

RESOLUTION NO. 33 - 2002

**RESOLUTION APPROVING AND ADOPTING WITH MODIFICATIONS
THE INTERNATIONAL CODE COUNCIL, INC.
INTERNATIONAL PROPERTY MAINTENANCE CODE/2000 AS THE
PROPERTY MAINTENANCE CODE OF WEST CHESTER TOWNSHIP**

WHEREAS, West Chester Township has adopted a Limited Home Rule form of Township Government pursuant Ohio Revised Code § 504.04; and,

WHEREAS, the Ohio Revised Code, including but not limited to §§504.04, 504.08, and 505.73, provides a Board of Township Trustees the authority, by Resolution, to adopt, administer and enforce a property maintenance code pertaining to the repair and continued maintenance of structures and premises of such structures; and,

WHEREAS, in July 1997, when formerly named Union Township, the Board of Trustees approved Resolution 25-97 and adopted the first Property Maintenance Code of West Chester Township; and,

WHEREAS, the West Chester Township Board of Trustees recognizes that the proper maintenance of structures and premises in the Township is essential to the preservation of a safe and healthful environment; and,

WHEREAS, this Resolution establishes the minimum regulations governing the conditions and maintenance of all property, buildings, and structures within West Chester Township, and provides standards to insure that structures are safe, sanitary, and fit for occupation and use, and provides for the condemnation and demolition of unsafe structures or those unfit for human occupancy; and,

WHEREAS, the International Code Council, Inc. (ICC) has published a nationally recognized model property maintenance code which is widely adopted and used throughout the United States.

NOW, THEREFORE BE IT RESOLVED, that the West Chester Township Board of Trustees does hereby agree to:

SECTION 1. Approve and adopt, as modified below, the ICC "International Property Maintenance Code/2000" (Publication Date: November, 1999) as published by ICC and which shall be known as the Property Maintenance Code of West Chester Township, Butler County, Ohio.

SECTION 2. Authorize the West Chester Township Board of Zoning Appeals to serve as the appeals board for the purposes of the Property Maintenance Code of West Chester Township.

SECTION 3. Authorize that a copy of the Property Maintenance Code of West Chester Township, Butler County, Ohio, be kept on file in the office of the Township Clerk of West Chester Township and the West Chester Township Department of Planning and Zoning, and shall be enforced by the West Chester Township Department of Planning and Zoning for the control

of structures as herein provided; and each and all of the regulations, provisions, penalties, conditions and terms of said ICC “International Property Maintenance Code/2000” are hereby referred to, adopted, and made a part hereof, as if fully set out in this Resolution, with the additions, insertions, deletions and changes prescribed below:

The ICC “International Property Maintenance Code/2000” as adopted is amended and revised in the following respects (note, words in bold face are these to be inserted):

- a) Section 101.1 (page 1). Delete: Paragraph. Insert: **These regulations shall be know as the West Chester Township Property Maintenance Code, hereinafter referred to as “this code” or “Property Maintenance Code”.**
- b) Section 101.4 (page 1, second line). Insert: “...held to be **unauthorized or unconstitutional,**...”
- c) Section 102.1 (page 1, fourth line). Insert: “...of this code **or Resolutions of West Chester Township** specify different requirements,...”
- d) All references to the *International Building Code* shall be substituted to read **“The Ohio Building Code for commercial structures, including multi-family residential structures, and The Butler County Building Code for one, two and three family residential structures”.**
- e) All references to The *International Mechanical Code* shall be substituted to read **The Ohio Mechanical Code.**
- f) All references to The *International Plumbing Code* shall be substituted to read **The Ohio Plumbing Code.**
- g) Section 102.3 (page 1, last sentence). Language shall read: “Nothing in this code shall be construed to cancel, modify or set aside any provision of the ~~*International Zoning Code*~~ **West Chester Township Zoning Resolution.**”
- h) Section 103.1. (page 1). Language shall read: The department of ~~property maintenance inspection is hereby created~~ **Planning and Zoning is charged with the administration and enforcement of this Property Maintenance Code** and the executive official in charge thereof shall be known as the ~~code official~~ **Director of Planning and Zoning.**
- i) All references to “Code Official” shall be substituted to read **“Director of Planning and Zoning”**
- j) Section 103.3. (page 1, as second sentence). Insert: **“All Code Enforcement Officers shall have the same authority as vested in the Director of Planning and Zoning to carry out the responsibilities and duties prescribed by this Property Maintenance Code.**

