

### **1343.03 ADDITIONS, INSERTIONS AND CHANGES.**

The following additions, deletions and amendments to the International Code Council, Inc. International Property Maintenance Code are hereby adopted.

- (a) Section PM 101.1 (page 1, second line). Insert: City of Fairfield, Ohio.
- (b) Sections 106.4 PENALTY AND 107.4 PENALTIES are deleted and replaced in Section [1343.99](#) of this chapter.
- (c) Sections 111.1 through 111.8 are hereby deleted and the "Code Appeals Board" for purposes of this chapter shall be the Board of Building Appeals of the City of Fairfield, Ohio.
- (d) The Superintendent of Building Inspection and Zoning shall be the "Code Official" for purposes of this chapter.
  - (e) Section 302.4 WEEDS is deleted.
- (f) Section 302.7 ACCESSORY STRUCTURES is amended to read as follows: All accessory structures including but not limited to garages, sheds, decks, gazebos, carports, landscaping walls, play structures and fences shall be free from safety, health, and fire hazards and shall be maintained structurally sound and in good repair.
  - (g) Section 302.8 MOTOR VEHICLES is deleted.
- (h) Section 302.10 EXTERIOR PROPERTY AREAS is amended to read as follows: No owner, tenant, occupant or operator of any premises shall maintain or permit to be maintained at or on the exterior property areas of such premises any condition which deteriorates or debases the appearance of the neighborhood, reduces property values in the neighborhood, adversely alters the appearance and general character of the neighborhood, creates a fire, safety or health hazard or which is a public nuisance. Such conditions, include, but are not limited to, the following:
  - (1) Broken or dilapidated fences, walls or other structures;
  - (2) Out-of-use or nonuseable appliances and motorized vehicle parts;Rugs, rags or other materials hung on lines, or in other places on the premises, which materials are not being used for general household or housekeeping purposes;  
Broken, dilapidated or unusable furniture and mattresses or other household furniture, intended for interior use, broken glass, plastic materials, paints, miscellaneous coverings and/or any other materials, including those described in this section, placed at or on the premises in such a manner as to be patently unsightly, grotesque or offensive to the senses;  
Yards and landscaping shall also be maintained so as not to constitute a blighting or deteriorating effect in the neighborhood, including the timely removal of leaves and rubbish from a yard area. Leaves shall be removed from yards within three (3) months after they have dropped from the tree or plant.  
No accumulation of building materials or materials such as, earth, sand, mulch or dirt intended for use in landscaping or gardening shall be left standing open or covered upon any premises for a period of time exceeding six consecutive months;  
Brush, stump roots, obnoxious growths, filth, garbage, rubbish, trash, refuse, debris, dead and dying trees and limbs or other natural growth, loose and overhanging objects and ground surface hazards. This section shall not include properly located compost facilities as defined in Section [1133.01](#)(20.2).
- (i) Section 303 SWIMMING POOLS, STORABLE POOLS, SPAS AND HOT TUBS is amended to read as follows: swimming pools shall be maintained in a clean and sanitary condition, and in good repair. In good repair includes but is not limited to pool liner, associated deck, pump and piping and the following:

The pool liner in an above-ground or in-ground pool shall be intact and in the proper position and installed per manufacturers recommendations.

All associated decking shall be weather and slip resistant, structurally sound and in good repair, meeting all

local and state building codes.

All associated pumps and piping shall be maintained clean and sanitary and free from leaks.

Water clarity shall be maintained so that when standing at the pool's edge at the deep end, the deepest portion of the pool floor and/or the main drain shall be visible and sharply defined. The pool water shall be chemically treated and the filtration system in proper operational condition to maintain clear and sanitary water according to the pool manufacturers suggested operational parameters.

Pool covers shall be properly labeled, installed, used and maintained in accordance with the manufacturer's published instructions; free from tears and breaks and secured around the perimeter of the pool to create a barrier to debris and inhibit access to the contained body of water.

