

**CHAPTER 1319**  
**Exterior Property Maintenance Code**

<b>1319.01</b>	<b>Purposes.</b>	<b>1319.09</b>	<b>Application for inspection.</b>
<b>1319.02</b>	<b>Definitions.</b>	<b>1319.10</b>	<b>Application for status</b>
<b>1319.03</b>	<b>Applicability.</b>		<b>report.</b>
<b>1319.04</b>	<b>Owner and occupant duties</b>	<b>1319.11</b>	<b>Inspection fees.</b>
	<b>and responsibilities.</b>	<b>1319.12</b>	<b>Certificate of necessity.</b>
<b>1319.05</b>	<b>Exterior appearance of</b>	<b>1319.13</b>	<b>Issuance of certificate and</b>
	<b>premises and structures.</b>		<b>conditions.</b>
<b>1319.06</b>	<b>Freedom from infestation.</b>	<b>1319.14</b>	<b>Procedure where access is</b>
<b>1319.07</b>	<b>Administrative provisions.</b>		<b>refused.</b>
<b>1319.08</b>	<b>Procedure when violation</b>	<b>1319.15</b>	<b>Severability.</b>
	<b>is discovered.</b>	<b>1319.99</b>	<b>Penalty.</b>

**1319.01 PURPOSES.**

The purpose of this chapter is to protect the public health, safety and welfare of the citizens and inhabitants of the City by preventing property deterioration and by establishing minimum standards governing the maintenance, appearance and conditions of all residential and non-residential premises; to fix certain responsibilities and duties upon owners and occupants; and to fix penalties for violations of this chapter. This chapter is hereby declared to be remedial and essential for the public interest. (Ord. 50-02. Passed 9-12-02.)

**1319.02 DEFINITIONS.** The following terms, wherever used herein or referred to in this chapter shall have the respective meaning assigned to them unless a different meaning clearly appears from the context:

- (a) “Accessory structure” A detached building or structure in a secondary or subordinate capacity from the main building.
- (b) “Approved” Approval by the designated City official.
- (c) “Blight” Something that impairs or destroys a deteriorated condition <urban blight>
- (d) “Building” A combination of materials enclosed within walls or exterior walls, built, erected and framed of component structured parts designed for the housing, shelter, enclosure and support of individuals, business, institutions, animals or property of any kind.
- (e) “Building code” The Building Code as adopted by the Council of the City of Marysville by virtue of Ordinance 57-96.

- (f) “Deterioration” 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.
- (g) “Dwelling” Any structure designed for use by human occupants for sleeping and living purposes, whether occupied or vacant.
- (h) “Dwelling unit” A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.
- (i) “Exposed to public view” Any premises, or any part thereof, or any building or any part, which may be lawfully viewed by the public or any member thereof, from a sidewalk, street, alleyway, open-air parking lot, or from any adjoining or neighboring premises.
- (j) “Exterior of the premises” Those portions of a building which are exposed to public view and the open space of any premises outside of any building erected thereon.
- (k) “Fire hazard” means any thing or act which increases or may cause any 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 that which may obstruct, delay or hinder or may become the cause of any obstruction, delay or hindrance or may become the cause of any obstruction, delay, hazard or hindrance to the prevention, suppression or extinguishment of fire.
- (l) “Garbage” Putrescible animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food.
- (m) “Habitable space” Space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces and similar areas are not considered habitable spaces.
- (n) “Infestation” means the presence of insects, rodents, vermin or other pests on the premises which constitute a health hazard.
- (o) “Immediate neighborhood” An area separated by no appreciable space and specially denoting a limited number of properties in a very close space relationship to each other.
- (p) “Mixed occupancy” Any building containing one or more dwelling units or rooming units and also having a portion thereof devoted to non-dwelling uses.
- (q) “Natural growth” Dead trees and limbs or other natural growth that, by reason of rotting or deteriorating conditions or storm damage, constitute a hazard to persons in the vicinity thereof.
- (r) “Nuisance” means any of the following:
  - (1) Any public nuisance known in equity jurisprudence, or as provided by the Statutes of the State of Ohio or the Ordinances of the City of Marysville.
  - (2) Conditions dangerous to human life or detrimental to the health of persons on or near the premises where the conditions exist and where the conditions are perilous by active and negligent operation thereof.
  - (3) Unsanitary conditions or anything offensive to the senses or dangerous to health, in violation of this Chapter.
  - (4) Fire hazards.

