



**CITY OF AMHERST, OHIO**

**OFFICE OF THE  
CLERK OF COUNCIL  
(440) 988-2420  
(440) 988-2570 fax**

**OLGA SIVINSKI  
206 SOUTH MAIN STREET  
AMHERST, OH 44001  
council@amherstohio.org**

**Agenda Assignments and Committee Meeting Schedules:  
7/9/18**

**Agenda requests and committee meeting schedules:**

**A-18-31 Property Maintenance Code**

**Building and Lands Monday, July 9, 2018 at 6:30 P.M . A-18-31  
(Prior to Regular Council Meeting)**

**The Committee Meetings for July 2, 2018 are cancelled**

**Olga Sivinski  
Clerk of Council**

**City of Amherst**  
**Request for Legislative Action Report**

Agenda Number A - A-18-31  
Committee Bldg. Land

Date: June 25, 2018

Submitted by: David Macartney, Building Inspector

Subject: Property Maintenance Code

Amount: \$

Account #:

Information: Revision of TITLE THREE - Administration and Local Provisions, Chapter 1342 of the City of Amherst codified ordinances, "Exterior Residential Property Maintenance Code," to implement the International Property Maintenance Code (IPMC), current edition, as published by the International Code Council (ICC) and adopted by the Ohio Board of Building Standards and the full repeal of TITLE THREE - Administration and Local Provisions, Chapter 1344 of the City of Amherst codified ordinances, "Exterior Property Maintenance Code,"

RECEIVED: 6/25/18

CLERK: os  
Olga Sivinski

RECEIVED: 6/25/18

PRESIDENT: Jennifer Wasilk  
Jennifer Wasilk, Council President

Referred to the following committee:

Finance/Grants \_\_\_\_\_

Building & Lands ✓

Streets \_\_\_\_\_

Community Development \_\_\_\_\_

Executive & Insurance \_\_\_\_\_

Ordinance \_\_\_\_\_

Utilities \_\_\_\_\_

Recycling \_\_\_\_\_

Technology \_\_\_\_\_

Police & Fire \_\_\_\_\_

Annexation \_\_\_\_\_

Committee of the Whole \_\_\_\_\_

Special Committee \_\_\_\_\_

Final Action Taken by Committee:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Signature of Chairperson

**CHAPTER 1342**  
**Exterior Residential Property Maintenance Code**

- ~~1342.01 Short title~~ **Adopted.**
- ~~1342.02 Purposes; interpretation~~ **Amendments.**
- ~~1342.03 Definitions~~ **Code provisions to be minimum regulations; additional requirements.**
- ~~1342.04 Applicability; intent; conflicts of law.~~
- ~~1342.05 Responsibilities of owners, operators and occupants.~~
- ~~1342.06 Exterior property maintenance.~~
- ~~1342.07 Appearance of exterior of premises and structures.~~
- ~~1342.08 Structural soundness and repair.~~
- ~~1342.09 Reconstruction of walls and sidings.~~
- ~~1342.10 Infestation.~~
- ~~1342.11 Responsibility for compliance.~~
- ~~1342.12 Enforcement; authority of Building Inspector; notice of violations; corrections.~~
- ~~1342.13 Interpretation; application of other laws.~~
- ~~1342.14~~ **Parking and storage of vehicles.**
- ~~1342.99 Penalty; other remedies.~~

—CROSS REFERENCES

Adoption of technical code by reference - see Ohio R.C. 731.231

Junk vehicles - see TRAF. 303.10

Nuisance conditions - see GEN. OFF. Ch. 521

Weed control - see GEN. OFF. Ch. 557

**1342.01 SHORT TITLE. ADOPTED.**

~~—This chapter shall be known and may be cited as the “Exterior Residential Property Maintenance Code for the City of Amherst”. References throughout this chapter to this “Code” mean this Exterior Residential Property Maintenance Code.~~