Pool covers shall not be allowed to collect surface water more than 4 inches (102mm) in depth.

Storable pools are those that are constructed on or above the ground and are capable of holding water to a maximum depth of 42 inches (1.0m), or a pool with nonmetallic, molded polymeric walls or inflatable fabric wall regardless of dimensions. All storable pools are required to be removed from service and stored away between the period of November 1st and April 1st.

All swimming pools shall be winterized according to the pool manufacturer's recommendations which includes chemical treatment of the standing water, plus physical and chemical protection of the pool and its equipment from freezing.

(j) Section 304.3 PREMISES IDENTIFICATION is amended to read as follows: Buildings shall have approved address numbers placed in a position to be plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers and letters shall be a minimum of 4 inches (102mm) high with a minimum stroke width of 0.75 inches (20mm).

(k) Section 304.6 EXTERIOR WALLS is amended to read as follows: All exterior walls, including wood, vinyl and aluminum siding shall be free of holes, breaks, loose or rotting materials; and maintained weather proof and properly surface-coated. All exposed exterior wood wall surfaces shall be painted, sealed or stained, so that each wooden exterior wall surface is uniform in appearance and all surface coating materials must be consistently applied so as to avoid mismatched shades and discoloration of the wood surface. Exterior wooden wall surfaces includes but is not limited to soffit and fascia boards and other exterior trim.

(l) Section 304.7 ROOFS AND DRAINAGE is amended to read as follows: The roof and flashing shall be sound, tight and not have defects which might admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the building. Roof drains, gutters, downspouts or other approved drainage systems shall be installed and shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance. All repairs made to roofs and flashing shall to the extent possible match existing materials and colors.

(m) Section 304.8 DECORATIVE FEATURES is amended to read as follows: All cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition. No decorative features may be partially removed which would put the facade out of symmetrical balance or remove the consistency of the decorative feature with a particular level of the facade, including but not limited to, removing one shutter from a window which has two shutters or one set of shutters from a front window where other front windows have shutters or one piece of trim from a designed trim pattern, for any period in excess of fourteen days. Decorative features are to be replaced with like materials and colors consistent with the existing features.

(n) Section 304.14 INSECT SCREENS is amended to read as follows: every door, window and other

outside opening required for ventilation of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food or human consumption are processed, manufactured, packaged or stored shall be supplied with approved tightly fitting screens of not less than 16 mesh per inch (16 mesh per 25 mm), and every screen door used for insect control shall have a self-closing device in good working condition.

- (o) Section 305.7 - UNIT IDENTIFICATION: All buildings containing multiple units whose primary entrances are served by a common hallway (i.e. apartments, condominiums, suites) shall have approved unit ID numbers placed in a position to be plainly legible and visible from the common hallway. These numbers shall contrast with their background. Unit ID numbers shall be arabic numerals or alphabet letters. Numbers and letters shall be a minimum of 3 inches high with a minimum stroke width of 3/8 inches.
- (p) Section 306 HANDRAILS AND GUARDRAILS is amended to read as follows: Every exterior and interior flight of stairs having more than four risers shall have a handrail on one side of the stair and every open portion of a stair, landing, balcony, porch, deck, ramp or other walking surface which is more than 30 inches (762mm) above the floor or grade below shall have guards. Handrails shall not be less than 34 inches (864mm) or more than 38 inches (965mm) measured vertically above the nosing of the tread or above the finished floor of the landing or walking surfaces. Guards shall not be less than 36 inches (914mm) above the floor of the landing, balcony, porch, deck or ramp or other walking surface.  
EXCEPTION: Guards shall not be required where exempted by the adopted Building Code.
- (q) Section 307 RUBBISH AND GARBAGE is deleted in its entirety.
- (r) Section 404.4.1 ROOM AREA is amended to read as follows: Every room occupied for sleeping purposes by one occupant shall contain at least 70 square feet (6.5m<sup>2</sup>) of floor area, and every room occupied for sleeping purposes by more than one person shall contain at least 50 square feet (4.6m<sup>2</sup>) of floor area for each occupant thereof.
- (s) Section 404.5 OVERCROWDING is amended to read as follows: Dwelling units shall not be occupied by more occupants than permitted by the minimum area requirements of Table 404.5.

