



City of Columbus

Legislation Report

Office of City Clerk
90 West Broad Street
Columbus OH 43215-9015
columbuscitycouncil.org

File Number: 1247-2012

30-Day

File ID: 1247-2012

Type: Ordinance

Status: Passed

Version: 2

***Committee:** Rules & Reference Committee

File Name: To Amend Sections of Title 7 of the Columbus City Code

File Created: 05/31/2012

Final Action: 08/01/2012

Auditor Cert #:

Auditor: When assigned an Auditor Certificate Number I, the City Auditor, hereby certify that there is in the treasury, or anticipate to come into the treasury, and not appropriated for any other purpose, the amount of money specified hereon, to pay the within Ordinance.

Contact Name/No.: George Apostolos 645-2397

Floor Action (Clerk's Office Only)

Mayor's Action

Council Action

Mayor

Date

Date Passed/ Adopted

President of Council

Veto

Date

City Clerk

Title:

To amend Columbus City Code Sections 701.07, 703.02, 703.17, 703.19, 703.20, 707.03 and 709.03 dealing with the definition of standards relative to sanitary maintenance of premises, solid waste, noxious weeds and rodents, insects, vermin and other pests in Title 7, "Health, Sanitation and Safety Code".

Sponsors: Zachary M. Klein

Attachments:

Approval History

Version**Date****Approver****Action**

History of Legislative File

Ver.	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Columbus City Council	07/23/2012	Read for the First Time				
1	Columbus City Council	07/30/2012	Amended as submitted to the Clerk				Pass
1	Columbus City Council	07/30/2012	Approved as Amended				Pass
2	COUNCIL PRESIDENT	07/30/2012	Signed				
2	MAYOR	07/31/2012	Signed				
2	CITY CLERK	08/01/2012	Attest				

EBOCO: Following review and approval, when required, the Equal Business Opportunity Commission Office certifies compliance with Title 39 as of date listed.

City Attorney: Following review and approval, when required, this ordinance has been reviewed by the City Attorney's Office as to its form and legality only.

Explanation

BACKGROUND: This proposed code change updates Title 7 of the Columbus City Code by creating definitions of alley, right of way, sidewalk and modifying the definition of street and person, broadening the definition of who is in charge or control of a property and modifying and adding sub-sections covering Sanitary maintenance of premises, Standards relative to solid waste, Standards relative to noxious weeds, Standards relative to rodents, insects, vermin and other pests and code violations dealing with solid waste and noxious weeds within a right of way abutting the premise(s) and/or property of an owner or person having charge.

These code changes were reviewed by the Columbus Property Maintenance Appeals Board at their May 14, 2012 meeting and recommended these code changes for adoption by Columbus City Council.

FISCAL IMPACT: No funding is required for this legislation.

Title

To amend Columbus City Code Sections 701.07, 703.02, 703.17, 703.19, 703.20, 707.03 and 709.03 dealing with the definition of standards relative to sanitary maintenance of premises, solid waste, noxious weeds and rodents, insects, vermin and other pests in Title 7, "Health, Sanitation and Safety Code".

Body

WHEREAS, this code change creates or updates definitions of alley, right of way, sidewalk and modifying the definition of street and person, broadening the definition of who is in charge or control of a property and modifying and adding sub-sections covering Standards relative to solid waste, Standards relative to noxious weeds and code violations dealing with solid waste and noxious weeds within a right of way abutting the

premise(s) and/or property of an owner, or person having charge; and

WHEREAS, these code changes were reviewed by the Columbus Property Maintenance Appeals Board at their May 14, 2012, meeting and recommended these code changes for adoption by Columbus City Council; **Now Therefore**

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

Section 1. That the existing section 701.07 of the Columbus City Codes, 1959, is hereby amended to read as follows:

- Department of development.

(A) Functions, Powers and Duties. In order to protect the health, safety and welfare of any person, the department of development shall have the following authority, functions and duties:

(1) To enforce the provisions of the Health, Sanitation and Safety Code by conducting inspections and reinspections, and by issuing notices of violation whenever a premises or structure is used or maintained contrary to the provisions of this code;

(2) To maintain records of inspections performed and notices/orders issued;

(3) To abate public nuisances.

