

ORDINANCE NO. 2010-21

AMENDING AND ENACTING CERTAIN SECTIONS OF PART NINE
(STREETS AND PUBLIC SERVICES CODE) AND PART SEVENTEEN
(PROPERTY STANDARDS) OF THE BLUE ASH CODE OF
ORDINANCES

WHEREAS, the City of Blue Ash, Ohio, has determined a need to update certain portions of the Codified Ordinances for the City of Blue Ash relating to the maintenance of properties; and

WHEREAS, the proposed Chapter amendments (including new sections) affecting the Streets and Public Services Code (Part Nine) and Property Standards Code (Part Seventeen) of the Blue Ash Code of Ordinances were reviewed by representatives from the City Solicitor's office and property maintenance officer within the Community Development Office; and

WHEREAS, it is in the best interests of the citizens of the City of Blue Ash, Ohio, for said changes to assure the safety, protection of property values, and quality of life throughout our community.

Be it ordained by the Council of the City of Blue Ash, Ohio,

SECTION I.

Certain sections of Part Nine (Streets and Public Services Code) are hereby amended as reflected in the attachment hereto.

SECTION II.

Certain sections of Part Seventeen (Property Maintenance Code) are hereby amended (or enacted) as reflected in the attachment hereto.

SECTION III.

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

SECTION IV.

This ordinance shall take effect and be in force from and after the earliest period provided by law.

PASSED this 27th day of May, 2010.

Mark F. Weber, Mayor

Jamie K. Eifert, Clerk of Council

FIRST READING: MAY 13, 2010

APPROVED AS TO FORM:

Mark A. Vander Laan, Solicitor

**ADJUSTMENTS TO
PART NINE – STREETS AND PUBLIC SERVICES CODE:**

905.11 TREES AND SHRUBS.

(a) Every owner, lessee or occupant of real estate in the City shall remove or cause to be removed, any tree, **shrub or plant** on such property that extends over or upon the public sidewalks or streets, when such tree is a hazard to any person using the sidewalks or streets, or to any property, real or personal, in the vicinity.

(b) A tree, **shrub, or plant** shall be considered a hazard if it is dead, or decayed and in danger of falling **in the right-of-way**, or if it blocks the view of drivers of motor vehicles thereby affecting safe driving.

(c) "Street" means any duly dedicated right of way including easements used by the public for vehicular and/or pedestrian travel.

(d) The City shall pay fifty percent (50%) of the cost of removal of any tree herein mentioned, if and when an order in writing is issued to the owner, lessee or occupant to remove such tree by the City Manager or his designee, provided that the cost of removal shall be determined to be reasonable and that such tree presents a hazard for persons and property other than the person and property of the owner, lessee or occupant.

~~(Ord. 60-42. Passed 11-1-60.)~~

(Ord. 2010-21. Passed 5/27/10.)

911.01 WEED AND GRASS CONTROL.

All premises and exterior property shall be maintained free from weeds or grass growth in excess of eight (8) inches. All noxious weeds shall be prohibited. Weeds shall be defined as Russian, Canadian, or Common Thistle, wild lettuce, wild mustard, wild parsley, ragweed, milkweed, buckwheat, plantain, and iron weed. Every owner, occupant or person in control of any lot or lands within the City, shall cause such lot or lands to be kept free from such noxious weeds and grasses by destroying them by **cutting or** spraying with a chemical compound, approved by the Hamilton County Board of Health, or the appropriate health authority of the City or the State of Ohio, or by cutting or digging under or any other method approved by the Hamilton County Board of Health or the appropriate health authority of the City or the State of Ohio.

~~(Ord. 2004-55. Passed 5-13-04.)~~

(Ord. 2010-21. Passed 5/27/10.)

**ADJUSTMENTS TO
PART SEVENTEEN- PROPERTY MAINTENANCE CODE:**

New Section:

1711.07 STORAGE AND PARKING OF JUNK OR INOPERABLE VEHICLE

(a) No junk, inoperable, or unlicensed vehicle shall be located on any residential property, except when stored within a completely enclosed building.
(Ord. 2010-21. Passed 5/27/10.)

