

# **VILLAGE OF EAST CANTON**

## **RESIDENTIAL AND COMMERCIAL PROPERTY MAINTENANCE CODE**

ORDINANCE NO.: 2006-05

ADOPTED: JULY 24, 2006

### **100 APPLICABILITY AND SCOPE**

100.1 The provisions of this chapter are hereby enacted to preserve and protect the public health, safety and welfare of all residential and commercial structures and accessory structures, and to eliminate nuisance, slum and blighting influences, by establishing minimum standards of maintenance for every residential and commercial building and accessory structures and to require owners of real property in the Village of East Canton, Stark County, Ohio, to maintain such property to have an overall general appearance and condition so as to not materially interfere with the use and enjoyment of the property of other Village of East Canton real property owners.

100.2 The provisions of this chapter shall be applicable to every residential and commercial structure and accessory structure located within the Village of East Canton, Stark County, Ohio.

### **200 INTERPRETATION**

200.1 In applying the provision of this Code the following shall apply:

(A) The provisions of this Code are applicable to the exterior maintenance of the structure and the exterior property areas and shall not be construed or interpreted to create any enforcement or inspection authority for the interior condition of property, including but not limited to, structural, electrical, plumbing, or heating systems, since codes and inspections for those items are already in place.

(B) The provisions in this Code shall not be construed to abolish or impair other existing remedy set forth in other sections of the Revised Code or any Ordinance previously adopted by this Village Council, relating to the removal or demolition of any structure which is either not in compliance with zoning or is dangerous, unsafe, unsanitary, or otherwise declared a nuisance.

(C) Any and all rights, obligations or prohibitions established in any other rule, regulation, ordinance, resolution, statute, or law shall remain in full force and effect notwithstanding the provisions of this Village of East Canton Property Maintenance Code.

### **300 DEFINITIONS**

300.1

(A) "Property Maintenance Code" or "Code" means this Ordinance.

(B) "Extermination" means the control and elimination of insects, rats and other pests by eliminating their nesting or breeding places; by removing or making inaccessible materials that serve as their food; by poisoning, spraying fumigating, trapping or by any other approved pest elimination methods.

(C) "Garbage" means the animal and vegetable waste resulting from handling, preparation, cooking and consumption of food.

(D) "Infestation" means the presence, within or contiguous to, a structure or premises of insects, rats, vermin or other pests.

(E) "Junk" includes any personal property which has little or no apparent value or use and is in such damaged or inoperable condition or having missing parts such that it cannot be used for the purposes for which it is intended. Junk includes inoperable, unlicensed or partially dismantled motor vehicles and used motor vehicle tires.

(F) "Owner," for purposes of this chapter, means any person, partnership, corporation or other entity having a legal or equitable interest in the property; or recorded in the official records of the State, County, as holding title to the property; or otherwise having control of the property, including, but not limited to, the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

(G) "Person" means an individual, partnership, corporation, or any other group acting as a unit.

(H) "Public nuisance," as it may be used in this Code, is defined as:

(1) Any premises or structure that is littered with rubbish, garbage, junk, abandoned or unusable personal property;

(2) Any premises or structure, which by reason of lack of reasonable and adequate maintenance, has trees, shrubs, landscaping or other vegetation which causes interference with the use of the public right-of-way or poses a threat of damage to the person or property of adjoining owners;

(3) Any premises or structure thereon which has conditions existing, which violate the standards set forth in Section 500.

(I) "Rubbish" means combustible and noncombustible waste materials, except garbage, the term shall include the residue from the burning of wood, coal, coke and other combustible materials, and also papers, rags, carton, boxes, wood, excelsior, rubber, tires, leather, tree

branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery and dust and other similar materials.

#### 400 MAINTENANCE REQUIRED

##### 400.1

(A) The owner of any residential or commercial real property subject to the provisions of this Code shall be responsible for maintaining said residential or commercial property in compliance with the provisions of this Ordinance. In the temporary absence of the owner, the current occupant(s), tenant(s) or person(s) having direct control of the commercial property shall be responsible for compliance with the provisions of this Code.

(B) All repairs, maintenance, work, alterations or installations which are required by the enforcement of this Code shall be made or performed in a good and workmanlike manner, and in compliance with all other codes, regulations and laws.

#### 500 RESIDENTIAL AND COMMERCIAL BUILDING AND MAINTENANCE STANDARDS

500.1 All residential and commercial structures, accessory structures and surrounding property areas shall be maintained in good repair, structurally sound and in a sanitary condition so as not to pose a threat to the public health, safety or welfare and/or so as not to cause a public nuisance, as defined in this Code. The following standards and requirements shall be applicable:

##### (A) Residential or Commercial Structures

(1) *Exterior walls and surfaces.* All exterior walls shall be maintained structurally safe and free from holes, breaks, open cracks, loose or rotting materials, and shall be properly surface coated to prevent deterioration. All exposed surfaces of metal or wood shall be protected from the elements of decay or rust by periodic application of weather coating materials such as paint or similar surface treatments.

