correction and Compliance that was served stated the specific nature of the violation, corrective action needed to be taken to abate the violation, and a specific time for abatement of the violation; or
- (3) Within the time stipulated in the Notice of Violation and Order of Correction and Compliance, the property owner failed to comply with the Notice of Violation and Order of Correction and Compliance by not abating the violation and/or by not bringing the property into compliance with the City of Riverside Building and Property Maintenance Code; or
- (4) The property was being maintained in violation of specific provisions and/or conditions imposed by the City as a prerequisite to the modification of a previous compliance order; or
- (5) Sustain the finding that a public nuisance exists on the property and order the abatement thereof; or
- (6) Continue the matter for a period not to exceed 45 days for further investigation and disposition; or
- (7) Reverse the finding that a public nuisance exists on the property and dismiss the case.

1331.19 Rule-Making Authority

The Enforcement Officer shall have power as may be necessary for 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 any requirements specifically provided in this Code or violating approved practice involving public safety.

1331.20 Transfer of Ownership

It is unlawful for any property owner who has received a Notice of Violation and Order of Compliance and Correction to sell, transfer, mortgage, lease, or otherwise dispose of the nuisance property to another entity until the violations have been abated and the property complies with this Code unless the grantee, transferee, mortgagee, or lessee acknowledges the Notice of Violation and Order of Compliance and Correction and fully accepts the responsibility of abating the violations without conditions. The grantee, transferee, mortgagee, or lessee shall provide a signed and notarized statement to document this acknowledgment of the receipt of the notice of violation and acceptance of responsibility without condition to make required corrections or repairs.

1331.21 Adoption of Procedures in Ohio 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 Ohio R.C. 3929.86(C) and (D) relating to recovery of costs incurred by the city in repairing, removing, or securing fire damaged buildings or other structures.

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 or imprisoned not more than 30 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.~~
- (a) Whoever violates any section of this Code shall be subject to fines as follows:
 - (1) One hundred fifty dollars (\$150.00) for the first offense:
 - (2) Two hundred fifty dollars (\$250.00) for the second offense; and
 - (3) Five hundred dollars (\$500.00) for each subsequent violation, whether of the same particular subsection or not.
- (b) Each day during which any condition in violation this Code shall constitute a separate violation and subject to the fines described in Section 1331.99.a.

(Ord. 11-O-467, Passed 3-3-11; Ord. No. 21-O-778 , § 1(Exh. A), 10-7-21)

CHAPTER 1341 SIDEWALKS AND CURBS²

1341.01 Authority to require sidewalks.

- (a) Whenever lot improvements, including building additions, ~~additional buildings totaling 25 percent or more of the existing square footage of the principal existing building or structure, in any zoning district,~~ **sidewalks and/or curb shall be constructed along the frontage of the site except as waived by Planning Commission. The sidewalk shall be constructed in accordance to all City of Riverside and ODOT standards. 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 Codified Ordinances. Prior to making a decision on said appeal, the Board of Zoning Appeals shall obtain the written recommendation of the Planning Commission.~~ **The Director of Public Service or their designee may allow a reduced sidewalk and curb to be constructed where less than 50% of the street frontage is being developed. The reduction of the sidewalk and curb requirement shall be based on the proportional cost of all infrastructure improvement for the proposed development. This reduction shall not exempt future development on the parcel from the construction of the remainder of the sidewalk and curb;**
- (c) If one of the methods of compliance cannot be met in lieu of the completion of the sidewalks and/or curb, furnish surety equal to the cost of construction of such improvements as shown on plans, and based on an estimate approved by the Director of Public Service or their designee. Before final approval, the developer shall have executed a contract and surety with the City covering the estimated cost of required improvements.
 - (1) **The surety shall run to the City and shall provide that the developer, his heirs, successors and assigns, their agent or servants, shall comply with all applicable terms, conditions, provisions and requirements of these regulations, and shall faithfully perform and complete the work of constructing and installing such facilities or improvements in accordance with such laws and regulations, and that the work shall be completed within two (2) years from the date of execution, but the surety shall run indefinitely until released by the City.**
 - (2) **If the construction or installation of the sidewalk and/or curb, for which assurance has been made by the developer in the form of surety, is not completed within two (2) years from the date of final approval, the developer may request the City to grant an extension of time, provided he can show reasonable cause for inability to complete such improvements within the required two (2) years. The extension shall not exceed one year. At the expiration of the extension, the City shall use as much of the surety as necessary to complete the construction of the sidewalk and/or curbs.**

²Cross reference(s)—Parking —See § 351.03(a); Obstructions—See § 521.04; Duty to keep in repair—See § 521.06.