- k) Section 103.6. (page 2). Delete: Entire section
- l) Section 104.3 (page 2). (first and second sentence). Language shall read: "...or shall accept reports of inspection by ~~approved~~ agencies or individuals **as authorized by the Director of Planning and Zoning**. All reports of such inspections shall be in writing ~~and be certified by~~ **from** a responsible officer of such ~~approved~~ agency or by the responsible individual.
- m) Section 105.3.2 (page 3). Language shall read: "All tests shall be performed by an ~~approved~~ agency **as authorized by the Director of Planning and Zoning**."
- n) Section 104.7. (page 2, end of second sentence). Insert: "**or records retention schedules.**"
- o) Section 106.3. (page 3, second sentence). Language shall read: "If the notice of violation is not complied with, the code official shall institute the appropriate proceeding at law or in equity (**including action for permanent injunctive relief**) to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy **or use** of the structure in violation of the provisions of this code or of the order or direction made pursuant thereto.
- p) Section 111.2 (page 5). Delete: Paragraph. Insert: "**The board of appeals**" for purposes of this Property Maintenance Code shall be the **Board of Zoning Appeals of West Chester Township, Butler County, Ohio and shall be governed based on guidelines already established.**
- q) Section 111.2.1. (page 5, second line). Language shall read: "The chief appointing authority ~~shall~~ **may** appoint two or more alternate members..."
- r) Section 111.2.4. (page 5). Delete: Paragraph. Insert: "**The Senior Code Enforcement Officer shall serve as secretary to the Board.**"
- s) Section 111.2.5. (page 5) Delete: Entire paragraph.
- t) All references to "chief appointing authority" shall be substituted to read **West Chester Township Board of Trustees.**
- u) Section 111.3. (page 5). Language shall read: The board shall meet ~~upon notice from the chairman, within 20 days of the filing of an appeal, or~~ at stated periodic meetings **per it's published schedule. Any appeal shall be heard at the scheduled periodic meeting for which the filing deadline has been met.**
- v) Section 111.4. (page 5, fifth line). Language shall read: A quorum shall consist of ~~two-thirds of the~~ **three board membership members.**

- w) Section 111.7. (page 5) Delete: Entire section. Insert: **Any person with standing may appeal the decision of the West Chester Board of Zoning Appeals to the Court of Common Pleas as authorized in the Ohio Revised Code.**
- x) Section 301.2. (page 9, seventh line). Insert: “Occupants of a dwelling unit are **also** responsible...”
- y) Section 302.4. (page 9, third line). Insert: “All noxious weeds, **as identified by The Ohio State University document, *Identifying Noxious Weeds of Ohio (Bulletin 866-98)***, shall be prohibited.
- z) Section 303.3. (page 10, seventh line, as last sentence). Insert: “**Address signage shall be no larger than necessary for adequate identification by safety service personnel.**”
- aa) Section 303.10. (page 10, fifth line, as last sentence). Insert: “**Said areas shall be kept clear of hazards and debris and shall not be used as storage areas.**”
- bb) Section 303.14. (page 10, first and second lines). Insert: **April [to] October.**
- cc) Section 304.1. (page 10, second sentence). Language shall read: “**In addition to the property owner**, occupants shall **also be responsible for keeping** ~~keep~~ that part of the structure which they occupy or control in a clean and sanitary condition.”
- dd) Section 602.3. (page 17, fifth line). Insert: **October [to] March.**
- ee) Section 602.4 (page 17, third line). Insert: **October [to] March.**

SECTION 4. That in the event any conflict between the requirements of the Property Maintenance Code of West Chester Township, Butler County, Ohio as adopted herein and those of any other codes or Resolutions adopted by West Chester Township, Butler County or the State of Ohio, that requirement which establishes the higher or stricter standard shall prevail.


SECTION 5. That nothing in this Resolution or in the Property Maintenance Code hereby adopted shall be construed to affect any suit or proceeding pending in any court, or any liability incurred or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed.

SECTION 6. Authorize the Township Clerk to certify to the adoption of this Resolution, and cause the same to be published as required by law; and this Resolution shall take effect and be in force from and after its approval as required by law.

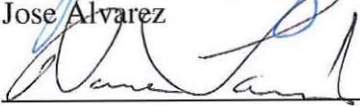
SECTION 7. Upon the effective date of the Property Maintenance Code adopted herein, that Resolution 25-97 Union Township, Butler County Board of Trustees (West Chester), entitled

"The Property Maintenance Code of Union Township, Butler County, Ohio," shall be and is hereby repealed.

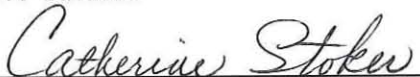
Adopted the 17th day of December, 2002



Jose Alvarez




Dave Tacosik




Catherine Stoker

ATTEST:



Patricia Williams, Township Clerk

APPROVED AS TO FORM:



Donald L. Crain, Law Director