- (s) “Occupant” Any person who has charge, care or control of a building, structure, dwelling or premises (or a part thereof), whether with or without the knowledge and consent of the owner.
- (t) “Overhangings” Loose and overhanging objects that, by reason of location above ground level, constitute a danger of falling on persons in the vicinity thereof.
- (u) “Owner” The owner or owners of the premises including the holder of title thereto subject to contract of purchase, a vendee in possession, a mortgagee or receiver in possession, lessee or joint lessees of the whole thereof, or an agent or any other person, firm, corporation or fiduciary directly in control of the premises.
- (v) “Person” An individual, corporation, partnership or any other group acting as a unit.
- (w) “Premises” A lot, plot or parcel of land, including the buildings or structures thereon.
- (x) “Property Maintenance Officer” The Zoning Inspector of the City of Marysville or such other public official or deputy property maintenance officer as shall be appointed by the Mayor.
- (y) “Refuse” All putrescible and nonputrescible solid wastes (except body wastes) including but not limited to garbage, rubbish, ashes, dead animals and solid market and industrial wastes; an accumulation of brush, broken glass, stumps and roots that present a safety hazard, and includes garbage, trash and debris which present an unsanitary and/or safety hazard.
- (z) “Registered mail” Registered or certified mail.
- (aa) “Rooming unit” 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.
- (bb) “Rubbish” Combustible and noncombustible waste materials; except garbage; the term shall include the residue from the burning of wood, coal, coke and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery and dust and other similar materials.
- (cc) “Setback line” A line established by the Zoning Ordinance generally parallel with and measured from the lot line, defining the limits of a yard in which no building, other than accessory building, or structure may be located above ground, except as may be provided in such Zoning Ordinance.
- (dd) “Structure” That which is built or constructed or a portion thereof.
- (ee) “Tenant” A person, corporation, partnership or group whether or not the legal owner or record, occupying a building or portion thereof as a unit.
- (ff) “Weathering” Deterioration, decay or damage caused by exposure to the elements.
- (gg) “Workmanlike” Executed in a skilled manner; e.g. generally plumb, level, square, in line, undamaged and without marring adjacent work.
- (hh) “Yard” A required open space other than a court unoccupied and unobstructed by any structure or portion of a structure above the general ground level of the graded lot upward; provided accessories, ornaments and furniture may be permitted in any yard, subject to height limitations and requirements limiting obstruction of visibility. (Ord. 50-02. Passed 9-12-02.)

**1319.03 APPLICABILITY.**

(a) Every building and the premises on which it is situated in the City shall comply with the provisions of this chapter, whether or not such building has been constructed, altered or repaired before or after the enactment of this chapter, and irrespective of any permits or licenses which shall have been issued for the use or occupancy of the building or for the installation or repair of equipment or facilities prior to the effective date of this chapter. This Chapter establishes minimum standards for the initial and continued occupancy and use of all such buildings and does not replace or modify standards otherwise established for the construction, repair, alteration or use of the building.

(b) In any case, where the provisions of this chapter impose a higher standard than set forth in any other ordinances of the City or under the laws of the State, then the standards as set forth herein shall prevail; but if the provisions of this chapter impose a lower standard than any other ordinances of the City or of the laws of the State, then the higher standard contained in any such ordinance or law shall prevail.

(c) After the date of enactment hereof, all licenses and permits shall be issued upon compliance with this chapter as well as compliance with the ordinances under which such licenses and permits are granted.

(d) No license or permit or other certification of compliance with this chapter 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 or occupant from complying with any such other provision, nor any official of the City from enforcing any such other provision.

(e) This chapter only pertains to violations visible from any public right-of-way, including but not limited to, alleys, sidewalks and streets and/or from adjoining, separately-owned properties. (Ord. 50-02. Passed 9-12-02.)

**1319.04 OWNER AND OCCUPANT DUTIES AND RESPONSIBILITIES.**

(a) Owners shall have all the duties and responsibilities as prescribed in this chapter and the regulations as described herein, and no owner shall be relieved from any such duty and responsibility, nor be entitled to defend against any charge of violation thereof by reason of the fact that the occupant is also responsible therefore and in violation thereof.

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

(c) The exterior of the premises and all structures thereon shall be kept free of all nuisance and any hazards to the safety of the occupants, pedestrians, and other persons utilizing the premises; and free of unsanitary conditions; and any of the foregoing shall be promptly removed and abated by the owner. It shall be the duty of the owner to keep the premises free of hazards. (Ord. 50-02. Passed 9-12-02.)