(B) Authority.

(1) The director or the director's duly authorized representative shall have supervision, control and direction over matters relating to the sanitary maintenance of premises, the control and abatement of solid waste and litter, the control and abatement of weeds, noxious weeds and rank growth, the sanitary maintenance of animals, the control and abatement of rodents, insects, vermin or other pests, and the control and abatement of public nuisances. The director shall have the authority to cause the summary abatement of any public nuisance found on any premises. The director shall have the power and duty to administer and enforce the provisions of this Health, Sanitation and Safety Code by means of forfeitures, injunctive actions, criminal complaints, and other remedies available by law.

(2) The director is authorized to determine on what premises in the city weeds, noxious weeds, or rank growth of a height of twelve (12) or more inches is growing or about to spread mature seeds. After a determination has been made that such weeds, noxious weeds or rank growth constitute a public nuisance or endangers the health, safety or welfare of any person, it shall be the duty of the director to see that said weeds, noxious weeds or rank growth are removed or said public nuisance is abated.

(3) The director is authorized to determine on what premises in the city solid waste is located. After a determination has been made that such solid waste constitutes a public nuisance or endangers the health, safety or welfare of any person, it shall be the duty of the director to see that said solid waste is removed or said public nuisance is abated. This section does not apply to premises being used under a city permit or license to operate a dump, junkyard or similar business.

(4) The director is authorized to determine on what premises in the city that there exists a public nuisance. A public nuisance may include, but is not limited to, conditions resulting from the unsanitary maintenance of premises, conditions resulting from the unsanitary maintenance of animals,

conditions resulting from the infestation of rodents, insects, vermin or other pests. After a determination has been made that the existence of the aforementioned conditions constitute a public nuisance or endangers the health, safety or welfare of any person, it shall be the duty of the director to see that said public nuisance is abated.

(5) The director is authorized to promulgate reasonable rules to implement the provisions of this Health, Sanitation and Safety Code, including rules governing the issuance of notices of violation under 703.17, 703.19, 703.20, 707.03 and 709.03 for conditions that exist in a street, alley, sidewalk or right-of-way.

Section 2. That the existing section 703.02 of the Columbus City Codes, 1959, is hereby amended to read as follows:

703.02 Letter A.

“Acceptable waste” means that portion of the residential waste stream that is normally disposed of by occupants of residential dwelling units including common household waste, yard waste, recyclables, white goods and bulk refuse.

“Acceptable waste container” is used to describe those containers that may be used for acceptable waste disposal. Plastic bags are not acceptable waste containers.

“Accessory structure” means a building or structure the use of which is incidental to that of the main building or structure and which is located on the same lot.

“Alley” means street or highway intended to provide access to the rear or side of lots or buildings in the city and not intended for the purpose of through vehicle traffic and includes any street or highway that has been declared an “alley” by Council.

“Approved” means approval by the director under the regulations of this code as applied to a material, device or method of construction or approval by other authorities designated by law, ordinance, or this code to give approval to the matter in question.

Section 3. That the existing section 703.17 of the Columbus City Codes, 1959, is hereby amended to read as follows:

703.17 - Letter P.

"Person" means any individual, firm, corporation, association, partnership, agent, operator, business trust, estate, syndicate, cooperative, or any entity recognized by law, or anyone in charge or in control of a premise or property.

"Premise" or "premises" means land(s) and everything of a permanent nature attached thereto as part of the realty, a platted lot or part thereof or unplatted lot or parcel of land either occupied or unoccupied by any dwelling or nondwelling structure, and includes any such building, accessory structure or other structure thereon.

"Premise" or "premises" shall, for purposes of this code shall include all land(s) to the centerline of the street, alley, or right-of-way which this code designates certain responsibilities to a person.

"Property" means real and personal property. "Personal property" includes all property except real property.

"Property maintenance appeals board" includes the term "housing appeals board."

"Property maintenance inspector" and "property maintenance inspector trainee" means a "code enforcement officer", and is a duly authorized representative of the director.

