

PROPERTY MAINTENANCE CODE

MERCER COUNTY- CELINA CITY HEALTH DEPARTMENT
PROPERTY MAINTENANCE CODE

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Chapter 1 Definitions

As used in this Property Maintenance Code (PMC), the following words and terms shall have the meanings respectively ascribed to them herein:

- (1) Exterior property area - The open or unoccupied land of a premises, and any adjoining property under the control of owners or operators of such premises.
- (2) Extermination - The control and elimination of insects, rats, or other pests by eliminating their harborage places; by removing or making inaccessible materials that serve as their food; by poison spraying, fumigating or trapping; or by any other approved pest elimination methods.
- (3) Garbage - The animal or vegetable waste resulting from the handling, preparation, cooking and consumption of food or food products, or any other waste products that could provide a food source for rodents and/or insects.
- (4) Infestation - The presence, within or contiguous to a structure or premises, of insects, rats, vermin or other pests.
- (5) Junk - "Junk" means any worn out, cast-off or discarded article, or material which is ready for disposal or destruction, or which has been collected or stored for salvage or conversion to some other use. Any article or material which, unaltered or unchanged and without further reconditioning, can be used for its original purpose as readily as when new, shall not be considered junk. Portions of junk motor vehicles, such as hoods, fenders, radiators, rims, motors, etc., not being utilized for the repair of a motor vehicle, shall be considered junk.
- (6) Licensed Premises - Any premises that is governed by a federal, state or local regulation, which requires licensure and compliance with such regulation.
- (7) Owner - Any person, agent, operator, firm, corporation or other legal entity having a legal or equitable interest in property, or recorded in the official records of the state, county or municipality as holding legal title to the property, or otherwise having control of the property, including the guardian of the estate of any such person, the executor or administrator of the estate of any such person, a trustee, or a receiver if ordered to take possession or control of real property by a court.
- (8) Person - An individual, corporation, firm, partnership, trustee, receiver, joint venture or any other group or legal entity.

- (9) Premises - A lot, plot, parcel, or area of land.
- (10) Public health nuisance - Includes any of the following, as may be determined by the Health Commissioner, or his/her representative:
- A. Any premises that has unsanitary sewerage.
 - B. Any premises that is littered with rubbish or garbage.
 - C. Any premises proven to have an infestation of rodents or insects.
- (11) Rubbish - Combustible or noncombustible waste materials, except garbage. The term shall include, but is not limited to, the residue from the burning of wood, coal, coke or other combustible materials and shall also include paper, rags, cartons, boxes, wood, rubber, leather, tin and aluminum cans, mineral matter, glass crockery, dust and other similar materials that could provide a breeding ground for insects and rodents.
- (12) Sanitarian - "Sanitarian" means a person who performs for compensation, for the Mercer County - Celina City Board of Health, educational, investigational, technical, or administrative duties requiring specialized knowledge and skills in the field of environmental health science.
- (12) Structure - That which has been, or is being, built or constructed, or a portion thereof.
- (13) Weeds:
- A. "Weeds" are all grasses, annual plants and vegetation, other than trees, shrubs and cultivated flowers and gardens.
 - B. "Noxious or harmful weeds or vines" means ragweeds, daisies, goldenrod, burdock, yellow dock, dandelions, thistles, wild carrot and any other weed or vegetable which exhales offensive or noxious odors or from which there is carried by the wind any injurious, offensive or annoying pollen, dust, down, seed or particle, or which may conceal filthy deposits within any incorporated areas, or within one hundred (100) feet of the nearest occupied structure in unincorporated areas.

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Chapter 2 General Provisions and Administrations

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2.01 Title

This part two of these codified ordinances shall be known as the Property Maintenance Code of Mercer County, Ohio, hereinafter referred to as “this Code” or the “PMC”.

2.02 Purposes

The purposes of this Code are to protect the public health in all exterior premises, residential and nonresidential; to fix the responsibility of owners; and to provide for administration, enforcement and penalties.

2.03 Intent

This Code shall be construed so as to secure its expressed intent, which is to ensure public health insofar as it is affected by the condition of exterior premises. Premises that do not comply with this Code shall be corrected so as to provide a protection of public health.

2.04 Severability

If any section, subsection, paragraph, sentence, clause or phrase of this Code shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions

of this Code which shall continue in full force and effect, and to this end the provisions of this Code are hereby declared to be severable.

2.05 Saving Clause

This Code shall not affect violations of any other ordinance, code or regulation and any such violation shall continue to be enforceable by the appropriate authority 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.

2.06 Maintenance Required

All corrections to the condition of premises required by this Code shall be maintained in that state required to protect public health.

2.07 Authority of Sanitarian Generally

The sanitarian shall enforce all of the provisions of this Code.

2.08 Authority of Sanitarian Re: Notices and Orders

The sanitarian shall issue all necessary notices and orders to ensure compliance with this Code.

2.09 Right of Entry

Upon visually determining that a violation exists on the exterior premises, the sanitarian is authorized to enter upon the exterior premises at reasonable times to inspect the same. The sanitarian shall make a reasonable effort to locate the owner or other person having charge or control of the premises, present proper identification and request entry. If requested entry is refused or otherwise not obtained, the sanitarian shall have recourse as provided by law.

