

COUNCIL PRESIDENT-JENNIFER WASILK
COUNCIL AT LARGE-DAVID JANIK
COUNCIL AT LARGE-JOSEPH MILLER
COUNCIL AT LARGE- PHIL VAN TREUREN

COUNCIL WARD ONE-BRIAN DEMBINSKI
COUNCIL WARD TWO- ED COWGER
COUNCIL WARD THREE-CHUCK WINIARSKI
COUNCIL WARD FOUR-MATT NAHORN



CITY OF AMHERST, OHIO

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A G E N D A

JULY 9, 2018
REGULAR MEETING
7:00 P. M.

0-18-25
R-18-04
A-18-32

1. Roll call: Mr. Janik, Mr. Van Treuren, Mr. Dembinski, Mr. Cowger, Mr. Winiarski, Mr. Nahorn Mr. Miller
2. Prayer: Chaplain Nahorn
3. Pledge to the Flag: Sergeant at Arms Dembinski
4. Consent Agenda: Minutes of the Regular Council Meeting held June 25 , 2018
Minutes of the Building and Lands Committee Meeting held July 9, 2018
5. Michael Kaczmarek, Director of Operations of WOW to provide updates to the project
6. Acknowledgement of the public pertaining to items on the agenda:
7. **ORDINANCES AND RESOLUTIONS FIRST READING:**
 - (a) An Ordinance repealing Chapters 1341, 1342, and 1344 of Part Thirteen, Title Three of the Codified Ordinances of the City of Amherst and enacting a new Chapter 1340 Entitled "Property Maintenance" which adopts the International Property Maintenance Code 2015 Edition including Appendix "A" thereto relating to Boarding Standards, with certain Amendments and additional provisions, and amending Section 1125.03 of the Codified Ordinances to grant jurisdiction to the Board of Zoning Appeals to hear and determine appeals from decision, notices or orders of the code official acting under the International Property Maintenance Code. (A-18-31)
8. **ORDINANCES AND RESOLUTIONS SECOND READING:**
 - (a) An Ordinance amending Amherst Codified Ordinance Chapter 1121, Section 1121.07 and amending Chapter 1145, Section 1145(a) and 1145(b). (A-18-29)
9. **ORDINANCES AND RESOLUTIONS THIRD READING:**
 - (a) An Ordinance adopting a new Chapter 1153 to part Eleven, Title 5 of the Amherst Codified Ordinances, entitled "Mobile Vending" pertaining to the regulation of mobile vending and mobile vending devices within the city. (A-18-28)



10. Miscellaneous and acknowledgement of the public:
11. Agenda requests and committee meeting schedules
12. Reports of the Administration
13. Acknowledgement of the receipt of monthly reports from Auditor and Treasurer
14. Adjournment

ORDINANCE NO. O-18-_____

AN ORDINANCE REPEALING CHAPTERS 1341, 1342 AND 1344 OF PART THIRTEEN, TITLE THREE OF THE CODIFIED ORDINANCES OF THE CITY OF AMHERST AND ENACTING A NEW CHAPTER 1340 ENTITLED "PROPERTY MAINTENANCE" WHICH ADOPTS THE INTERNATIONAL PROPERTY MAINTENANCE CODE 2015 EDITION INCLUDING APPENDIX "A" THERETO RELATING TO BOARDING STANDARDS, WITH CERTAIN AMENDMENTS AND ADDITIONAL PROVISIONS, AND AMENDING SECTION 1125.03 OF THE CODIFIED ORDINANCES TO GRANT JURISDICTION TO THE BOARD OF ZONING APPEALS TO HEAR AND DETERMINE APPEALS FROM DECISIONS, NOTICES OR ORDERS OF THE CODE OFFICIAL ACTING UNDER THE INTERNATIONAL PROPERTY MAINTENANCE CODE.

WHEREAS, the Buildings and Lands Committee of the Council of the City of Amherst, Ohio, met on July 9, 2018 to consider the matter of repealing Chapters 1341, 1342 and 1344 of Part Thirteen, Title Three of the Codified Ordinances of the City of Amherst and enacting a new chapter 1340 entitled "Property Maintenance" which adopts the International Property Maintenance Code 2015 Edition including Appendix "A" thereto relating to boarding standards, with certain amendments and additional provisions, and amending section 1125.03 of the Codified Ordinances to grant jurisdiction to the Board of Zoning Appeals to hear and determine appeals from decisions, notices or orders of the code official acting under the International Property Maintenance Code; and

WHEREAS, the Buildings and Lands Committee determined to bring the matter to the floor of Council.

WHEREAS, the Council of the City of Amherst deems it in the best interest of the City to adopt such additions and amendments.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Amherst, County of Lorain, State of Ohio:

SECTION 1: That Chapters 1341, 1342 and 1342 of Part Thirteen, Title Three of the Codified Ordinances of the City of Amherst are hereby repealed.

SECTION 2: That the Council hereby enacts a new Chapter 1340 which in section 1340.01 adopts and incorporates as part of the Amherst Codified Ordinances, as if fully rewritten in such section, including Appendix A - Boarding Standards, that certain code known as the International Property Maintenance Code ("IPMC"), 2015 edition, as published by the International Code Council, 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 1340.02.