(2) *Street address number.* Each premise shall have the street address posted by number or letters no less than three (3) inches, of a contrasting color from the structure with the preference given to light reflective materials, so as to be clearly visible from the street.

(3) *Foundation walls.* All foundation walls shall be maintained free from open cracks and breaks and shall be kept in such condition so as to prevent the entry of rodents or other pests.

(4) *Roofs and chimneys.* The roof, flashing and chimney shall be maintained structurally safe and maintained free from holes, breaks, open cracks, loose, rotting or deteriorated shingles or other materials, nests of any kind, and maintained weatherproof. All chimneys, television or radio towers and/or antennas and similar appurtenances shall be maintained structurally safe and sound and in good repair.

(5) *Gutters and downspouts.* All residential and commercial structures shall have gutters, leaders or downspouts which shall be securely fastened and maintained free from holes, breaks, loose or rotting materials and be in good working condition. All discharge shall be directed into storm sewers, ditches, or natural watercourses and shall not be discharged directly onto adjoining property or public streets.

(6) *Windows.* All windows shall be kept in sound condition and in good repair.

(7) *Vacant unit.* All vacant residential or commercial property shall conform to the following requirements:

(a) The interior of the vacant unit, to include any garage area, shall be cleaned and free of debris;

(b) The grounds of the premises shall be kept free of weeds and debris and the grass shall be mowed during summer months and the public sidewalks free of snow and ice during the winter months;

(c) All vacant residential or commercial property shall be closed and secured to prevent trespass, and shall meet the following additional requirements:

1. All windows and doors on the ground floor area, including basement and garage, shall be boarded-up and secured with minimum one-half inch sheathing grade plywood, or equivalent;

2. The sheathing shall be applied in an orderly manner, cut to the size of the opening; and

3. All commercial signs shall be removed.

#### (B) Accessory Structures

(1) *Attached Accessory Structures.* All porches, decks or similar attached structures shall be maintained in a structurally sound and safe condition and be free from holes, breaks, loose or rotting materials and be properly surface coated.

(2) *Other Accessory Structures.* Other accessory structures, including detached garages, sheds, fences, and walls, shall be maintained structurally sound and in good repair and be free from holes, breaks, open cracks or loose or rotting materials. All exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

(3) *Common Areas and Right-of-Way.* Any private and common areas of the premises, including all yard areas, walks, drives, parking lots and public sidewalk adjoining the premises within the public right-of-way shall be maintained in a clean, safe and sanitary

condition in compliance with this Code. The owner and/or tenant shall be responsible for snow and ice removal, rubbish removal and the maintenance of a safe and sanitary property.

(4) *Signs.*

(a) The property owner, owner of the sign, tenant or occupant, shall be required to maintain the sign in a condition fit for the intended use and in good repair and shall be a continuing obligation to comply with all the applicable code requirements.

(b) A sign in good repair shall be free of peeling or faded paint, shall not be stained, shall now show uneven soiling or rust streaks; shall not have chipped, cracked, broken or bent letters, panels or framing; shall not otherwise show deterioration; and shall comply with all other applicable resolutions of the Village.

(c) If a sign is deemed by the Zoning Inspector or Code Official to be in an unsafe condition, such sign shall be considered an unsafe structure and all village regulations applicable for the repair and removal of such sign shall apply.

(d) Whenever any sign is required to be removed for repair, re-lettering or re-painting, the same may be done without a permit or any payment of fees, provided there is no alteration or enlargement to the sign structure or the mounting of the sign itself, and the sign is accessory to a legally permitted or non-conforming use.

(e) One sign may advertise a business or service conducted upon the premises and/or advertises products, merchandise, or commodities, stocked and sold on the premises may be permitted, provided such sign is in compliance with East Canton Zoning Ordinance, Article VI, Section 601 *Signs*. Any sign originally designed to be of a portable nature may not be used as a permanent sign.

(f) Any sign not in compliance with this section shall be deemed a nuisance.

(C) Surrounding Property Areas

(1) *Sanitation.* All surrounding property areas shall be maintained in a clean, safe and sanitary condition.

(2) *Motor Vehicles.* The provisions relating to parking and storage to motor vehicles as set forth in the Ohio Revised Code and the East Canton Zoning Ordinance shall apply to all residential or commercial property subject to the provisions of this Code.

(3) *Trees, shrubs, and vegetation.* All trees, shrubs and other vegetation, including cultivated flowers and gardens, shall be reasonably groomed, and:

(a) Maintained so as not to interfere with the use of the public right-of-way; or

(b) Maintained so as not pose a threat or damage to the person or property of adjoining owners.

(4) *Grasses and weeds.* All premises shall be maintained free from grasses or weeds in excess of eight inches. Leaves shall be removed so as to not accumulate or present a problem of blowing onto adjacent property or onto the public streets. Grass clippings, sod, soil, stones, and gravel, and leaves shall not be raked or dumped into the streets or drainage ditches.

(5) *Rubbish, garbage or junk.* All exterior property areas shall be free from any accumulation of rubbish, garbage or junk. All rubbish, garbage or junk shall be disposed of in a clean and sanitary manner in suitable containers designed for such purpose.