- ~~(a) The City adopts and incorporates as part of the Amherst Codified Ordinances, as if fully rewritten herein including Appendix A - Boarding Standards, that certain code known as the International Property Maintenance Code (IPMC), current edition, as published by the International Code Council (ICC) and adopted by the Ohio Board of Building Standards for regulating and governing the conditions and maintenance of all property, buildings and structures: by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such existing structures as herein provided; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said Property Maintenance Code on file in the office of the Building Department are hereby referred to, adopted, and made a part hereof, as if fully set out in this chapter, with the additions, insertions, deletions and changes, if any, prescribed in Section 1151.02.~~
- ~~(b) Any ordinance and/or resolution in conflict with subsection (a) hereof is repealed to the extent of such conflict.~~

~~(Ord. 44-69, XX-XX, Passed 12-12-11 XX-XX-XX.)~~

~~— 1342.02 PURPOSES; INTERPRETATION. AMENDMENTS.~~

~~The purposes of this Exterior Residential Property Maintenance Code are to protect the public health, safety and welfare by establishing minimum standards governing the maintenance, appearance and conditions of all residential premises; to fix certain responsibilities and duties upon owners and operators; to authorize and establish procedures for the inspection of residential premises; and to fix penalties for the violations of this Code. This Code is hereby declared remedial and essential for the public interest and it is intended that this Code be liberally construed to effectuate the purposes as stated herein.~~

~~(Ord. 01-132—Passed 11-26-01.)~~

~~—1342.03 DEFINITIONS.~~

~~(a) As used in this chapter, unless the context requires a different meaning:~~

~~(1) "Accessory structure" means a structure on the same lot with and of a nature customarily incidental and subordinate to the principal structure.~~

~~(2) "Building" means a structure which is permanently affixed to the land, having one or more floors and a roof, being bounded either by open spaces or lot lines, and which is used as a shelter or enclosure for persons, animals and/or property. This term shall be used synonymously with "structure," unless otherwise noted, and shall be construed as if followed by the words "part or parts thereof."~~

~~(3) "Building Code" means the Building Code of the City, being Part Thirteen of these Codified Ordinances.~~

~~(4) "Cord of firewood" means a unit of quantity for cut fuel wood, equal to 128 cubic feet in a stack measuring four feet by four feet by eight feet.~~

~~(5) "Deterioration" means the condition or appearance of a building or part thereof, characterized by holes, breaks, rot, crumbling, cracking, peeling, rusting or other evidence of physical decay, neglect or lack of maintenance.~~

~~(6) "Developed area" means a subdivided land mass where lots comprising eighty percent of the linear feet fronting on a street, to a depth of 300 feet from the street right of way, are occupied with a building or buildings.~~

~~(7) "Developed street" means a street where lots comprising eighty percent of the linear feet fronting on such a street between any two intersecting streets are occupied with a building or buildings.~~

~~(8) "Driveway" means a roadway like path with a surface of concrete or asphalt for the egress of vehicles from, and the ingress of vehicles to, a residence, and from and to the right of way for which said residence is given an address. Other material may be substituted for concrete or asphalt if approved by express written permission of the City Engineer. The minimum width of a driveway shall be eight feet.~~

~~(9) " Dwelling" means a structure designed for occupancy as a residence by one or more families, each living independently in a separate dwelling unit.~~

~~(10) " Dwelling unit" means rooms providing complete living facilities for one family, including equipment for cooking or provision for the same, and individual rooms for living, sleeping and eating.~~

~~(11) "Exposed to public view" means any premises or any part thereof, or any building or any part thereof, which may be viewed by the public, or any member thereof, from a sidewalk.~~

street, alleyway or open air parking lot, or from the area of any adjoining or neighboring premises normally used as part of the habitable portion of such premises.

— (12) "Exterior of the premises" means those portions of a building which are exposed to public view and the open space of any premises outside of any building erected thereon.

— (13) "Fire Chief" means the Chief of the Fire Department of the City.