**1319.05 EXTERIOR APPEARANCE OF PREMISES AND STRUCTURES.**

(a) The exterior of the premises, both residential and non-residential, 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 standard set forth in this chapter, and 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 values, including the following:

- (1) Storage of inoperable, unlicensed or junk vehicles.
  - A. The following provisions and requirements shall pertain to the parking and storage of certain vehicles:
    1. The parking and storage, within any district, of automotive vehicles without current license plates, for a period of more than fifteen days shall be prohibited unless such vehicles are stored in an enclosed garage or other accessory building.
    2. The parking or storage, within any district, of a disabled automotive vehicle for a period of more than fifteen days shall be prohibited unless such vehicle is stored in an enclosed garage or other enclosed accessory building.
    3. The parking or storage, within any district, of a junked, dismantled or wrecked automotive vehicle or parts thereof which is in public view of any street or highway for a period of more than fifteen days shall be prohibited.
  - B. For purposes of this section, a junked, dismantled or wrecked automotive vehicle shall be one which is damaged, or no longer serviceable, to the extent that it is inoperable or is unsafe to operate upon the public streets or highways.
  - C. This section shall not apply to properly licensed junkyards, motor vehicle salvage facilities and automotive dealers, which are regulated by appropriate sections of the Ohio Revised Code.
  - D. A written, five-day notice will be served on the owner, occupant or person in violation, in conformity with Ohio Revised Code, Sections 731.51 and 731.52. Whoever violates this section is guilty of a minor misdemeanor.
- (2) Storage of recreational vehicles.
  - A. No more than two of the following: boat with a trailer, bus, utility trailer or recreational vehicle with current license plates that is not in violation of any of the above, may be stored in the rear yard or side yard, behind the setback line. It may also be stored in the front yard, as long as it is entirely behind the setback line and placed on a driveway. Any boat stored in compliance with this section must be kept on a trailer.
  - B. A written, five-day notice will be served on the owner, occupant or person in violation, in conformity with Ohio Revised Code, Sections 731.51 and 731.52. Whoever violates this section is guilty of a minor misdemeanor.

- (3) Front yard parking not permitted.  
A. Parking of any automotive vehicle is not permitted in the front yard of any residential dwelling with the exception of the designated driveway located from the street to the primary structure or garage of a property. Front yard is defined as the area extending between side lot lines across the front of a lot and from the front lot line to the front of the principal building.  
B. A written, five-day notice will be served on the owner, occupant or person in violation, in conformity with Ohio Revised Code, Sections 731.51 and 731.52. Whoever violates this section is guilty of a

- B. A written, five-day notice will be served on the owner, occupant or person in violation, in conformity with Ohio Revised Code, Sections 731.51 and 731.52. Whoever violates this section is guilty of a minor misdemeanor.
- (4) Trimming of trees and shrubbery required.  
A. The owner of every lot or parcel of land within the corporate limits upon which a tree, plant or shrubbery stands with any part thereof upon or overhanging a public street or sidewalk shall conform to the regulations herein provided; otherwise, the Municipality shall cause such trees to be trimmed or cut down and removed in accordance with such regulations and assess the cost thereof against the owner of such lot or parcel of land.  
1. Such owner shall trim or cause such tree, plant or shrubbery to be trimmed so that a clear height of eight feet between the lowest branches of the same and the street or sidewalk is maintained.  
2. Such owner shall trim or remove, as the case may require, every dead, decayed or broken tree, plant or shrubbery, or part thereof, so the same shall not fall to the street or sidewalk.  
3. Such owner shall cut down and remove any tree, plant or shrubbery, or any part thereof, as may be necessary to provide a clear and unobstructed view of traffic from all directions at any street intersection, or to abate any nuisance necessary to protect life, limb or property of persons, drivers of any vehicles or pedestrians using such street or sidewalk.  
4. A written, five-day notice will be served on the owner, occupant or person in violation, in conformity with Ohio R.C. 731.51 and 731.52. Whoever violates this section is guilty of a minor misdemeanor.
- (5) Removal of grass and weeds by owner or occupant; notice.  
A. The owner, occupant or person having the charge or management of any lot or parcel of land, which is not being farmed or grazed, situated within the corporate limits, whether the same is improved or unimproved, vacant or occupied, shall cut or destroy or cause to be cut or

destroyed, any grass, noxious or poisonous weeds or vines growing upon any such lot or parcel of land and prevent the same from blooming or going to seed or exceeding a height of twelve inches; otherwise, the Municipality shall cause such grass, weeds or vines to be cut down and/or removed in accordance with such regulations and assess the cost thereof against the owner of such lot or parcel of land.

- B. A written, five-day notice will be served on the owner, occupant or person in violation, in conformity with Ohio R.C. 731.51 and 731.52. Whoever violates this section is guilty of a minor misdemeanor.