"Proprietor" or "keeper" includes all persons, whether acting by himself or herself or as a servant, agent or employee of a premise or property.

"Public nuisance" means any structure or vehicle, which is permitted to be or remain in any of the following conditions:

(A) In a dilapidated, decayed, unsafe or unsanitary condition detrimental to the public health, safety, and welfare, or well-being of the surrounding area; or

(B) A fire hazard; or (C) Any vacant building that is not secured and maintained in compliance with Chapter 4513; or

(D) Land, real estate, houses, buildings, residences, apartments, or premises of any kind which are used in violation of any division of Section 2925.13, Ohio Revised Code.

"Public nuisance" also means any structure, vehicle or real property which is not in compliance with any building, housing, zoning, fire, safety, air pollution, health or sanitation ordinance of the Columbus City Codes or Columbus City Health Code, or any real property upon which its real property taxes have remained unpaid in excess of one (1) year from date of assessment.

"Public place" includes any street, sidewalk, park, cemetery, schoolyard, body of water or watercourse, public conveyance, or any other place for the sale of merchandise, public accommodation or amusement.

Section 4. That the existing section 703.19 of the Columbus City Codes, 1959, is hereby amended to read as follows:

703.19 Letter R

"Real property" includes lands, tenements and hereditaments.

"Refuse" means all putrescible and nonputrescible solids, except body wastes, including but not limited to garbage, rubbish, ashes and dead animals. Refuse also means anything discarded or rejected as useless, worthless or trash.

"Refuse container" means a watertight, insect-proofed container that is constructed of metal or other durable material impervious to rodents, and that is capable of being serviced without creating insanitary conditions, or such other acceptable refuse containers that may be used for acceptable waste disposal as determined by the director of public service or his or her duly authorized representative. Openings into the container, such as covers and doors, shall be tight fitting.

"Repair" means to restore to sound condition. The term "repair" here includes renewal, replacement, or reinforcement, of an existing part of a structure but excludes additions made to, or remodeling of a structure.

"Right-of-way" means the surface of and the space above and below the paved or unpaved portions of any public street, public road, public highway, public freeway, public lane, public shared-use path, public way, public alley, public court, public sidewalk, public boulevard, public parkway, public drive and any other land, developed or undeveloped, dedicated or otherwise designated for the same now or hereafter held by the city.

"Rodent harborage" means any space where rodents live, nest or seek shelter, any condition that provides shelter or protection for rodents in, under, or outside of a structure of any kind or an accumulation of any type of material, which might provide such rodent shelter, or protection.

"Rodent-proofing" means a form of construction that will prevent the ingress or egress of rodents to or from a given space or building, or gaining access to food, water or harborage. The method of construction may include but is not limited to the closing and keeping closed of every opening in foundations, basements, cellars, exterior and interior walls, ground or first floors, sidewalk gratings, sidewalk openings and other places that may be reached and entered by rodents by climbing, burrowing or other methods, by the use of materials impervious to rodent gnawing and other methods approved by the appropriate authority.

"Rubbish" means combustible and noncombustible waste materials including such items as paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin can, metals, mineral matter, glass, crockery, dust, and the residue from the burning of wood, coal, coke and other combustible material.

Section 5. That the existing section 703.20 of the Columbus City Codes, 1959, is hereby amended to read as

follows:

703.20 Letter S

"Safe load" means the minimum live load indicated in the Building Code.

"Safety" means the condition of being free from danger and hazards, which may cause accidents or disease.

"Semi-solid" shall mean that material while cohesive and viscous, flows slowly or loses its shape when unconfined, but does not readily release liquids under normal climatic condition.

"Sidewalk" means that portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines, or easement lines intended for the use of pedestrians.

"Solid waste" shall mean residual solid or semi-solid material as results from industrial, commercial, agricultural or residential operations, including but not limited to garbage, rubbish, furniture, appliances, yard waste, liquid waste, animal waste, chemical waste, hazardous waste, construction debris, demolition debris, scrap lumber, tires, scrap metal, vegetable waste, boxes, cartons, paper, ashes, tin cans, bottles, broken glass, metals, rubber, plastics and all other nauseous or offensive materials resulting from human habitation or business or manufacturing enterprises.