(6) *Exterior storage or display.* All exterior property areas or residential or commercial property shall be free from accumulation, storage or display of personal property or equipment not in use. Such prohibited outside displays or storage of property or equipment shall include, but not be limited to, the following:

(a) Retail inventory

(b) Tools

(c) Machinery

(d) Auto parts

(e) Unused or discarded construction materials or debris

(f) Other retail or wholesale displays not by custom or usage typically or historically displayed out of doors.

## 600 REGISTRATION OF COMMERCIAL OR NONRESIDENTIAL PROPERTY

600.1 *Registration.* Every “owner” of commercial or nonresidential property shall, no later than March 1, of each calendar year, notify the Administrator, or other Code Official, of the following:

(A) Owner, occupant, or tenant residence address, telephone number and contact information for emergency notification

(B) Nature of the commercial use

(C) Presence of any combustible, dangerous, noxious, toxic or hazardous substance

(D) Presence of a sprinkler or fire suppression systems

(E) Presence of a burglar alarm systems

(F) Normal business hours

(G) All sign application information as required by the East Canton Zoning Ordinance

(H) Any other information essential to fire, emergency medical response or police personnel who may respond in an emergency situation during non-business hours.

600.2 *Changes.* Whenever there is any change in any of the information required in Section 600.1 above, the Owner shall notify the Administrator or other Code Official, within ten (10) calendar days of such change.

## 700 ENFORCEMENT AUTHORITY

700.1 The Administrator or an appointed designee as the Code Official shall be responsible for the administration and enforcement of this resolution.

## 800 ENFORCEMENT PROCEDURE

800.1 *Notice and Order.* Whenever the Code Official determines that any property, structure or accessory structure, used for residential or commercial purposes, or any portion thereof, fails to meet the requirements set forth in this Code, he shall issue a Notice Violation and Order to Correct, setting forth the alleged failures and advising the owner(s) or person(s) having temporary control of the premises that such failures must be corrected. This notice shall:

(A) Be in writing.

(B) Describe by address the property where the violations are alleged to exist or to have been committed.

(C) Set forth the particular provision of this Code alleged to have been violated.

(D) Specify a date for completion of compliance for each violation alleged.

(E) Be served upon the owner or other person having control of the premises by:

(1) Personal service:

(2) Alternatively, service may be made by posting said Notice and Order conspicuously upon the premises affected:

(3) Alternatively, service may be made by Certified U.S. Mail endorsed for delivery to “Addressee only.” In the event that the Certified Mail is returned endorsed as “unclaimed” or “refused delivery,” service may then be made by regular U.S. Mail.

(F) Include information such as phone number and location to seek possible remedial or financial assistance.

(G) The Code Official shall use the form as prescribed by the Administrator.

## 900 SUMMARY ABATEMENT OF NUISANCES

### 900.1

(A) The provisions of this section shall be applicable to the property areas of all residential or commercial lots described in Section 100.2, whether such property is owner-occupied, non-owner occupied, or vacant.

(B) For the purposes of this section the definitions set forth in Section 300 shall apply.

(C) The Code Official or his designee is authorized and directed to promptly cause the abatement of any nuisance conditions as defined in subsection 500 hereof in the following manner:

(1) The Code Official or his designee, upon finding that a nuisance exists in matters involving weeds, tall grass, landscaping, rubbish, garbage or junk or other abandoned unusable personal property, may cause written notice or order to be served on the owner of the real estate. This notice may be served by personal delivery to the owner, or leaving it at the owner’s usual place of business or residence, or by posting it in a conspicuous place on the real estate, building, or structure involved, by mailing it to the owner, or by publishing it once in a newspaper of general circulation within the Village if it cannot be served in any of the other ways above-mentioned.

(2) The notice or order shall set forth the nature of the nuisance, the cost of abating the same if done by the Village, a reasonable time determined by the Code Official or his designee within which the owner shall abate the nuisance or pay the cost to the Village, and a statement that, unless the nuisance is abated within the stated time, it may be abated by the Village and the cost of the abatement assessed against the involved real property tax duplicate. Such notice or order of abatement may be issued by the Code Official or his designee without reporting same to the Village Council.

(3) Upon the determination that the owner has failed to abate the nuisance within the allotted time, the Code Official may take such action as he deems necessary to abate the nuisance conditions.

(4) In case the Village abates the nuisance and the cost is not paid within the time affixed by the Code Official or his designee, the Code Official or his designee shall cause a second notice to be served upon the owner which shall itemize the cost of the goods or services rendered in abating the nuisance and allowing thirty days for the owner to reimburse the Village for all such costs. In the event that such costs are not paid within the thirty days, the Code Official shall report the failure to pay to the Village Council. The Village Council may then take all necessary steps to have the costs assessed as a lien on the property from which the nuisance originated.