New Section:

1711.08 Outside Storage

Landscape materials, tools, mowers, trimmers, or the like stored outside must be fully screened, on all sides so as not to be seen, and be behind the front building line of the house by a wall, storage cabinet, fence or landscaping installed with materials of a quality compatible with the immediate neighborhood.

Screening must be constructed and maintained under applicable City codes. Items exempt from this screening are patio furniture, swing sets and similar equipment, and firewood neatly stacked behind the front building line and free of insects and vermin. Any firewood so stacked must be free of insects, rodents, and vermin.

Trash containers must be screened from view from any street and be located behind the front building line of the house. In case of a corner lot, trash containers cannot be located in the side yard adjacent to a street. Trash containers can also be stored in a fully enclosed structure.

(Ord. 2010-21. Passed 5/27/10.)

New Section:

1711.09 Defacement of property.

No person shall willfully or wantonly damage, mutilate or deface any exterior surface of any structure or building on any private or public property by placing thereon any marking, carving or graffiti.

It shall be the responsibility of the owner or occupant to restore said surface to an approved state of maintenance and repair.

(Ord. 2010-21. Passed 5/27/10.)

New Section:

1711.10 Swimming pools

Swimming pools shall be maintained in a clean and sanitary condition, and in good repair.

(Ord. 2010-21. Passed 5/27/10.)

1711.11 SANITATION.

All exterior property areas shall:

- (a) Be maintained in a clean, **safe**, neat and sanitary condition;
- (b) Be free from noxious weeds, **refuse, old buckets and plant pots**, rubbish or garbage, **shopping carts**, inoperative vehicles/equipment/machinery, building supplies, any household items designed or intended for interior use or vehicle parts **or the like**;
- (c) **Be free from overgrown, uncontrolled vegetation, shrubs, trees, and vines that are conducive to the accumulation of refuse, debris or vermin;**
- (d) **Be free from tree debris, limbs, or other portions of any tree on the ground.**

So as not to constitute a blighting or deteriorating influence, cause diminution of value, or create a negative visual appearance.

~~(Ord. 89-75. Passed 11-9-89.)~~

(Ord. 2010-21. Passed 5/27/10.)

1711.12 GRADING AND DRAINAGE.

- (a) All premises shall be graded and maintained so as to prevent the accumulation of stagnant water thereon or within any building or structure located thereon. **All storm drainage of roofs and paved areas, yards and courts, other open areas on the premises, and sump pumps shall not be discharged in a manner that creates a safety hazard to persons and/or property by reason of inadequate and or improper construction, or maintenance or manner of discharge.**
- (b) **Roof drains and sump pump discharge shall not be discharged within ten (10) feet of, or directed toward, the structure owned by another person. Swimming pools shall not be drained onto the property of another.**
- (c) **Every person owning property shall provide and maintain adequate grade and drainage adjacent to the perimeter of the structure to adequately direct surface water away from the structure.**
- (d) **Drainage Area Protection**
Every person owning property, through which a drainage area passes, shall keep and maintain that part of the drainage area within the property reasonably free of trash, debris, excessive vegetation, and other obstacles that would pollute, contaminate, or significantly retard the flow of water through the drainage area. In addition, the owner shall maintain existing privately owned structures within or adjacent to a drainage area, so that such structures will not become a hazard to the use, function, or physical integrity of the drainage area. The property owner shall be responsible for maintaining and stabilizing that portion of the drainage area that is within their property lines in order to protect against erosion and degradation of the drainage area originating or contributed from the property.

~~(Ord. 89-75. Passed 11-9-89.)~~

(Ord. 2010-21. Passed 5/27/10.)

1711.14 ACCESSORY STRUCTURES, FENCES, and WALLS.

All accessory structures, **including detached garages, fences, walls and retaining walls** shall be maintained structurally sound and in good repair. All new or substantially reconstructed garages, carports and sheds shall comply with the Building Code. All

accessory structures shall be complimentary, including architecturally, to the principal building and use.

~~(Ord. 89-75. Passed 11-9-89.)~~

(Ord. 2010-21. Passed 5/27/10.)