— (14) "Fire hazard" means any thing or act which increases or may cause an increase of the hazard or menace of fire to a greater degree than that customarily recognized as normal by persons in the public service of preventing, suppressing or extinguishing fire, or which may obstruct, delay or hinder or may become the cause of obstruction, a delay or a hindrance to the prevention, suppression or extinguishment of fire, or any other fire hazard defined in these Codified Ordinances.

— (15) "Front yard," as pertaining to corner lots, includes lots located on any corner or abutting on two or more thoroughfares requiring a front yard setback pursuant to applicable provisions of the Zoning Code. As it applies to other lots, the front yard is that part of the yard which extends from the front of the building to the City right of way, which right of way is that to which the property is addressed.

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

— (17) "Immediate neighborhood" means an area separated by no appreciable space and specifically denoting a limited number of properties in a very close space relationship to each other, such as properties located within the same block.

— (18) "Infestation" means the presence of insects, rodents, vermin or other pests on the premises which constitute a health hazard.

— (19) "Mixed occupancy" means any building containing one or more dwelling units or rooming units and also having a portion thereof devoted to non-dwelling units.

— (20) "Naturally wooded area" means an area of a yard which has been or is trying to be returned to its natural state as part of a landscaping plan to be approved by the Building Inspector.

— (21) "Nuisance" means and includes:

— A. Any public nuisance known in law or as provided by the statutes of the State or the ordinances of the City;

— B. Conditions dangerous to human life or detrimental to the health of persons on or near the premises where the conditions exist and where the condition is perilous by active and negligent operation thereof;

— C. Unsanitary conditions or anything offensive to the senses or dangerous to health, in violation of this Exterior Maintenance Code; and

— D. Fire hazards.

— (22) "Operator" means any person who has charge, care or control of a building, structure, dwelling or premises, or part thereof, whether with or without the knowledge and consent of the owner.

— (23) "Owner" means the owner or owners of the premises, including the holder of the title thereto, subject to contract or purchase, a trustee, a vendee in possession, a mortgagee or receiver in possession, a lessee or joint lessees of the whole thereof, a tenant, an agent or any other person, firm, corporation or fiduciary directly in control of the premises.

— (24) "Premises" means a lot, plat, parcel of land, or reclaimed land, including the building or structures thereon.

- (25) "Putrescible" means objects that have the ability to decompose or rot.
- (26) "Refuse" means all putrescible and nonputrescible solid wastes (except body wastes), including, but not limited to, garbage, rubbish, ashes, street cleaning, dead animals and solid market and industrial wastes.
- (27) "Registered mail" means registered or certified mail.
- (28) "Roomer" means a person other than a member of the family, as defined in the Zoning Code, who rents one or more rooms in the dwelling from the resident family.
- (29) "Roomer unit" means any room or group of rooms forming a single habitable unit other than a dwelling unit, which is rented or available for rent for sleeping purposes, with or without cooking facilities.
- (30) "Rubbish" means nonputrescible solid wastes consisting of both combustible and noncombustible wastes, such as paper, wrappings, tin cans, yard clippings, leaves, wood, glass, crockery and similar materials.
- (31) "Side yard" means that portion of any yard which is not included in a front yard and which extends parallel from the back building line in relation to the right of way upon which the property abuts and goes forward to the nearest front building line to the abutting right of way.
- (32) "Stored" means left on premises and reserved for future, as opposed to present, use.
- (33) "Structure" means a combination of any material, whether fixed or portable, forming a construction.
- (34) "Unlicensed motor vehicle" means any motor vehicle, as defined in the Traffic Code, for which a valid license plate can be, but has not been, issued and displayed on such vehicle.
- (35) "Vehicle" means a device, including a motorized bicycle, in, upon or by which any person or property may be transported or drawn upon a street or highway, except motorized wheelchairs and devices moved by human power, such as bicycles. For the purposes of this chapter only, "vehicle" does not include "vehicular recreational equipment," as defined in subsection (36) hereof.
- (36) "Vehicular recreational equipment" means all campers, travel trailers, mobile or motor homes, converted buses, boats, trailers, whether for the transportation of portable tents, boats or other equipment or materials, and stock cars, none of which may exceed thirty-one feet in length.
- (37) "Weathering" means deterioration, decay or damage caused by exposure to the elements.
- (38) "Yard waste" means grass, leaves, branches, brush, organic natural matter and organic vegetative matter, but does not include animal waste or food waste, including meat and dairy products.