## 1000 APPEAL

1000.1 *Right of Appeal.* The owner of property affected by an Order which charges violations of the subject areas set forth herein shall have the right of appeal as follows:

(A) The Appeal shall be made in writing within ten days from the date of service of the Notice and Order and shall be mailed or delivered to the Mayor and to the Administrator or Code Officer at the Village Administrative Offices;

(B) The Appeal shall be allowed only on the question of whether or not the conditions cited in the Notice and Order constitute the violation alleged;

(C) The Mayor or its designee shall consider the appeal and may affirm, modify or rescind the Order.

At the end of the period of time allowed for the correction of any violation alleged, the Code Officer who issued said Notice and Order shall re-inspect for violations described in the Notice.

1100 VALIDITY If any section, subsection, paragraph, sentence, clause or phrase of this resolution shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this chapter which shall continue in full force and effect, and to this end the provisions of this chapter and hereby declared to be servable.

1200 SAVINGS CLAUSE This Ordinance shall not affect violations of any other ordinance, code or regulation existing prior to the effective date hereof, and any such violation shall be governed and shall continue to be punishable to the full extent of the law under the provisions of those ordinances, codes or regulations in effect at the time the violation was committed.

## 1300 PENALTY

1300.1 *Unlawful acts.* It shall be unlawful for any person, firm or corporation to erect, construct, alter, extend, repair, remove, demolish, maintain, fail to maintain, provide, fail to provide, occupy, let to another or occupy or permit another person to occupy any structure regulated by this code, or cause same to be done, contrary to or in conflict with or in violation of any of the provisions of this code, or to fail to obey a lawful order of the Code Official, or to remove or deface a placard or notice posted under the provisions of this code.

1300.2 *Penalty.* Any person, firm or corporation who shall violate any provision of this code shall be subject to a civil penalty of up to \$500.00 for the first violation and up to \$750.00 for each subsequent violation. Each day that a violation continues after the due notice has been served shall be deemed a separate violation.

1300.3 *Enforcement.* In case of any unlawful acts, the Code Official may issue citations and otherwise adhere to the requirements of the Ohio Revised Code for the summary abatement of a public nuisance which provisions are incorporated herein.

1300.4 Where the violation of this resolution is a matter of health or safety, the Code Official may request the Village Solicitor to file an action for injunctive relief against the person(s) responsible for the violation for the purpose of ordering, among other things, that person(s):

(A) To restrain, correct to remove the violation to refrain from any further violation of the Code.

(B) To restrain or correct the erection, installation, maintenance, repair, or alteration of such structure or premises;

(C) To require the removal of work in violation; or

(d) To prevent the occupancy of the structure that is not in compliance with the provisions of this Code.

Mayor, Reginald G. McGee

Attest:

Fiscal Officer, Barbara S. Hall

Legislative History:

June 24, 2006, First Reading

Geis Moved, Haley Second, All yes

July 20, 2006, Second Reading. All yes

July 24, 2006, Third Reading. Wright Mayor Pro Tem

Marshall absent

All yes

---

VILLAGE OF EAST CANTON

COMMERCIAL PROPERTY MAINTENANCE CODE

ORDINANCE NO.: 2011-12

Passed: November 7, 2011

100 APPLICABILITY AND SCOPE

100.1 The provisions of this chapter are hereby enacted to preserve and protect the public health, safety and welfare of all commercial structures and accessory structures, and to eliminate nuisance, slum and blighting influences, by establishing minimum standards of maintenance for commercial premises and accessory structures which require owners of commercial property in the Village of East Canton, Ohio, to maintain such property to have an overall general appearance and condition so as to not materially interfere with the use and enjoyment of the property of adjoining owners.

100.2 The provisions of this chapter shall be applicable to all commercial structures and any associated accessory structures located within East Canton, Ohio.

200 INTERPRETATION

200.1 In applying the provisions of this Code, the following shall apply:

(A) The provisions of this Code are applicable to the exterior maintenance of the commercial structure and exterior property areas and shall not be construed or interpreted to create any enforcement or inspection authority for the interior condition of commercial property, including but not limited to, structural, electrical, plumbing or heating systems.

(B) The provisions in this Code shall not be construed to abolish or impair existing remedies set forth in other sections of the Revised Code or ordinances previously adopted by this Board, relating to the removal or demolition of any structure which is dangerous, unsafe, unsanitary, or otherwise declared a nuisance.

(C) Any and all rights, obligations or prohibitions established in any other rule, regulation, resolution, Ordinance, statute or law shall remain in full force and effect notwithstanding the provisions of this Commercial Property Maintenance Code.

300 DEFINITIONS

300.1

(A) Commercial Property Maintenance Code or Code? means this Ordinance.

(B) Extermination means the control and elimination of insects, rats and other pests by eliminating their harborage places; by removing or making inaccessible materials that serve as their food; by poisoning, spraying, fumigating, trapping or by any other approved pest elimination methods.

(C) Garbage means the animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food.

(D) Infestation means the presence, within or contiguous to, a structure or premises of insects, rats, vermin or other pests.