TABLE 404.5  
MINIMUM AREA REQUIREMENTS

SPACE	MINIMUM AREA IN SQUARE FEET		
	1-2 OCCUPANTS	3-5 OCCUPANTS	6 OR MORE OCCUPANTS
LIVING ROOM	NO REQUIREMENTS	120	150
DINING ROOM	NO REQUIREMENTS	80	100
BEDROOMS	SHALL COMPLY WITH SECTION 404.4.1		

- (t) Section 602.3 HEAT SUPPLY (Page 17, line 5) insert: October 1 to May 1.
- (u) Section 604.1 FACILITIES REQUIRED is amended to read as follows in its entirety: Every building or part thereof used for human occupancy shall be adequately and safely provided with an electrical system in compliance with the requirements of the National Electrical Code.
- (v) Sections 604.2 and 604.3 under ELECTRICAL FACILITIES, are deleted in their entirety.
- (w) Vacant buildings shall be kept weather tight and secure from trespassers, safe for entry by police officers and firefighters in times of emergency, and, together with its premises, free from nuisance and in good order, as follows:

Building openings: Doors, windows, areaways and other openings shall be weather tight and secured against entry by birds, vermin and trespassers. Missing or broken doors, windows and opening

coverings shall be covered with one half inch CDX plywood, weather protected, tightly fitted to the opening and secured by screws or bolts. If ordered by the code official, material used to secure the premises shall be of similar architectural treatment, material or color to the structure and of such a nature that to the extent practicable the property does not appear to be vacant.

Premises: The premises on which a structure is located shall be clean, safe and sanitary and shall not pose a threat to the public health or safety. The code official may order that the vehicular ingress/egress of the premises be barricaded to prevent vehicular traffic on the premises by anyone other than the owner and others expressly and individually authorized by the owner.

All other requirements of this Property Maintenance Code shall apply to vacant structures and property except that the Code Official may waive any requirement that is unnecessary for the protection of the public health or safety because the structure is unoccupied and secured against unauthorized entry.

Ord. 98-10. Passed 11-8-10.)

(x) Whether or not criminal prosecution under this Property Maintenance Code occurs, if the owner, tenant, occupant or operator of any premises fails to correct any violation of this Property Maintenance Code within the time prescribed in the written notice, the Superintendent of Building Inspection and Zoning or designee may cause the violation to be corrected or abated and the cost thereof as described in Section [557.05](#), including administrative and supervisory costs, shall be certified to the Butler County Auditor, shall be entered upon the tax duplicate and be a lien upon the premises and be collected as other taxes and returned to the Municipal General Fund. The costs of emergency repairs under subsection 109.5 of this Property Maintenance Code may also be assessed under this subsection in addition to or in place of civil legal action. (Ord. 46-13. Passed 5-28-13.)

#### **1343.04 SAVING CLAUSE.**

Nothing in this chapter or in the Property Maintenance Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance modified as stated in Section [1343.02](#) of this chapter; nor shall any just or legal right or remedy of any character be lost, impaired or affect by this chapter. (Ord. 46-13. Passed 5-28-13.)

#### **1343.99 PENALTY.**

Any person, firm or corporation who violates any provisions of this chapter is guilty of a misdemeanor of the third degree and, upon conviction thereof, shall be fined not more than five hundred dollars (\$500.00) or imprisoned not more than sixty days, or both. Each day that a violation continues shall constitute a separate offense. (Ord. 46-13, Passed 5-28-13.)