— The following sections of said International Property Maintenance Code, current edition, are hereby revised in the following respects:

- (a) Section 101.1: (page 1, second line). Insert: City of Amherst, Ohio.
- (b) Section 102.3: (page 1). Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the building codes adopted by the City pursuant to TITLE ONE – Standards of these codified ordinances. Nothing in this code shall be construed to cancel, modify or set aside any provision of the City's zoning code.
- (c) Section 103.5: (page 2, fourth line). Insert: In accordance with the City's fee schedule pursuant to section 1337.04 of these codified ordinances.
- (d) Section 106.3: Prosecution of violation. Prosecution of violations, penalties and other remedies shall be in accordance with section 1342.99 contained herein.

- ~~(e) Section 106.4 & 106.5. Delete entirely.~~
  - ~~(f) Section 110.03 Failure to Comply. If the owner of a premises fails to comply with a demolition order within the time prescribed, the code official shall cause the structure to be demolished and removed, either through an available public agency or by contract or arrangement with private persons, and the cost of such demolition, removal, site restoration and associated administrative expenses shall be charged against the real estate upon which the structure is located. Such amount shall be certified to the County Auditor by the Law Director or his/her designee for collection the same as other taxes and assessments are collected, pursuant to Sections 715.261 (B) (1) and (C) of the Ohio Revised Code.~~
  - ~~(g) Sections 111.1 through 111.8: Delete entirely and insert: The Owner may, within thirty (30) days of the date of service of notice, file an appeal of such order with the Board of Zoning Appeals pursuant to Section 1125.03 of these codified ordinances.~~
  - ~~(h) Section 112.4: Failure to Comply. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to penalties pursuant to section 1342.99 contained herein.~~
  - ~~(i) Section 302.4: (page 11, second line). Insert: eight (8) inches.~~
  - ~~(j) Section 304.14: (page 13, first line). Insert: May to October.~~
  - ~~(k) Section 602.3: (page 21, fifth line). Insert: October to May.~~
  - ~~(l) Section 602.4: (page 21, third line). Insert: October to May.~~
- ~~(Ord. xx-xx. Passed xx-xx-xx.)~~

**1342.03 CODE PROVISIONS TO BE MINIMUM REGULATIONS; ADDITIONAL REQUIREMENTS.**

- ~~(a) The provisions of the International Property Maintenance Code, as adopted by the City, are hereby confirmed to be minimum regulations governing the maintenance of all structures, property, and buildings located within the City, and the provisions of Section 1301.01 and said Property Maintenance Code shall not be construed to repeal, displace, override or render inapplicable any additional requirements set forth in these Codified Ordinances relating to the specific occupancy, use or maintenance of any structure or property, said additional requirements being deemed to supplement the minimum requirements set forth in the Property Maintenance Code.~~
- ~~(b) The specific and additional requirements relating to parking and storage of vehicles set forth in this Code and all other requirements relating to use, height and area regulations as set forth in Chapter 1145, are hereby declared to not be in conflict with said Property Maintenance Code, as enacted, but represent supplemental and/or additional regulations relating property use and maintenance within the City.~~