(E) Junk includes any personal property which has little or no apparent value or use and is in such damaged or inoperable or having missing part such that it cannot be used for the purposes for which it is intended. Junk includes inoperable, unlicensed or partially dismantled motor vehicles and used motor vehicle tires.

(F) Owner, for purposes of this chapter, means any person, partnership, corporation or other entity having a legal or equitable interest in the property; or recorded in the official records of the State, County, as holding title to the property; or otherwise having control of the property, including, but not limited to, the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

(G) Person means an individual, partnership, corporation or any other group acting as a unit.

(H) Public nuisance, as it may be used in this chapter, is defined as:

(1) Any premises or structure thereon that is littered with rubbish, garbage, junk or abandoned unusable personal property;

(2) Any premises or structure thereon, which by reason of lack of reasonable and adequate maintenance, has trees, shrubs, landscaping or other vegetation which causes interference with the use of the public right-of-way or poses a threat of damage to the person or property of adjoining owners;

(3) Any premises or structure thereon which has conditions existing, which violate the standards set forth in Section 500.

(I) Rubbish means combustible and noncombustible waste materials, except garbage, the term shall include the residue from the burning of wood, coal, coke and other combustible materials, and also papers, rags, carton, boxes, wood, excelsior, rubber, tires, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery and dust and other similar materials.

400.1

(A) The owner of commercial real property subject to the provisions of this Code shall be responsible for maintaining said commercial property in compliance with the provisions of this Ordinance. In the temporary absence of the owner, the current occupant(s), tenant(s) or person(s) having direct control of the commercial property shall be responsible for compliance with the provisions of this Code.

(B) All repairs, maintenance, work; alterations or installations which are required by the enforcement of this Code shall be made or performed in a good and workmanlike manner, and in compliance with all other applicable codes, regulations and laws.

500 COMMERCIAL BUILDING AND MAINTENANCE STANDARDS

500.1 All commercial structures, accessory structures and surrounding property areas shall be maintained in good repair, structurally sound and in a sanitary condition so as not to pose a threat to the public health, safety or welfare, and/or so as not to cause a public nuisance, as defined in this Code. The following standards and requirements shall be applicable:

(A) Commercial Structures

(1) Exterior walls and surfaces. All exterior walls shall be maintained structurally safe and free from holes, breaks, open cracks, loose or rotting materials, and shall be properly surface coated to prevent deterioration. All exposed surfaces of metal or wood shall be protected from the elements of decay or rust by periodic application of weather coating materials such as paint or similar surface treatments.

(2) Foundation walls. All foundation walls shall be maintained structurally safe and free from open cracks and breaks and shall be kept in such condition so as to prevent the entry of rodents or other pests.

(3) Roofs and chimneys. The roof, flashing and chimney shall be maintained structurally safe and maintained free from holes, breaks, open cracks, loose, rotting or deteriorated shingles or other materials, nests of any kind, and maintained weatherproof. All chimneys, television or radio towers and/or antennas and similar appurtenances shall be maintained structurally safe and sound and in good repair.

(4) Gutters and downspouts. All commercial structures shall have gutters, leaders or downspouts which shall be securely fastened and maintained free from holes, breaks, loose or rotting materials and be in good working condition. All discharge shall be directed into adjacent storm sewers, ditches, or natural watercourses and away from adjacent property.

(5) Windows. All windows shall be kept in sound condition and in good repair.

(6) Vacant unit. Any vacant commercial property shall conform to the following requirements:

(a) The grounds of the premises shall be kept free of weeds and debris and the grass and vegetation shall be maintained at a height of not more than eight inches (8") during summer months and the public sidewalks free of snow and ice during the winter months;

(b) All vacant commercial property shall be closed and secured to prevent trespass, and shall meet the following additional requirements:

1. (a) All commercial or retail windows and doors fronting on the street level, and whose surface area is fifty per cent (50%) or more of glass, Plexiglas, lexan or an equivalent transparent or translucent material shall be maintained with a similar material. Commercial or retail windows and doors fronting on the street level may be rendered opaque from inside the building with paint, paper, sheathing grade plywood or equivalent, and

(b) All windows and doors on the ground floor area, and not fronting on the street level, including basement and garage, shall be boarded-up and secured with minimum one-half inch sheathing grade plywood, or equivalent;

2. The sheathing shall be applied in an orderly manner, cut to the size of the opening; and

3. The sheathing shall be painted to match the building or trim.

4. All signs shall be removed.

(B) Accessory Structures.

(1) Attached Accessory Structures. All porches, decks or similar attached structures shall be maintained in a structurally sound and safe condition and be free from holes, breaks, loose or rotting materials and be properly surface coated.

(2) (A) Other Accessory Structures. Other accessory structures, including detached garages, sheds, fences and walls, shall be maintained structurally sound and in good repair and be free from holes, breaks, open cracks or loose or rotting materials. All exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

(b) Signs.

1. The property owner, owner of the sign, tenant, or occupant, shall be required to maintain the sign in a condition fit for the intended use and in good repair and shall have a continuing obligation to comply with all applicable code requirements.