SECTION 3: That a new Chapter 1340 entitled "Property Maintenance" is hereby adopted to provide in its entirety as follows:

CHAPTER 1340
Property Maintenance Code

- 1340.01 Adopted.**
- 1340.02 Amendments.**
- 1340.03 Code provisions to be minimum regulations; additional requirements.**
- 1340.04 Parking and storage of vehicles.**
- 1340.99 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

1340.01 ADOPTED.

(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), 2015 edition, as published by the International Code Council (ICC) 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 1340.02.

(b) Any ordinance and/or resolution in conflict with subsection (a) hereof is repealed to the extent of such conflict.

1340.02 AMENDMENTS.

The following sections of said International Property Maintenance Code, 2015 edition, are hereby revised in the following respects:

(a) **Section 101.1 Title.** Insert: City of Amherst, Ohio.

(b) **Section 102.3 Application of other codes.** Amend to: 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 in PART THIRTEEN, 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 Planning and Zoning Code.

(c) **Section 103.1 General.** Insert the following second sentence: The *code official* shall be the Building Official as defined and identified in section 1331.02 of these codified ordinances.

(d) **Section 103.5 Fees.** Insert: "... shall be as indicated in chapter 1137 of these codified ordinances.

(e) **Section 106.4 Violation penalties.** Add the following final sentence: "Prosecution of violations, penalties and other remedies shall be in accordance with section 1340.99 of these codified ordinances."

(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 Application for appeal.** Amend to provide: Any person directly affected by a decision of the code official or a notice or order issued under this code shall have the right to appeal to the Board of Zoning Appeals pursuant to section 1125.03(b) of these codified ordinances, provided that written application for appeal is filed within thirty (30) days after the date of the decision, notice or order was served. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means.

(h) **Sections 111.2 through 111.9.** Delete entirely.

(i) **Section 112.4 Failure to Comply.** Insert: 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 1340.99 contained herein.

(j) **Section 302.4 Weeds.** Insert in first paragraph: "eight (8) inches".

- (k) **Section 304.14 Insect Screens.** Insert: "May to October"
- (l) **Section 602.3 Heat supply.** Insert: "October to May"
- (m) **Section 602.4 Occupiable work spaces.** Insert: "October to May"

**1340.03 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 the 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 the Property Maintenance Code, as enacted, but represent supplemental and/or additional regulations relating property use and maintenance within the City.

1340.04 PARKING AND STORAGE OF VEHICLES.

The following provisions shall apply to vehicles located in all zoning districts unless otherwise specified:

(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, a parking lot or a parking space as defined in section 1121.07, or in an authorized or permitted structure. Vehicles which are inoperable or which do not have a current registration shall be stored in a completely enclosed, authorized or permitted structure on the premises.

(b) Temporary 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 (a) 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) 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.

(d) Citation for Violation. The Building 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 shall be required to pay a fine of twenty-five dollars (\$25.00) for each vehicle in violation of this section. Any property owner who does not pay the fine within fourteen (14) days shall be subject to enforcement and penalties set forth in section 1340.99.

(e) Public Nuisance. The storage of a motor vehicle in an inoperable condition or without a current registration in violation 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. The cost of removal 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.

1340.99 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 two hundred fifty (\$250.00) for each offense. Each day any such violation of this chapter is committed, continued or permitted shall constitute a separate offense.

(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.

SECTION 4: That section 1125.03 of the Codified Ordinances of the City of Amherst is hereby amended to provide in its entirety as follows:

1125.03 APPEALS.

Any decision of the Building Inspector made in the enforcement of this Zoning Code and any decision, notice or order of the Code Official under the Property Maintenance Code may be appealed to the Board of Zoning Appeals by any person adversely affected. An appeal may be perfected by the appellant filing with the Secretary of the Board a notice of his intention to appeal, accompanied by a nonrefundable fee of thirty-five dollars (\$35.00) for residential, one hundred dollars (\$100.00) for commercial and fifty dollars (\$50.00) for a renewal of a variance to cover the cost of advertising the appeal and the mailing of notices. The final disposition of an appeal shall be in the form of a resolution either reversing, modifying or affirming the decision of the Building Inspector or Code Official. If a resolution fails to receive three votes in favor of the appellant, or in favor of a modification of the decision appealed from, the action shall be deemed equivalent to a denial and shall be formally entered upon the record. The Board shall be given a reasonable time in rendering a decision on an appeal. Such period shall not exceed fifteen days. With the consent of the appellant, such period may be extended until the next meeting of the Board.

SECTION 5: That 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 this 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 6: That this Ordinance shall take effect at the earliest period allowed by law.

1 st reading	_____	_____
2 nd reading	_____	Jennifer Wasilk, President of Council
3 rd reading	_____	_____
PASSED	_____	APPROVED
ATTEST	_____	_____
		Mark Costilow, Mayor

Approved as to form by:

Anthony R. Pecora, Director of Law

Filed with the Mayor: _____