~~(Ord. 01-132- xx-xx. Passed 11-26-01xx-xx-xx.)~~

**~~1342.04 APPLICABILITY; INTENT; CONFLICTS OF LAWS.~~**

- ~~(a) Generally, Owners or operators of every residential building in the City, and of the premises on which they are situated, used or intended to be used for a residential use, shall comply with the provisions of this Exterior Residential Property Maintenance Code, whether or not such building has been constructed, altered or repaired before or after the enactment of this Code and irrespective of any permits or licenses which have been issued for the use or~~

occupancy of the building, or for the installation or repair of equipment, or for the initial and continued occupancy and use of all such buildings. This Code does not replace or modify standards otherwise established for the construction, repair, alteration or use of the building, except as provided in subsection (b) hereof. When there is mixed occupancy, the residential use therein shall be nevertheless regulated by and subject to the provisions of this Code.

—(b)—Conflict of Laws. In any case where the provisions of this Code impose a higher standard than that which is set forth in any other ordinance of the City or the laws of the State, the standard set forth herein shall prevail. If the provisions of this Code impose a lower standard, then the higher standard set forth in any other ordinance or law shall prevail.

—(c)—Issuance and Renewal of Other Permits and Licenses. After the date of enactment hereof, all licenses and permits shall be issued upon compliance with this Code as well as compliance with the ordinances under which such licenses and permits are granted.

—(d)—Enforcement of and Compliance With Other Ordinances. No license or permit or other certification of compliance with this Code shall constitute a defense against any violation of any other ordinance of the City applicable to any structure or premises, nor shall any provision herein relieve any owner, operator or occupant from the duty of complying with any such other provision, nor any official of the City from enforcing any such other provision.

—(e)—Exceptions. This Code shall not apply to premises containing not less than five acres and used primarily for farming, as defined in Section 1121.07 of Amherst's Codified Ordinances. Owners of vacant property or lots are excused from compliance with any provision of this Code relating to landscaping, unless such vacant property or lots are located on a developed street or in a developed area.

(Ord. 01-132, Passed 11-26-01.)

#### **—1342.05 RESPONSIBILITIES OF OWNERS, OPERATORS AND OCCUPANTS.**

—(a)— Owners and operators shall have all the duties and responsibilities prescribed in this Exterior Residential Property Maintenance Code, and no owner or operator shall be relieved from any such duty or responsibility, nor be entitled to defend against any charge of violations thereof, by reason of the fact that the occupant is also responsible therefor and in violation thereof.

—(b)— Unless expressly provided to the contrary in this Code, the respective obligations and responsibilities of the owner and operator on one hand, and the occupant on the other, shall not be altered or affected by an agreement or contract by and between any of the aforesaid, or between them and other parties.

(Ord. 01-132, Passed 11-26-01.)

#### **—1342.06 EXTERIOR PROPERTY MAINTENANCE.**

—(a)— The exterior of premises and all structures thereon shall be kept free of all nuisances and any hazards to the safety of occupants, pedestrians and other persons utilizing the premises, and free of unsanitary conditions. All nuisances and hazards shall be promptly removed and abated by the owner or operator.

—(b)— It shall be the duty of the owner or operator to keep the premises free of hazards which include, but are not limited to, the following:

—(1)— Refuse. An accumulation of brush, broken glass, stumps and roots that presents a safety hazard. This includes garbage, trash, and debris which presents an unsanitary and/or safety hazard.



— (2) ~~Natural growth.~~ Dead trees and limbs or other natural growth which, by reason of rotting or deteriorating conditions or storm damage, constitutes a hazard to persons in the vicinity thereof.

— (3) ~~Overhangings.~~ Loose and overhanging objects, both man-made and natural, which, by reason of location above ground level, constitute a danger of falling on persons in the vicinity thereof.

— (4) ~~Infestations.~~ Infestations of vermin or rodents.

— (e) The duties of owners and operators of residential premises shall include the following:

— (1) ~~Foundation walls.~~ Foundation walls shall be kept structurally sound, free from defects and damage, and capable of bearing imposed loads safely.