2. A sign in good repair shall be free of peeling or faded paint, shall not be stained, shall not show uneven soiling or rust streaks; shall not have chipped, cracked, broken or bent letters, panels or framing; shall not otherwise show deterioration; and shall comply with all other applicable Ordinances.

3. If a sign is deemed by the Zoning Inspector or Code Official to be in an unsafe condition, such sign shall be considered an unsafe structure and all Villages, County and State regulations applicable for the repair and removal of such sign shall apply.

4. Whenever any sign, whether conforming or nonconforming to these regulations is required to be removed for the purpose of repair, re-lettering or repainting, the same may be done without a permit or any payment of fees, provided there is no alteration or enlargement to the sign structure or the mounting of the sign itself, and the sign is accessory to a legally permitted or non-conforming use.

5. One pole type or free standing sign permanently attached to the ground which advertises a business or service conducted upon the premises and/or advertises products, merchandise, or commodities, stocked and sold on the premises may be permitted, provided such sign shall be in compliance with the East Canton Village Zoning Ordinance. Any sign originally designed to be of a portable nature may not be used as a permanent sign.

6. Any sign not in compliance with this section shall be deemed a nuisance.

(C) Surrounding Property Areas.

(1) Sanitation. All surrounding property areas shall be maintained in a clean, safe and sanitary condition.

(2) Motor vehicles. The provisions relating to parking and storage of motor vehicles as set forth in the Ohio Revised Code and the East Canton Zoning Ordinance shall apply to all commercial property subject to the provisions of this Code.

(3) Trees, shrubs and vegetation. All trees, shrubs and other vegetation, including cultivated flowers and gardens, shall be reasonably groomed, and:

(a) Maintained so as not to interfere with the use of the public right-of-way; or

(b) Maintained so as not pose a threat or damage to the person or property of adjoining owners.

(4) Grasses and weeds. All premises shall be maintained free from grasses or weeds in excess of eight inches.

(5) Rubbish, garbage or junk. All exterior property areas shall be free from any accumulation of rubbish, garbage or junk. All rubbish, garbage or junk shall be disposed of in a clean and sanitary manner in suitable containers designed for such purpose.

(6) Exterior storage or display. All public sidewalks, walkways and motor vehicle drives on or abutting any commercial property shall remain passable and free from any display or storage of any inventory or property of any type or nature.

All exterior property areas of commercial property shall be free from the accumulation, storage or display of personal property or equipment not in use. Such prohibited outside displays or storage of property or equipment shall include, but not be limited to, the following:

- (a) Tools
- (b) Machinery
- (c) Auto parts
- (d) Unused or discarded construction materials or debris
- (e) Any other retail or wholesale displays that are not by custom or usage typically or historically displayed out of doors.

## 600 ENFORCEMENT AUTHORITY

### 600.1

(A) The Zoning Inspector, or a Mayor's designee as the Code Official, shall be responsible for the administration and enforcement of this Ordinance.

## 700 ENFORCEMENT PROCEDURE

### 700.1

(A) Notice and Order. Whenever the Zoning Inspector / Code Official determines that any property, structure or accessory structure, used for commercial purposes, or any portion thereof, fails to meet the requirements set forth in this Code, he shall issue a Notice of Violation and Order to Correct, setting forth the alleged failures and advising the owner(s) or person(s) having temporary control of the premises that such failures must be corrected. This notice shall:

- (1) Be in writing.
- (2) Describe by address the property where the violations are alleged to exist or to have been committed.
- (3) Set forth the particular provision of this Code alleged to have been violated.
- (4) Specify a date for completion of compliance for each violation alleged.
- (5) Be served upon the owner or other person having control of the premises by:
  - (a) Personal service;

(b) Alternatively, service may be made by posting said Notice and Order conspicuously upon the premises affected;

(c) Alternatively, service may be made by Certified U. S. Mail endorsed for delivery to ?addressee only?. In the event that the Certified Mail is returned endorsed as ?unclaimed? or ?refused delivery?, service may then be made by Regular U. S. Mail.

(6) Include any known information such as phone number and location to seek possible remedial or financial assistance.

(7) The Code Official shall use the form as prescribed by the Mayor.

(8) Notice of the violation may be served by personal delivery to the owner, or leaving it at the owner?s usual place of business or residence, or by posting it in a conspicuous place on the real estate, building or structure involved, to by mailing it to the owner, or by publishing it once in a newspaper of general circulation within the Village if it cannot be served in any of the other ways above-mentioned.

700.2 Time for Remediation and Compliance: The Notice shall inform the Owner, Tenant or Occupant that the Nuisance must be abated, or an appeal filed pursuant to Article 900 of this Ordinance, within the following time period:

(1) For a Nuisance Violation pursuant to Article 500 (A),(5),(6) or (C), seven (7) calendar days.

(2) For a Nuisance Violation pursuant to Article 500 (A),(1),(2),(3),(4); and, Article 500 (B), thirty (30) calendar days.

## 800 SUMMARY ABATEMENT OF NUISANCES

### 800.1

(A) The provisions of this section shall be applicable to the property areas of all commercial lots described in Section 100.2, whether such property is owner-occupied, non-owner occupied, or vacant.