CHAPTER 1343 NUISANCE ABATEMENT³

1343.01 Definitions and scope.

- (a) ~~For the purposes of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning:~~

Owner shall mean:

- (1) ~~Any owner of record of the fee of the premises or lesser estate therein, mortgagee, vendee in possession, land contract purchaser, assignee of rents, receiver, executor, administrator, trustee, or lessee as determined by an examination of the public records of Montgomery County Ohio;~~
- (2) ~~Any owner of record of any building or structure on the premises, including any mobile or manufactured home, or any lesser estate therein, mortgagee, vendee in possession, land contract purchaser, assignee of rents, receiver, executor, administrator, trustee, or lessee as determined by an examination of the public records of Montgomery County Ohio or the State of Ohio; and~~
- (2) ~~Any other person, firm or corporation in control of a building or premises, or their duly authorized agents.~~

Other responsible person shall mean any person or persons, other than an owner, who use, occupy, establish, or conduct a public nuisance, as defined in Section 1331.03, or aid or abet therein.

- (b) ~~The provisions of this chapter shall govern those items that are considered public nuisances as defined in Section 1331.03.~~
- (c) ~~This chapter is intended to protect the public health, safety, and general 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 of structures and premises declared a public nuisance on owners and other responsible persons; and~~
 - (3) ~~Providing for administration, enforcement, and penalties.~~

~~(Ord. 17-O-629, Passed 8-3-17)~~

1343.02 Intent.

~~This chapter shall be construed liberally and justly to ensure the public health, safety, and general welfare.~~

~~(Ord. 17-O-629, Passed 8-3-17)~~

³Cross reference(s)—Animal nuisance—See § 505.08.

1343.03 Other regulations.

The provision of this chapter shall not be construed to prevent the enforcement of other ordinances or regulations which prescribe standards other than are provided herein.

(Ord. 17-O-629, Passed 8-3-17)

1343.04 Other remedies.

This chapter shall not be deemed to abolish or impair existing remedies of the City or its officers or agencies relating to the occupation, removal or demolition of any buildings deemed dangerous, unsafe, or unsanitary.

(Ord. 17-O-629, Passed 8-3-17)

1343.05 Saving clause.

If any section, subsection, paragraph, sentence, clause, or phrase of this chapter shall be declared invalid for any reason, such decision shall not affect the remaining portions of this chapter which shall continue in full force and effect, and, the provisions of chapter are declared severable.

(Ord. 17-O-629, Passed 8-3-17)

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, or 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, and any other department, division, or bureau of the City, or any private contractor retained by the City and accompanied by 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 hours prior to securing a vacant structure or hazard, the Zoning Administrator shall serve a written notice on the owner and/or other responsible person in the manner provided in Section 1343.09(b)(6), however, such 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 same, in which case notice shall be served within 24 hours after securing same.

Notice issued under this subsection shall state:

- (1) The name of the owner and/or other responsible person, the address of the structure or hazard and the date the notice was issued;
- (2) The date on which such structure was found open to entry or such open hazard was found, and the date and estimated time when the securing of the structure will occur, or did occur in the case of an imminent threat;

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- (3) ~~The estimated cost to be incurred in securing the structure or hazard, or estimated costs already incurred in the case of securing an imminent threat, and that the City will recover such costs in the manner prescribed by Section 1343.13(b); and~~
 - (4) ~~The right to appeal the notice and decision to secure the structure or premises to the Property Maintenance Appeals Board by making a written demand to the Zoning Administrator within 15 days after receipt of service 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 and/or other responsible person in the manner provided in Section 1343.09(b)(1), (2), (3), (4), (5) or, if applicable, Section 1343.09(c). The notice shall state:~~
 - (1) ~~The name of the owner and/or responsible person, the address of the structure or hazard, and the date the notice was issued;~~
 - (2) ~~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;~~
 - (3) ~~The actual cost incurred in securing the structure or hazard and that the City will recover such costs in the manner prescribed by Section 1343.13(b); and~~
 - (4) ~~The right to appeal the notice and decision to secure the structure or premises to the Property Maintenance Appeals Board by making a written demand to the Zoning Administrator within 15 days after receipt of service of the notice.~~
 - (d) ~~If an owner or other responsible person served with a written notice under Section 1343.06 (b) or (c) does not make a written demand for an appeal to the Zoning Administrator within 15 days after receipt of service of the notice, the notice and determination of the Zoning Administrator is final.~~
 - (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. 17-O-629, Passed 8-3-17)

1343.07 Procedure for abatement of a public nuisance by condition.

Whenever the Zoning Administrator suspects the existence of a public nuisance in the City as defined in Section 1331.03 based upon the condition of or conditions found upon a premises, 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 cause photographs of such public nuisance to be taken and to file such photographs, along with the written report of the inspector's findings, with the City.