— (2) ~~Chimneys and all flue and vent attachment thereto.~~ Chimneys and all flue and vent attachments thereto shall be maintained structurally sound, free from defects and so maintained as to capably perform at all times the functions for which they were designed, and the same shall be capable of withstanding, if necessary, the action of flue gases.

— (3) ~~Firewood.~~ Front yards shall be kept free, and storage shall be prohibited, of all firewood, brush, logs or any other material intended to be used in fireplaces or other permitted burning facilities. Storage of such materials shall be permitted only in side or rear yards and under the following conditions:

— A. The firewood shall be stacked no higher than six feet;

— B. It shall be cut firewood;

— C. It shall be stored at least five feet from the property line;

— D. It shall be stored in such a manner as not to constitute a fire hazard; and

— E. Storage piles shall not exceed two cords in an exposed area. Additional wood may be stored in an enclosed area, accessory building, garage or shed.

— (d) ~~Compost Piles.~~ Nothing in this chapter shall be construed or interpreted so as to prevent persons from creating or maintaining a compost pile or piles for yard waste, provided that such pile or piles are not stored in quantities or locations prohibited by any provision of this chapter or by any ordinance of the City or law of the State. All compost piles:

— (1) Shall not be visible from the public right-of-way;

— (2) Shall not constitute a public nuisance or a nuisance to abutting and adjoining properties by providing a breeding place or attraction for, or by becoming infested with, vermin, rodents or insects, or emit a smell or odor which annoys or disturbs a reasonable person of normal sensitivities or which endangers or injures real or personal property;

— (3) Shall not create any health or fire hazard;

— (4) Shall not be created or maintained in any front or side yard or located closer than five feet from any side or rear lot line;

— (5) Shall be enclosed by a barrier on all sides which shall not exceed four feet in height;

— (6) Shall not occupy an area in excess of one percent of the area of the lot or seventy-five square feet, whichever is less;

— (7) Shall not impede any natural watercourse or drainage from any property; and

— (8) May contain only organic yard waste or vegetable waste. Meat products, dairy products, food oils and animal wastes are prohibited.

— (Ord. 01-132. Passed 11-26-01.)

—1342.07 APPEARANCE OF EXTERIOR OF PREMISES AND STRUCTURES.

~~—The exterior of the premises, the exterior of dwelling structures and the condition of accessory structures shall be maintained so that the appearance of the premises and all buildings thereon shall reflect a level of maintenance in keeping with the residential standards of the immediate neighborhood so that the appearance of the premises and structures shall not constitute a blighting factor for adjoining property owners nor an element leading to the progressive deterioration and downgrading of the immediate neighborhood with the accompanying diminution of property value. Such maintenance obligations shall include the following:~~

~~—(a) Storage of Commercial and Industrial Materials and Equipment. There shall not be stored for more than thirty days equipment and materials relating to commercial or industrial uses, unless permitted under the Zoning Code for the premises.~~

~~—(b) Landscaping. Lawns, hedges and bushes shall be kept from becoming overgrown and unsightly (i.e., covering windows, choking out other plants, untrimmed, etc.) where exposed to public view and where the same constitute a blighting factor depreciating adjoining property and impairing the good residential character of the immediate neighborhood. Grass and weeds shall not be let to grow higher than eight inches. For the purpose of grass and weed height only, compliance shall be within five days of notice given by the Building Inspector. Such limits on the height of grass shall not apply to naturally wooded areas nor to ornamental grasses.~~

~~—(c) Signs. All signs permitted by reason of other regulations or as a lawful nonconforming use shall be maintained in good repair, and printed matter, pictures or illustrations contained thereon shall be completely maintained or, when no longer in use, completely removed within six months.~~

~~—(d) General Maintenance. The exterior of every structure or accessory structure, including fences, shall be maintained in good repair, and all surfaces thereon shall be kept painted where necessary for the purpose of preservation and appearance, or surface-coated with a protective coating or treated to prevent rot and decay. The same shall be maintained free of broken windows, crumbling stone or brick, peeling paint or other condition reflective of deterioration or inadequate maintenance to the end that the property itself may be preserved, safety and fire hazards eliminated and adjoining properties and the immediate neighborhood protected from blighting influences.~~