(B) For the purposes of this section the definitions set for the in Section 300 shall apply.

(C) The Code Official or his designee is authorized and directed to promptly cause the abatement of any nuisance conditions as defined in subsection 500 hereof in the following manner:

(1) The Code Official or his designee, upon finding that a nuisance exists in matters involving weeds, tall grass, landscaping, rubbish, garbage or junk or other abandoned unusable personal property, may cause written notice or order to be served on the owner of the real

estate. This notice may be served by personal delivery to the owner, or leaving it at the owner's usual place of business or residence, or by posting it in a conspicuous place on the real estate, building or structure involved, to by mailing it to the owner, or by publishing it once in a newspaper of general circulation within the Village if it cannot be served in any of the other ways above-mentioned.

(2) The notice or order shall set forth the nature of the nuisance, the estimate of the cost of abating the same if done by the Village, a reasonable time determined by the Code Official or his designee within which the owner shall abate the nuisance or pay the estimated cost to the Village, and a statement that, unless the nuisance is abated within the stated time, it may be abated by the Village and the cost of the abatement assessed on the real estate involved. Such notice or order of abatement may be issued by the Code Official or his designee without reporting same to the Board.

(3) Upon the determination that the owner has failed to abate the nuisance within the allotted time, the Code Official may take such action as he deems necessary to abate the nuisance conditions.

(4) In case the Village abates the nuisance and the cost is not paid within the time affixed by the Code Official or his designee, the Code Official or his designee shall cause a second notice to be served upon the owner which shall itemize the cost of the goods or services rendered in abating the nuisance and allowing thirty days for the owner to reimburse the Village for all such costs. In the event that such costs are not paid within thirty days, the Code Official shall report the failure to pay to the Village. The Village may then take all necessary steps to have the costs assessed as a lien on the property from which the nuisance originated.

## 900 APPEAL

900.1 Right of Appeal. The owner of property affected by an Order which charges violations of the subject areas set forth herein shall have the right of appeal as follows:

(A) The Appeal shall be made in writing within ten days from the date of service of the

Notice and Order and shall be mailed or delivered to the Code Officer at the East Canton Administrative Offices;

(B) The Appeal shall be allowed only on the question of whether or not the conditions cited in the Notice and Order constitute the violation alleged;

(C) The East Canton Village Council shall consider the appeal and may affirm, modify or rescind the Order.

At the end of the period of time allowed for the correction of any violation alleged, the Code Officer who issued said Notice and Order shall re-inspect the conditions for violations described in the Notice.

900.2 In any instance, other than as provided in Section 700, where the Code Officer who issued said Notice and Order determines that the conditions to be remedied on his Notice and Order have not been corrected within the period of time allowed for the correction, such officer shall notify the Mayor or his designee of the continuing existence of said violation. The Mayor or his designee may take the following action:

(A) Request the Village Solicitor to conduct a hearing with the property owner; or

(B) Request the Village Solicitor to institute an appropriate action in Common Pleas Court seeking compliance or other injunctive relief.

1000 VALIDITY If any section, subsection, paragraph, sentence, clause or phrase of this Ordinance shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this chapter which shall continue in full force and effect, and to this end the provisions of this chapter are hereby declared to be servable.

1100 SAVINGS CLAUSE This chapter shall not affect violations of any other ordinance, code or regulation existing prior to the effective date hereof, and any such violation shall be governed and shall continue to be punishable to the full extent of the law under the provisions of those ordinances, codes or regulations in effect at the time the violation was committed.

## 1200 PENALTY

1200.1 Unlawful acts. It shall be unlawful for any person, firm or corporation to; erect, construct, alter, extend, repair, remove, demolish, maintain, fail to maintain, provide, fail to provide, occupy, let to another or occupy or permit another person to occupy any structure regulated by this code, or cause anything to be done, contrary to or in conflict with or in violation of any of the provisions of this code, or to fail to obey a lawful order of the Code Official, or to remove or deface a placard or notice posted under the provisions of this code.

1200.2 Penalty. Any person, firm or corporation who shall violate any provision of this code shall be subject to a civil penalty of up to \$500.00 for the first

violation and up to \$750.00 for each subsequent violation. Each day that a violation continues after the due notice has been served shall be deemed a separate violation.

1200.3 Where the violation of this Ordinance is a matter of health or safety, the Code Official may request the Village Solicitor to file an action for injunctive relief against the person(s) responsible for the violation for the purpose of ordering, among other things, that person(s):

(A) To restrain, correct or remove the violation and to refrain from any further execution of work other than to bring the property into compliance with this Ordinance;

(B) To restrain any continuing violation of this Ordinance or correct the erection, installation, maintenance, repair or alteration of such structure;

(C) To require the removal of work in violation of this Ordinance; or

(D) To prevent the occupancy of the structure that is not in compliance with the provisions of this Ordinance, until it is brought into compliance.