~~"State" or "this state" means the state of Ohio. "Street" includes avenues, boulevards, lanes, roads, highways, viaducts and all other thoroughfares within the city~~ means the entire width between the boundary lines of every way open to the use of the public as a thoroughfare for purposes of vehicular travel.

"Structure" means anything constructed to serve any purpose.

"Supplied" means paid for, furnished, or provided by or under the control of, the owner or operator.

Section 6. That the existing section 705.03 of the Columbus City Codes, 1959, is hereby amended to read as follows:

705.03 - Sanitary maintenance of premises.(A) No owner or person having charge shall occupy or let to another a dwelling, dwelling unit, multiple dwelling, business building or premises unless it and the premises are clean, sanitary, fit for human occupancy and comply with all applicable laws and regulations of the state of Ohio and the city of Columbus.(B) Every owner or person having charge of a business building or a dwelling containing two (2) or more dwelling units shall maintain in a clean and sanitary condition the shared, common or public areas of the business building, dwelling, and premise thereof.

(C) Every occupant of a dwelling, dwelling unit, multiple dwelling, business building or premises shall maintain in a clean and sanitary condition that part or those parts of the dwelling, dwelling unit, multiple dwelling, business building or premises thereof that he or she occupies or controls.

(D) The owner or person having charge of any dwelling, dwelling unit, multiple dwelling, business building or premises shall not allow any sewer, water closet or drain to leak, to be out of repair, to be inoperable, or to remain clogged or stopped; nor allow sewage or waste or stagnant water or other fluid to remain in any building or upon any land. Every plumbing fixture and all water and waste pipes shall be installed and maintained in good sanitary and safe working condition.(E) All owners or persons having charge of a dwelling, dwelling unit, multiple dwelling, business building or premises shall be responsible for assuring that the dwelling, dwelling unit, multiple dwelling, business building or premises is graded, drained, free of standing water, in puddles, ponds, depressions, ditches, tires or containers and maintained in a clean, sanitary, and safe condition.

(F) No owner or person having charge of any public or private premises or land, developed or undeveloped, shall permit the existence of an open abandoned well, pit, septic tank, or similar health and safety hazard; this includes a pit privy not in use, unless such a hazard is either filled or securely sealed in a manner approved by the director or his or her duly authorized representative.(G) The owner or person having charge of a dwelling containing three (3) or more dwelling units shall be responsible for maintaining in a clean, safe and sanitary condition the shared or common areas of the dwelling and the premises thereof including the pavements,

gutters, and dedicated portion of the street or alley abutting such premises, including any easements.(H) Every occupant of a dwelling, dwelling unit, multiple dwelling, business building or premises thereof that he or she occupies and controls shall keep the same in a clean and sanitary condition including the pavements, gutters and dedicated portion of the street or alley abutting such premises, including any easements.

(I) Every occupant of a dwelling, dwelling unit, multiple dwelling, business building or premises shall dispose of all his or her rubbish, garbage, and other solid waste in approved receptacles provided. Discarded or abandoned articles of such bulk as to preclude disposal in such receptacles shall be conveyed by the occupant to an appropriate city disposal area or approved private disposal area.(J) No owner or person having charge shall allow any slaughter house, rendering establishment, factory, fertilizer plant, a business of any kind, or any premises thereof to create an unsanitary condition.

Section 7. That the existing section 707.03 of the Columbus City Codes, 1959, is hereby amended to read as follows:

707.03 - Standards relative to solid waste.

(A) Every owner or person having charge of a dwelling, dwelling unit, multiple dwelling, business building or premises shall store and dispose of all garbage, rubbish, debris or solid waste from those parts of the premises that he or she controls in a clean, sanitary, and safe manner. No owner or person having charge of a dwelling, dwelling unit, multiple dwelling, business building or premises shall store or dispose of garbage, rubbish, debris or solid waste by placing said solid waste in or on any land or premises in the city.