Whenever the Zoning Administrator determines the existence of a public nuisance, as defined in Section 1331.03, the Zoning Administrator shall have the option to:

- (a) ~~Serve a written notice on the owner and/or other responsible person, pursuant to Section 1343.09(b) or, if applicable, Section 1343.09(c), stating the findings with respect to the existence of a public nuisance and stating that unless the owner and/or other responsible person abates the public nuisance by repair, rehabilitation or removal of the building, structure, object, or item constituting a public nuisance, the City, in accordance with Section 1343.13, may abate the nuisance by repair, rehabilitation or removal of the building, structure, object or item constituting a public nuisance at the expense of the owner and/or the other responsible person. The Zoning Administrator may also order the owner and/or other responsible person to take such measures as are reasonably necessary to~~

lessen the severity of the public nuisance. If the owner and/or the other responsible person fails or refuses to comply with such notice and/or order, the City, in accordance with Section 1343.13, may abate or lessen the public nuisance's severity through rehabilitation, repair, or removal of the building, structure, or nuisance at the owner's and/or other responsible person's expense. Such abatement or lessening by the owner and/or the other responsible person shall be completed within 15 days after receipt of service of the notice or, on the issuance of a special nuisance abatement permit or a special demolition permit under Section 1343.10, start within 15 days after service of the notice and shall be complete within the time prescribed in Section 1343.10 or such additional time as the Zoning Administrator may deem necessary to complete the abatement.

Any notice issued pursuant to Section 1343.07(a) shall include:

- (1) The name of the owner and/or other responsible person, the address of the premises, and the date the notice was issued;
 - (2) A statement of the findings with respect to the existence of a public nuisance;
 - (3) A statement that unless the owner and/or other responsible person abates the public nuisance by repair, rehabilitation or removal of the building, structure, object, or item constituting a public nuisance, the City may abate the nuisance in accordance with Section 1343.13 by repair, rehabilitation or removal of the building, structure, object or item constituting a public nuisance at the expense of the owner and/or the other responsible person; or a statement ordering the owner and/or other responsible person to take such measures as are reasonably necessary to lessen the severity of a public nuisance and further stating that if the owner and/or other responsible person does not comply with such orders, the City in accordance with Section 1343.13 may take such measures as are reasonably necessary to abate or lessen the severity of a public nuisance at the expense of the owner or other responsible person;
 - (4) A statement that abatement or lessening of the nuisance by the owner and/or other responsible person shall be completed within 15 days after receipt of service of the notice or, on the issuance a special nuisance abatement permit or a demolition permit under Section 1343.10, start within 15 days after service of the notice and shall be complete within the time prescribed in Section 1343.10, or such additional time as the Zoning Administrator may reasonably deem necessary to complete the abatement;
 - (5) A statement that the owner and/or other responsible person has a right to appeal said notice and the findings of the Zoning Administrator to the Property Maintenance Appeals Board by making a written demand to Zoning Administrator within 15 days after receipt of service of the notice; and
 - (6) A statement informing the owner or other responsible person that if the notice and findings of the Zoning Administrator are not appealed, the Zoning Administrator's determination will be final and the City may also issue an order requiring the premises to be vacated and kept vacant for a period of 365 days in accordance with Section 1343.11. If an owner or other responsible person served with a written notice of under Section 1343.07(a) does not make a written demand for an appeal to the Zoning Administrator within 15 days after receipt of service of the notice, the determination of the Zoning Administrator is final.
- (b) 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 by repair, rehabilitation or removal of the building, structure, object, or item constituting a public nuisance within 15 days after receipt of service of the notice or the City may seek abatement of the nuisance in the manner provided in Ohio R.C. Ch. 3767. Any notice issued pursuant to Section 1343.07(b) shall be served pursuant to Section 1343.09(b) or, if applicable, Section 1343.09(c) and shall include:

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- ~~(1) The name of the owner and/or other responsible person, the address of the premises, and the date the notice was issued;~~
 - ~~(2) A statement of the findings with respect to the existence of a public nuisance;~~
 - ~~(3) A statement ordering the owner and/or other responsible person to abate the public nuisance by repair, rehabilitation or removal of the building, structure, object, or item constituting a public nuisance within 15 days of receipt of service of the notice or the City may seek abatement of the nuisance in the manner provided in Ohio R.C. Ch. 3767;~~
 - ~~(4) A statement that the owner and/or other responsible person has a right to appeal said notice and the findings of the Zoning Administrator to the Property Maintenance Appeals Board by making a written demand to the Zoning Administrator within 15 days after receipt of the notice; and~~
 - ~~(5) A statement informing the owner or other responsible person that if the notice and findings of the Zoning Administrator are not appealed, the Zoning Administrator's determination will be final.~~

~~If an owner or other responsible person served with a written notice of under Section 1343.07(b) does not make a written demand for an appeal to the Zoning Administrator within 15 days after receipt of the notice, the determination of the Zoning Administrator is final.~~

~~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 Ohio R.C. Ch. 3767. 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.~~

- ~~(c) The City may also, at its option, elect not to utilize the procedures provided in this chapter and may proceed, instead, with the filing of an action in common pleas court in accordance with Ohio R.C. Ch. 3767.~~

~~(Ord. 17-O-629, Passed 8-3-17)~~

1343.08 Procedure for abatement of a public nuisance by activity or use.

~~Whenever the Zoning Administrator suspects the existence of a public nuisance in the City, as defined in Section 1331.03, based on use of or activity on a premises, or not otherwise subject to Section 1343.07, 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 inspector's findings along with any documented previous activity on file with the Riverside Police Department.~~

~~Whenever the Zoning Administrator determines the existence on a premises of a public nuisance, as defined in Section 1331.03, based on use of or activity on the premises, or based on a nuisance on the premises not otherwise subject to Section 1343.07, the Zoning Administrator shall have the option to:~~

- ~~(a) Serve a written notice on the owner and/or other responsible person pursuant to Section 1343.09(b) or, if applicable, Section 1343.09(c) and the notice shall state the findings with respect to the existence of a public nuisance and order the owner and/or other responsible person to immediately abate the~~

nuisance by termination of all such use of or activity on the premises, or of any other nuisance on the premises not subject of Section 1343.07. The Zoning Administrator may also order the owner and/or other responsible person to take such measures as are reasonably necessary to lessen the severity of the public nuisance within 15 days of receipt of service of the notice or the City, in accordance with Section 1343.13, may take such measures as are reasonably necessary to abate or lessen the severity of a public nuisance at the expense of the owner or other responsible person. Any notice issued pursuant to Section 1343.08(a) shall include:

- ~~(1) The name of the owner and/or other responsible person, the address of the premises, and the date the notice was issued;~~
- ~~(2) A statement of the findings with respect to the existence of a public nuisance;~~
- ~~(3) A statement ordering the owner and/or other responsible person to immediately abate the nuisance by termination of all such use of or activity on the premises, or of any other nuisance on the premises not subject of Section 1343.07; or~~

~~A statement ordering the owner and/or other responsible person to take such measures as are reasonably necessary to lessen the severity of a public nuisance, within 15 days of service of the notice or the City may take such measures as are reasonably necessary to abate or lessen the severity of a public nuisance, in accordance with Section 1343.13, at the expense of the owner or other responsible person;~~

- ~~(4) A statement that the owner and/or other responsible person has a right to appeal said notice and the findings of the Zoning Administrator to the Property Maintenance Appeals Board by making a written demand to the Zoning Administrator within 15 days after receipt of service of the notice; and~~
- ~~(5) A statement informing the owner or other responsible person that if the notice and findings of the Zoning Administrator are not appealed, the Zoning Administrator's determination will be final and the City may also issue an order requiring the premises to be vacated and kept vacant for a period of 365 days in accordance with Section 1343.11.~~

~~If an owner or other responsible person served with a written notice of under Section 1343.08(a) does not make a written demand for an appeal to the Zoning Administrator within 15 days after receipt of service of the notice, the determination of the Zoning Administrator is final.~~

- ~~(b) 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 by termination of all such use of or activity on the premises, or of any nuisance on the premises not subject of Section 1343.07, within 15 days. Any notice issued pursuant to Section 1343.08(b) shall be served pursuant to Section 1343.09(b) or, if applicable, Section 1343.09(c) and shall include:~~