~~—(e) Street Numbers. On every building to which a street number has been assigned, such number shall be displayed in a size and location such that the number will be readily observable and readable from the public right of way which abuts the front yard.~~

~~(Ord. 08-26, Passed 6-9-08.)~~

#### ~~—1342.08 STRUCTURAL SOUNDNESS AND REPAIR.~~

~~—Every dwelling and accessory structure and every part thereof shall be kept structurally sound and in a state of good repair to avoid safety, health or fire hazards, including:~~

~~—(a) Painting and Other Protective Coating. All exposed surfaces susceptible to decay shall be kept at all times painted or otherwise provided with a protective coating sufficient to prevent deterioration and rot.~~

~~—(b) Exterior Walls, Sidings and Roofs. Exterior walls, sidings and roof shall be kept structurally sound, in good repair and free from unsafe defects. Damaged materials shall be repaired or replaced. Places showing signs of substantial rot, deterioration or excessive corrosion shall be restored and protected.~~

~~—(Ord. 01-132, Passed 11-26-01.)~~

~~—1342.09 RECONSTRUCTION OF WALLS AND SIDINGS.~~

~~—All reconstruction of walls and sidings shall be of standard quality and appearance commensurate with the character of the properties on the same block and on both sides of the street on which the premises front, such that the materials used will not be of a kind that, by their appearance under prevailing appraisal practices and standards, will depreciate the value of neighboring and adjoining premises.~~

~~(Ord. 01-132. Passed 11-26-01.)~~

~~—1342.10 INFESTATION.~~

~~—All parts of all premises shall be maintained so as to prevent infestation.~~

~~(Ord. 01-132. Passed 11-26-01.)~~

~~—1342.11 RESPONSIBILITY FOR COMPLIANCE.~~

~~—The owner, agent, operator, roomer, firm or corporation having a legal or equitable interest in the property, and as recorded in the official records of the State, County or Municipality as holding title to the property, including the guardian of the estate of such person, if ordered to take possession or manage the real property by a court, shall be responsible for compliance with all provisions of this chapter, except where the responsibility therefor is specifically placed elsewhere.~~

~~(Ord. 01-132. Passed 11-26-01.)~~

~~—1342.12 ENFORCEMENT; AUTHORITY OF BUILDING INSPECTOR; NOTICE OF VIOLATIONS; CORRECTIONS.~~

~~—The Building Inspector shall examine or cause to be examined any building, structure or portion thereof reported to be in violation of this chapter, and if the same is found to be in violation of this chapter, the Building Inspector shall give to the owner of such building or structure written notice stating the action to be taken and the reasons for the same. This notice shall require the owner, within fourteen days, to contract for or being repairs or improvements. Repairs or improvements shall be completed within an additional fourteen days. A time extension shall not exceed 60 days at the discretion of the Building Inspector.~~

~~(Ord. 05-75. Passed 9-26-05.)~~

~~—1342.13 INTERPRETATION; APPLICATION OF OTHER LAWS.~~

~~—This chapter is to be read in conjunction with the other provisions of this Building Code.~~

~~(Ord. 01-132. Passed 11-26-01.)~~

~~—1342.14~~ 1342.04 **PARKING AND STORAGE OF VEHICLES.**

~~—~~ The following provisions shall apply to vehicles located on residential premises in all zoning districts unless otherwise specified:

- (a) —(a) Vehicle Parking and Storage. Except as otherwise specifically provided in Part Eleven or Part Thirteen of the Amherst Codified Ordinances, all vehicles shall be properly parked in a driveway as defined in section 1121.07 of Chapter 1121 of the Zoning Code, parking lot or parking space as defined in section 1121.07, or in an authorized or permitted structure. Vehicles, All vehicles that which are junk vehicles inoperable or that which do not carry have a current year's license plate and registration where required by law shall be stored in a completely enclosed, authorized or permitted building structure on the premises.