(B) Every owner or person having charge of a dwelling, dwelling unit, multiple dwelling, business building or premises shall store and dispose of all garbage, rubbish, debris and solid waste which might provide food for vermin and/or rodents in a clean, sanitary, safe manner. All garbage cans and refuse containers shall be rodent-proof, insect-proof, water-tight, structurally strong to withstand handling stress, easily filled, emptied and cleaned; shall be provided with tight fitting covers or similar closures; and shall be maintained at all times in a clean, safe and sanitary condition. Plastic bags may be used as garbage and refuse container liners but shall not be used without the container for on-site storage of garbage or refuse.(C) bulk containers, garbage and refuse cans which are used for storage of garbage, refuse and/or other solid wastes shall be placed in an acceptable location approved by the director of public service or his or her duly authorized representative, so as to not create a safety hazard or public nuisance.

(D) The total capacity of all provided garbage and/or refuse containers and bulk storage containers shall be adequate to meet the needs of the occupants of the dwelling, dwelling unit, multiple dwelling, business building or premise.

(E) Every owner or operator of a business building or every owner or person having control of a dwelling containing two (2) or more dwelling units shall provide and maintain adequate garbage disposal and rubbish storage receptacles for the sanitary and safe storage and/or disposal of rubbish and garbage. In the case of one (1) dwelling unit, it shall be the responsibility of each occupant to maintain adequate garbage disposal and rubbish storage receptacles in containers approved by the director of public service or his or her duly authorized representative.

(F) It shall be the responsibility of the owner or person having charge of any garbage, refuse, or bulk containers to clean and maintain the container in a nuisance-free condition. Accumulation of material on the sides or bottom of the container will constitute a violation of this code. If a bulk container is leased, it shall be the responsibility or the lessee to clean and maintain the container in a nuisance-free condition.

(G) No person shall deposit or allow to accumulate in any building, premise, yard, court, lot, street, alley, sidewalk, easement, right-of-way, or any other place, except in authorized receptacles, any solid waste, or any other substance, solid, semi-solid or liquid, or animal, vegetable or mineral origin, that by its decay, decomposition, chemical action or by becoming a harbor for animal or insect pests, would become an unsanitary condition.

(H) No owner or person having charge shall deposit or allow to accumulate upon the pavements or the dedicated portion of the street, alley, sidewalk, easement, or right-of-way abutting his or her premise(s) and/or property, except in authorized receptacles, any solid waste, or any other substance, semi-solid or liquid, or

animal, vegetable or mineral origin that by its decay, decomposition, chemical action or by becoming a harbor for animal or insect pests, would become an unsanitary condition.

Section 8. That the existing section 709.03 of the Columbus City Codes, 1959, is hereby amended to read as follows:

709.03 - Standards relative to noxious weeds.

(A) No owner or person having charge shall suffer to ~~grown~~ grow upon the pavements or in the gutters or upon the dedicated portion of the street, alley, ~~or~~ easement, sidewalk, or right of way abutting his or her premise(s) and/or property any brush, vines, shrubs, thistles, burdock, jimson weed, ragweed, milkweed, mullein, poison ivy, poison oak, poison sumac, pokeberry, grass or other noxious weeds. (B) No owner or person having charge shall permit to grow on any property or premises in the city, any brush, vines, shrubs, thistles, burdock, jimson weed, ragweed, milkweed, mullein, poison ivy, poison oak, poison sumac, pokeberry, grass or other noxious weeds, exceeding twelve (12) inches in height. (C) No owner or person having charge of a dwelling, dwelling unit, multiple dwelling, business building or premises shall allow grass, weeds, noxious weeds, brush or similar vegetation to remain on the premises at such a height and density as to constitute harborage, actual or potential, for rodents or vermin. (D) For the purpose of this code, a height of twelve (12) inches constitutes a potential hazard. The foregoing shall not apply to a premise or part thereof on which such growth may be reasonably demonstrated to be for agricultural or horticultural use.

Section 9. That the existing section 713.03 of the Columbus City Codes, 1959, is hereby amended to read as follows:

713.03 - Standards relative to rodents, insects, vermin and other pests.