- ~~(1) The name of the owner and/or other responsible person, the address of the premises, and the date the notice was issued;~~
- ~~(2) A statement of the findings with respect to the existence of a public nuisance;~~
- ~~(3) A statement ordering the owner and/or other responsible person to abate the public nuisance within 15 days of receipt of service of the notice or the City may seek abatement of the nuisance in the manner provided in Ohio R.C. Ch. 3767;~~
- ~~(4) A statement that the owner and/or other responsible person has a right to appeal said notice and the findings of the Zoning Administrator to the Property Maintenance Appeals Board by making a written demand to the Zoning Administrator within 15 days after receipt of service of the notice; and~~

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- (5) ~~A statement informing the owner or other responsible person that if the notice and findings of the Zoning Administrator are not appealed, the Zoning Administrator's determination will be final.~~

~~If an owner or other responsible person served with a written notice under Section 1343.08(b) does not make a written demand for an appeal to the Zoning Administrator within 15 days after receipt of the notice, the determination of the Zoning Administrator is final.~~

~~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 Ohio R.C. Ch. 3767. 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.~~

- (c) ~~The City may also, at its option, elect not to utilize the procedures provided in this Chapter and may proceed, instead, with the filing of an action in common pleas court in accordance with Ohio R.C. Ch. 3767.~~

(Ord. 17-O-629, Passed 8-3-17)

1343.09 Service of notice.

- (a) ~~Any notices required to be served under Section 1343.06, 1343.07 or 1343.08 shall contain the findings and orders specified thereunder.~~
- (b) ~~Unless otherwise specified herein, written notices pursuant to this Chapter shall be served on the owner and/or other responsible person:~~
- ~~(1) Personally;~~
 - ~~(2) By leaving notice with a person of suitable age and discretion at the usual place of residence of the person served;~~
 - ~~(3) By certified mail, or commercial carrier service utilizing any form of delivery requiring a signed receipt, addressed to the owner or other responsible person at the last known address as appearing in the records of the City of Riverside, Ohio;~~
 - ~~(4) By certified mail, or commercial carrier service utilizing any form of delivery requiring a signed receipt, addressed to the owner at the owner's tax mailing address as indicated on the county tax duplicate;~~
 - ~~(5) By certified mail, or commercial carrier service utilizing any form of delivery requiring a signed receipt, addressed to the owner or other responsible person at his or her address as determined by an examination of the public records of Montgomery County, Ohio or the State of Ohio; or~~
 - ~~(6) For purposes of Section 1343.06(b), by posting a copy of the notice in a conspicuous place on the structure or premises to which it relates and such service shall be deemed received on the day of posting.~~
- (c) ~~If notices sent by certified mail or commercial carrier service are returned as undelivered or refused, then notice shall be served;~~

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- (1) ~~By posting a copy of the notice in a conspicuous place on the structure or premises to which it relates and by sending the notice by ordinary mail to the last known address of the person served and such service shall be deemed received on the day that posting and mailing are completed; or~~
 - (2) ~~By publishing notice once a week for two consecutive weeks in a newspaper of general circulation in the county and such service shall be deemed received seven days after the second publication of notice.~~
 - (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. 17-O-629, Passed 8-3-17)

1343.10 Abatement of nuisance by owner.

- (a) ~~On being served notice of a public nuisance as defined in Section 1331.03, the owner or other responsible person may, within 15 days after receipt of notice, apply in writing to the Zoning Administrator for a temporary special nuisance abatement permit to abate the public nuisance. Upon review of the application, the Zoning Administrator shall issue the temporary special nuisance abatement permit which shall state the time frame of 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) ~~If an applicant for a temporary special nuisance abatement permit makes application to the Montgomery County Building Department for additional permits necessary to abate the nuisance, the applicant shall also apply for a permanent special nuisance abatement permit from the City. Such application shall be submitted in writing to the Zoning Administrator, and include copies of any and all permit(s) issued by the Montgomery County Building Department and all information submitted to the Montgomery County Building Department in connections with such permit(s). Upon approval of the application, the Zoning Administrator shall issue the permanent special nuisance abatement permit. This permanent special nuisance abatement permit shall be valid for a period of 90 days and within that time the owner shall complete the repairs or replacements to abate the nuisance.~~
 - (c) ~~The Zoning Administrator may grant an extension to any temporary or permanent special nuisance abatement permit, in writing, if the owner applies for such extension, in writing, and shows reason or cause for the requested extension and that the extension will more readily affect the repairs and/or replacements.~~
 - (d) ~~Whenever permits are issued under this section for repairs or work to 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 any special nuisance abatement permit, or extension thereof, pursuant to subsection (c) of this section, notwithstanding any other provision of the City's ordinances 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 special nuisance abatement or extension thereof under 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 of a public nuisance, the owner may also, within 15 days after receipt of notice, apply in writing to the Montgomery County Building Department for a demolition permit to abate the nuisance completely by demolition and removal of the structure and provide the Zoning Administrator written notice of and a copy of the application for demolition permit submitted to the Montgomery County Building Department. The demolition permitted by the permit shall begin within 30 days from issuing the permit.~~
- (Ord. 17-O-629, Passed 8-3-17.)