Mayor, Reginald G. McGee

Fiscal Officer, Barbara S. Hall

Solicitor, Charles D. Hall, III

---

Village of East Canton Ordinance 2011-14

Passed: November 7, 2011

Amendment to Village of East Canton Zoning Ordinance 093-015, Adopted December 27, 1993

Mobile Home Zoning Amendment

Amend, DEFINITIONS, as follows:

"Industrialized Home Unit: A building unit or assembly of closed construction fabricated in an off-site facility, that is substantially self-sufficient as a unit or as part of a greater structure, and that requires transportation to the site of intended use. Industrialized unit includes units installed on the site as independent units, as part of a group of units, or incorporated with standard construction methods to form a completed structural entity. Industrialized unit does not include a manufactured home as defined by division (C)(4) of that code section or a mobile home as defined by division (O) of Section 4501.01 of the Revised Code.

"Factory-built Home: A factory built residential structure, that may be an industrialized unit or a preassembled structure, single or in components, and designed for long term residential use, from components that are substantially constructed or assembled prior to delivery to and intended to be permanently installed on site. A Manufactured Home, see definition below, may or may not become Factory-built Home depending upon its ability to meet the Supplemental Regulations set forth in Section 612-4. A Mobile Home shall never be considered as Factory-built Home.

"Manufactured Home: Any building unit as defined in Revised Code Section 3781.06(C) (4), (5), and 6; and includes a structure consisting of preassembled building materials or modular units placed upon a permanent foundation designed for residential use. This type of housing cannot be used as an accessory building or storage unit. Manufactured Home shall also include any mobile structure, that must be towed or pulled by a different motorized vehicle, and is eight body-feet or more in width, forty body-feet or more in length, or when erected on site is three

hundred twenty or more square feet, and when constructed is on a permanent chassis and designed to be used and that is intended for either or temporary permanent residential use, with or without a permanent foundation when connected to the required utilities and including the plumbing, heating, air condition and electrical systems substantially contained therein. Calculations used to determine the number of square feet in a Manufactured Home is based on the structure's exterior dimensions measured at the larges horizontal projections when erected on site. These dimensions include all expandable rooms, cabinets, and other projections containing interior space, but do not include bay windows.

Mobile Home: Any building unit as defined in Revised Code Section 4501.01(O); and including any mobile, factory-built dwelling constructed to be transported on its own chassis and designed for residential occupation without necessity of a permanent foundation. A Mobile Home shall also include any mobile dwelling unit built before or after the Federal Manufactured Housing Construction and Safety Standards Act of 1974, which became effective June 15, 1976, and not certifiable to compliance with the act.

Amend, DISTRICT REGULATIONS, as follows:

612 Regulations for Manufactured Home housing and Mobile Home housing: Construction, Design and Appearance Standards.

1. These Supplementary District Regulations for construction, Design and Appearance shall apply to any Manufactured Home and any Mobile Home as defined in the Definition section of this zoning ordinance.

2. A Mobile Home shall only be sited within a Mobile Home Park, see Definitions.

3. A Manufactured Home shall only be sited within a Manufactured Home Park, see Definitions.

4. A Manufactured Home may be converted to an Industrialized Home/Factory-built Home only upon meeting all of the following regulations:

a. (1) Shall be installed upon and properly attached to a concrete, masonry or other permanent foundation system that provides adequate support of the structure's vertical and horizontal loads and transfers these and other imposed forces without failure from the structure to the undisturbed ground below the frost line, and at a minimum footing of not less than four inches of reinforced concrete or equivalent and not less than forty-two inches (42) from the finished grade to the permanent foundation system. There shall be a brick, stone or similar, permanent, masonry type veneer or band of not less than four courses or sixteen inches, exposed and visible between the finished grade and the first course of siding of the Factory-built House.

(2) Shall not be less than sixteen feet (16?) wide and shall be not less than six hundred forty feet (640?) or more square feet of living space.

- b. Shall have all mobile conveyance mechanisms or systems including, but not limited to; hitches, axles, wheels, and their attachments, removed from the chassis before it is permanently affixed to the concrete, masonry or other permanent foundation system.
- c. Shall be oriented upon the site so that its long axis and/or primary entrance to the Factory-built Home or Manufactured Home are parallel to and facing the street.
- d. Shall meet all setback and area requirements for the zoning district.
- e. Shall meet all parking requirements for zoning district.
- f. Shall have a driveway constructed of aggregate, concrete, asphalt or similar solid surface material.
- g. Shall connect to available sanitary sewer utility, storm sewer utility and other utilities as required by this zoning resolution and the Ohio Administrative Code. Shall have an independent potable water supply.
- h. Shall be landscaped, with adequate screening devices, as elsewhere required within this zoning ordinance.
- i. Shall meet any other requirements as may be applicable to an on-site, "stick built" constructed, structure within the same zoning district.
- j. Shall have any garage, storage shed, or other accessory structure conform to all regulations as required within the same zoning district.

Mayor, Reginald G. McGee

Fiscal Officer, Barbara S. Hall

Solicitor, Charles D. Hall, III