(A) The owner or person having charge is responsible for elimination of any rodents, insects, vermin, or other pests in a dwelling containing two (2) or more dwelling units and on the premises thereof. The owner or person having charge is also responsible whenever improper rodent proofing of the premises causes the infestation.

(B) No owner or person having charge of a dwelling, dwelling unit, multiple dwelling, business building or premises shall accumulate garbage, rubbish, solid waste, boxes, lumber, scrap metal, motor vehicle bodies or inoperable motor vehicles, or any other materials in such a manner that may provide a rodent harborage, insect harborage, vermin harborage or other pest harborage in or about any dwelling, dwelling unit, multiple dwelling, business building or premises.

(C) No owner or person having charge of a business building or dwelling containing two (2) or more dwelling units shall accumulate or permit the accumulation of garbage, rubbish, solid waste, boxes, lumber, scrap metal, motor vehicle bodies or inoperable motor vehicles, or any other materials in such a manner that may provide a rodent harborage, insect harborage, vermin harborage or other pest harborage in or about the shared or public areas of that business building, dwelling, multiple dwelling or its premises.

(D) No owner or person having charge of a dwelling, dwelling unit, multiple dwelling, business building or premises shall store, place or allow to accumulate any materials which may serve as food for rodents in a site accessible to rodents.

(E) Every dwelling, dwelling unit, multiple dwelling, business building or premises on which it is located shall be maintained in a rodent-free, insect-free, and rodent-proof condition. (F) All openings in the exterior walls, foundations, basements, ground or first floors and roofs which have a half-inch ($\frac{1}{2}$) diameter or more opening shall be rodent-proofed in an approved manner if they are within forty-eight (48) inches of the existing exterior ground level immediately below such openings or if they may be reached by rodents from the ground by climbing unguarded pipes, wires, cornices, stairs, roofs and other such items, such as trees or vines or by burrowing. (G) All windows located at or near ground level used or intended to be used for ventilation, all other openings located at or near ground level, and all other exterior doorways which might provide an entry for rodents or other vermin shall be supplied with adequate screens or such other devices as will effectively prevent the entrance of rodents, insects, vermin and other pests into the structure.

(H) All sewers, pipes, drains or conduits and openings around such pipes and conduits shall be constructed to prevent the ingress and egress of rodents, insects and other pests to and from a building. (I) Interior floors of basements, cellars, and other areas in contact with the soil shall be rodent-proofed or insect-proofed in a manner approved by and with materials acceptable to the director or his or her duly authorized representative.

(J) all fences shall be constructed of approved fencing material, shall be maintained in good condition, and shall not create a harborage for rodents.

(K) Accessory structures on the premises of a dwelling, dwelling unit, multiple dwelling or business building shall be rodent-proofed and free of insects and rodents, or such structures shall be removed from the premises.

(L) No person shall permit to accumulate on any premise, alley, street or sidewalk in the city, including the easements of those same premises, alleys, streets, and sidewalks, any of the following materials, but not limited to solid waste, lumber, bricks, stones, boxes, barrels, scrap metal, scrap lumber, bottles, cans, motor vehicle bodies or parts, containers or similar materials so that these materials will not create an actual or potential harborage for rodents or insects. (M) No person shall place, leave, dump, or permit to accumulate any garbage, rubbish or solid waste in any dwelling, dwelling unit, multiple dwelling, business building, premises, alley, street or sidewalk in the city, including the easements of those same premises, alleys, streets and sidewalks, so that same shall or may afford food or harborage for rodents or insects.

(N) The owner or person having charge of any vacant dwelling, vacant dwelling unit, vacant multiple dwelling, vacant business building or vacant premises shall maintain the structures, buildings, yards and premises thereof free from rodents, insects, vermin and other pests.

(O) The owner or person having charge of any dwelling, dwelling unit, multiple dwelling, business building or premises shall store firewood in a pest- and rodent-proof manner.

Section 10. That prior existing sections 701.07, 703.02, 703.17, 703.19, 703.20, 707.03 and 709.03 of the Columbus City Codes, 1959, are hereby repealed.

Section 11. That this ordinance shall take effect and be in force from and after the earliest period provided by law.