1343.11 Duty to vacate premises.

After the City finally determines that a public nuisance as defined in Section 1331.03 exists, the Zoning Administrator, with approval of the City Manager, shall have authority to order any of the following:

- (a) That all persons responsible therefor shall vacate the premises within 15 days;
- (b) That within 15 days the owner shall initiate such legal action as is necessary to vacate all persons responsible therefor from the premises, and shall diligently prosecute such legal action to conclusion; and
- (c) After the last person responsible for the nuisance vacates the premises, the owner shall keep such premises vacant for a period of 365 days, unless the owner and every person responsible who wishes to occupy the premises, each files a bond naming the City of Riverside, Ohio as obligee, with sureties to be approved by the Zoning Administrator. The bond shall be in the amount of the value of the property, as determined by the Zoning Administrator. The Zoning Administrator may base such determination on the of the total market value of the land and improvements, as shown on the Montgomery County auditor's current valuation record, or on the basis of any other reliable evidence. The bond shall be conditioned that such owner and other persons responsible for the nuisance will immediately abate such nuisance and prevent the same from being established or kept during the 365 day period. The bond shall be posted for a full 365 days.

(Ord. 17-O-629, Passed 8-3-17)

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) Two electorates 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.
- (b) The owner or other responsible person named on a nuisance notice and/or order may within 15 days after receipt of notice under this chapter, or within 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 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 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

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- (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 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) ~~In an appeal pursuant to Section 1343.06, the Property Maintenance Appeals Board may vote to:~~
 - (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.~~
 - (g) ~~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 Ohio R.C. Ch. 2506, any decision and/or order of the Property Maintenance Appeals Board shall be deemed to have been entered on the date on which the copy of the decision was mailed.~~
- ~~(Ord. 17-O-629. Passed 8-3-17.)~~

1343.13 Abatement of nuisance by the city.

- (a) ~~Should a nuisance, as defined by Section 1331.03, 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 nuisance abatement permit or demolition permit, or any extension granted by the Zoning Administrator, or such additional time as the as the Property Maintenance Appeals Board may grant, the Zoning Administrator, with the approval of the City Manager, shall have authority at any time thereafter to enter on the premises and the owner shall permit such entry to abate the nuisance by demolition, removal of the structure, or such other actions appropriate to abate or lessen the severity of the public nuisance. 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 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 or 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 and/or other responsible person directly by certified mail, or any other method of providing notice authorized under Section 1343.09, for the cost of abating or lessening the severity of such public nuisance. The owner shall pay the bill within 60 days after receipt of same.
 - (2) If the bill is not paid within 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 Ohio R.C. 715.261 the cost of abating or lessening the severity of such public nuisance; or
 - B. The City may bring a civil action to recover the cost from the owner, as provided in Ohio R.C. 715.261, and/or against another responsible person.

(Ord. 17-O-629, Passed 8-3-17)

~~1343.14 Adoption of procedures in Ohio 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 Ohio R.C. 3929.86(C) and (D) relating to recovery of costs incurred by the city in repairing, removing, or securing fire-damaged buildings or other structures.

(Ord. 17-O-629, Passed 8-3-17)

~~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. 17-O-629, Passed 8-3-17)

~~1343.16 Unauthorized entry upon nuisance premises.~~

- (a) Unless the owner(s) or other person(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.

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- ~~(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 in this chapter, unless all parties have complied with the vacate provisions of Section 1343.11.~~

~~(Ord. 17-O-629, Passed 8-3-17)~~

1343.99 Penalty.

~~A violation of the requirements of Section 1343.11(c), 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. 17-O-629, Passed 8-3-17)~~