2.10 Identification

The sanitarian shall carry a photo identification card when inspecting premises and otherwise when in the performance of duties under this Code.

2.11 Relief from Personal Responsibility

The sanitarian, officer or employee charged with the enforcement of this Code, while acting for the jurisdiction, shall not thereby be rendered liable personally, and is hereby relieved from all person liability for any damage accruing to persons or property as a result of any act required or permitted in the discharge of official duties. Any suit instituted against an officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this Code shall be defended by the legal representative of the jurisdiction until the final termination of the proceedings. The sanitarian or any subordinate shall not be liable for costs in any action, suit or proceeding that is instituted pursuant to the provisions of this Code, acting in good faith and without malice, shall be free from liability for acts performed under any of its provisions or by reason of any act or omission in the performance of official duties in connection therewith.

2.12 Prosecution

In case of any unlawful acts the sanitarian shall institute an appropriate action or

proceeding at law to exact the penalty provided in section 2.17. Also, the sanitarian shall ask the jurisdiction's legal representative to proceed at law or in equity, including injunctive relief, against the person responsible for the violation for the purpose of ordering that person to restrain, correct or remove the violation or refrain from any further violations.

2.13 Notice to Owner

Whenever the sanitarian determines that there has been a violation of this Code or has grounds to believe that a violation has occurred, notice shall be given to the owner or the person or persons responsible therefore in the manner prescribed in sections 2.14 and 2.15 and as otherwise required by law. Where appropriate in the discretion of the sanitarian, such notice may also be posted at a suitable location in or on the premises if the sanitarian determines such posting will provide additional notice to the owner.

2.14 Form

The notice prescribed in section 2.13 shall:

- a) Be in writing;
- b) Include a description of the real estate sufficient for identification;
- c) Include a statement of the reason or reasons why the notice is being issued;
- d) Include a correction order allowing a reasonable time for the improvements required to bring the premises into compliance with the provisions of this Code.

2.15 Method of Service

The notice prescribed in section 2.13 shall be served by one of the following methods:

- a) Delivery by personal service upon the person to whom the notice is directed or such person's agent; or
- b) The first notice will be sent by regular U.S. Mail, and additional notices required will be sent by certified mail addressed to such person at the last known address which is reasonably calculated to reach the party named in the notice. If the notice is returned showing that the letter was not delivered because the addressee no longer lives there or is unknown, or because a wrong address was used, and no other address is known, then a copy of said notice shall be posted in a conspicuous place in or about the premises affected by such notice.

2.16 Responsibility of Owner

Unless otherwise specifically stated in this Code, the owner of a premises is ultimately responsible for any violation of this Code.

2.17 Penalty

Any person who violates a provision of this Code shall, upon conviction thereof, be subject to the penalties set forth in Ohio Revised Code, including but not limited to O.R.C. §3707.99 and ORC § 2929.21.

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Chapter 3 General Requirements for Exterior Property Areas

- 3.01 Sanitation
- 3.02 Infestation
- 3.03 Garbage and Rubbish
- 3.04 Storage and Accumulation of Materials on Private Property; Notice to Remove
- 3.05 Weeds

3.01 Sanitation

All exterior property and premises shall be maintained in a clean, sanitary condition, such that potential public health nuisances are not created by accumulation of garbage; significant ponding water due to inadequate surface water drainage or containerized stagnant water; sewage disposition or grey-water disposition on the ground surface; significant accumulation of manure in incorporated areas;

3.02 Infestation

Residential exterior property areas shall be kept free from rat, vermin, insect or other pest infestation. Where rats, vermin, insects, or other pests are found, or evidence of their presence is found, they shall be promptly removed or exterminated by approved processes which will not be injurious to human health. After removal or extermination, proper precautions shall be taken to prevent re-infestation.

3.03 Garbage and Rubbish

All exterior property and premises shall be free from any accumulation of rubbish or garbage.

3.04 Disposal of Garbage and Rubbish

Owners shall dispose or ensure disposal of all garbage and rubbish in a clean and sanitary manner, in accordance with all state laws.

3.05 Storage and Accumulation of Materials on Private, Non-Licensed Property; Notice to Remove

On unlicensed premises, no person shall cause or permit cast-off or discarded articles, junk, materials which are ready for destruction, which are proven to be harboring rodents and insects presenting a public health nuisance, to be stored, kept or placed on exterior premises.

3.06 Weeds

- a) The owner of any premises shall maintain such premises free from noxious and/or poisonous weeds, that, by determination of the sanitarian, create a public health nuisance.

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Chapter 4 Extermination

4.01 Infestation

4.02 Responsibility of Owner

4.01 Infestation

All premises shall be kept free from insect and rat infestation. All premises in which insects or rats are found shall be promptly exterminated by approved processes that will not be injurious to human health. After extermination, proper precautions shall be taken to prevent re-infestation.

4.02 Responsibility of Owner

The owner of any residential structure shall be responsible for extermination of infestations.