~~(b) Vehicle Parking. Except as provided in subsection (a) hereof, all vehicles shall be properly parked in the driveway or garage.~~

~~(c) Farming Excluded. This section shall not apply to vehicles used in farming, as defined in Section 1121.07, on the premises on which such vehicles are located.~~

~~(b) (d) Temporary Exemption. Exceptions.~~

~~(1) Not more often than two (2) times in any twelve (12) month period, the owner of a premises may allow vehicles to be parked on such premises in violation of division (ba) of this section for a period not to exceed ninety-six (96) hours. To exercise such right, such owner shall notify the police department of such intent at least twenty-four (24) hours in advance.~~

~~(2) (e) Vehicles used in farming, as defined in section 1121.07, on the premises on which such vehicles are located.~~

~~(c) Storage of Commercial and Industrial Vehicles, Equipment and/or Materials. Storage of vehicles, equipment and materials relating to commercial or industrial uses is prohibited in residential zoned districts, unless otherwise specifically permitted in the Zoning Code, and with the exception of vehicles used by the resident(s) of the premises for personal transportation purposes.~~

~~Citation for Violation. The Building Inspector Official, or his/her designee, and any member of the Amherst police department shall have the right to issue a citation to any property owner in violation of this section. The property owner cited shall be required to pay:~~

~~(1) Twenty a fine of twenty-five dollars (\$25.00) for each vehicle in violation of this section if the fine is paid within seventy two (72) hours; and~~

~~(2) Fifty dollars (\$50.00) for each vehicle in violation of this section if the fine is paid after seventy-two (72) hours.~~

~~(d) Any property owner who does not pay the fine issued to him within fourteen (14) days may shall be summoned into court. Every day during which subject to enforcement and penalties set forth in section 1342.99.~~

~~(e) Public Nuisance. The storage of a motor vehicle in an inoperable condition or without a current registration in violation continues of division (a) of this section for a period of more than fourteen (14) days is deemed a public nuisance and shall be subject to abatement by the City.~~

~~(Ord. xx-xx. Passed xx-xx-xx.)~~

### **1342.99 PENALTY; OTHER REMEDIES.**

~~(a) Fine. Whoever violates any provision of this chapter, or any effective rule or regulation promulgated hereunder, or fails to comply therewith or with any written notice or written order issued hereunder, or whoever refuses to permit lawful entry by the Building Official or other City department heads or their representatives, and whoever interferes with, obstructs or hinders such Building Official while attempting to make a lawful inspection, shall be fined not more than three hundred dollars (\$300.00) for each offense. Each day any such violation of this chapter is committed, continued or permitted shall constitute a separate offense.~~

~~(f) Inapplicability. Sections 1342.12 and 1342.99 shall not apply to any violation of this section. (Ord. 08-26. Passed 6-9-08.)~~

~~**1342.99 PENALTY.**~~

~~—Whoever violates any of the provisions of this chapter shall be fined not more than two hundred fifty dollars (\$250.00) for a first offense. For a second or subsequent offense, such person is guilty of a misdemeanor of the third degree and shall be fined not more than five hundred dollars (\$500.00) or imprisoned not more than sixty days, or both.~~

(b) Other remedies. The imposition of any penalty shall not preclude the Law Director from instituting an appropriate action or proceeding in a court of proper jurisdiction to prevent an unlawful repair or maintenance; or to restrain, correct or abate a violation, or to prevent the occupancy of a building, structure or premises, or to require compliance with the provisions of this chapter, or other applicable laws, ordinances, rules or regulations, or the orders or determinations of the Building Official or the Board.

~~(Ord. 05-75-XX-XX, Passed 9-26-05.)~~

~~XX-XX-XX.)~~