1711.15 FOUNDATION, WALLS AND ROOF.

Every foundation, exterior wall, roof and all other exterior surfaces shall be maintained in a workmanlike state of repair. No dwelling or dwelling unit shall be deemed to comply with the requirements of this section unless:

- (a) The foundation elements adequately support the building at all points;
- (b) All foundations, exterior walls and roofs are reasonably free of holes, large cracks and deteriorated material and are maintained so as to be weather tight, watertight and rodent proof;
- (c) All exterior walls, woodwork and exposed metal portions of every dwelling are adequately protected against weather decay, **mildewed, rust, peeling paint**, corrosion or deterioration by paint, stain, varnish or other approved protective coating or preservative; and
- (d) All roof **and flashing** are tight, have no defects which admit rain and are equipped with gutters and downspouts **that are maintained in good repair and free from obstructions** which connect to a storm sewer or which discharge storm water in a manner otherwise approved.

~~(Ord. 89-75. Passed 11-9-89.)~~

(Ord. 2010-21. Passed 5/27/10.)

1711.18 WINDOWS, DOORS AND HATCHWAYS.

Every window, exterior door and basement hatchway shall be reasonably weather tight and rodent proof and shall be kept in sound working condition and good repair. No dwelling unit or dwelling shall be deemed to comply with the requirements of this section unless:

- (a) Every window is fully supplied with window panes which are without open cracks and holes;
- (b) Every window sash is in good condition and fits reasonably tight within its frame;
- (c) Every window other than fixed windows is capable of being easily opened and held in an open position by window hardware;
- (d) Every exterior door, door hinge and door latch is in good condition and allows the door, when closed, to fit reasonably well and right in its frame; and
- (e) Every door available as an exit shall be capable of being opened from the inside easily and without the use of a key.

(f) **Every window and door insect screen shall be free of holes and in good working condition.**

~~(Ord. 89-75. Passed 11-9-89.)~~

(Ord. 2010-21. Passed 5/27/10.)

1711.45 OTHER CONTAINERS.

~~Single family dwelling owners and/or occupants shall provide containers for collection of their refuse. The following standards and regulations shall govern unless an exception is approved by the City Manager or his/her authorized representative:~~

~~(a) Containers shall not be larger than forty five (45) gallons in size unless authorized by the Assistant City Manager.~~

~~(b) Containers when filled shall not be heavier than seventy (70) pounds in weight unless authorized by the Assistant City Manager.~~

~~(c) Containers shall be placed at the curb or right of way edge no earlier than 6:00 p.m. the day before and no later than 7:00 a.m. of the day of regular collection service and removed by 9:00 p.m. on the day of collection, except as otherwise approved by the City Manager or his/her authorized representative.~~

~~(d) Containers shall be sufficiently secure as to preclude entrance by insects, rodents, vermin or the like and shall be sufficiently strong and closed as to preclude opening by dogs or other animals.~~

~~(e) Occupants shall be responsible to assure that all garbage and refuse (except brush, limbs, bulk trash) remains within their containers until emptied by the collection service.~~

~~(f) Occupants shall assure that garbage and refuse containers are maintained in a clean, sanitary and serviceable condition and shall replace worn out damaged or dilapidated containers.~~

~~(Ord. 89-75. Passed 11-9-89.)~~

Refer to Section 917.03 Trash Collection Policy

(Ord. 2010-21. Passed 5/27/10.)

1711.99 VIOLATION AND PENALTY.

Whoever violates any provision of this chapter, or builds or constructs in deviation of a building permit is guilty of a minor misdemeanor, and shall be fined not more than ~~one hundred dollars (\$100.00)~~ **one hundred fifty dollars (\$150.00)** for each violation ~~upon conviction.~~ Each and every day that such violation continues shall constitute a separate offense.

~~(Ord. 97-2. Passed 1-9-97.)~~

(Ord. 2010-21. Passed 5/27/10.)

1719.03 PARKING LOT MAINTENANCE.

(a) All commercial, industrial, institutional, and multi-family residential parking areas, driveways and private streets shall be well maintained so as to provide a smooth surface, free from potholes, rutting, alligator cracking and/or raveling.

(b) All parking areas, driveways, and private streets shall be properly identified and marked to insure safe pedestrian and vehicular movements.

(c) All residential driveways shall be kept in a proper state of repair, and maintained free from hazardous conditions.

~~(Ord. 2003-11. Passed 1-9-03.)~~
(Ord. 2010-21. Passed 5/27/10.)