- (6) Landscaping.
- A. Lawns must be established in areas surrounding the residence or building or any areas not covered by landscaping, driveways, and parking areas in order to prevent erosion and maintain a good appearance.
  - B. Premises shall be maintained. Hedges and bushes shall be kept from becoming overgrown and unsightly where exposed to public view, and where same constitute a blighting factor depreciating adjoining property and impairing the good residential character of the immediate neighborhood.
- (7) Signs and billboards. All signs and billboards 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.
- (8) Maintenance of exteriors of structures and secondary or appurtenant structures.
- A. All exterior parts of every structure, including exterior walls, roofs, chimneys, fences and all other exterior structures, either above or below the roof line, shall be maintained in a good state of repair and free from deterioration from any cause.
  - B. Any structure or secondary or appurtenant structure whose exterior surface is bare, deteriorated, ramshackle, tumbledown, decaying, disintegrating or in poor repair must be repaired or razed.
    - 1. All buckled, rotted or decayed walls, doors, windows, porches, floors, steps, trim, railings and their missing members must be replaced and put in good condition.
    - 2. All replacements must match and conform to original design or be replaced completely.
    - 3. The structure shall be maintained free of broken windows, crumbling stone or brick, or other conditions reflective of deterioration or inadequate maintenance to the end that the property itself may be preserved, safety and fire hazards eliminated and the adjoining properties and the immediate neighborhood protected from blighting influences.
- (9) Store fronts. All store fronts shall be kept in good repair, painted where required, and shall not constitute a safety hazard or a nuisance. In the event repairs to a store front become necessary, such repairs shall be made with the same (or with similar) materials as used in the construction of the store front in such a manner as to permanently repair the damaged area or areas. Any cornice visible above a store front shall be kept painted, where required, and in good repair.

- (10) Awnings and marquees. Any awning or marquee and its accompanying structural members which extend over any street, sidewalk or other portion of the premises shall be maintained in good repair, and shall not constitute a nuisance or a safety hazard. In the event such awnings or marquees are not properly maintained in accordance with the foregoing, they shall, together with their supporting members, be removed forthwith. In the event such awnings or marquees are made of cloth, plastic or similar materials, such cloth or plastic, where exposed to public view, shall be maintained in good condition and shall not show evidence of weathering, discoloration, ripping, tearing or other holes. Nothing herein shall be construed to authorize any encroachment on streets, sidewalks or other parts of the public domain. (Ord. 67-07. Passed 11-15-07.)

#### **1319.06 FREEDOM FROM INFESTATION.**

All parts of the premises shall be maintained so as to prevent infestation by insects, termites or rodents. All provisions for garbage shall be constructed so as not to be accessible to dogs, cats or other animals. (Ord. 50-02. Passed 9-12-02.)

#### **1319.07 ADMINISTRATIVE PROVISIONS.**

(a) Property Maintenance Officer. The Zoning Inspector of the City is hereby designated to serve as the Property Maintenance Officer hereunder together with such additional or other public officials to serve as deputy or otherwise appointed by the Mayor; all inspections, regulations and enforcement on violations of the provision of this chapter, unless expressly stated to the contrary, shall be under the direction or supervision of the foregoing officials.

(b) When Inspections are to be Made. All inspections shall be made from any public right-of-way, including but not limited to, alleys, sidewalks and streets and/or from adjoining properties with the consent of the adjoining property owner. The Property Maintenance Officer may only enter the property to be inspected with the consent of the property owner.  
(Ord. 50-02. Passed 9-12-02.)

#### **1319.08 PROCEDURE WHEN VIOLATION IS DISCOVERED.**

When a violation of this chapter or the regulations hereunder are found to exist, with the exception of violations of Sections 1319.05 subsection (a)(1), 1319.05 subsection (a)(2), and 1319.05 subsection (a)(3), a written notice, as provided below, from the Property Maintenance Officer shall be served upon the person or persons responsible for the correction thereof.

- (a) Contents of Notice. The notice shall specify the violation or the violations committed, what must be done to correct the same, a reasonable period of time (not to exceed forty-five (45) days) to correct or abate the violation, the right of the person served to request a hearing, and that the notice shall become an Order of the Property Maintenance Officer in ten days after service, unless a hearing is requested pursuant to the provisions in subsection (c) herein.

- (b) Service of Notice. Notice may be served personally or by mail with postage prepaid, addressed to the last known address of the person to be served. If no response is received, the notice shall be sent by certified mail. Where it is ascertained that the owner does not reside on the premises, the last known address shall be the address of the owner as shown in the office of the Union County Auditor. If the last known address cannot be ascertained, the notice may be posted on the outside front entrance of the building. The Property Maintenance Officer shall file and provide notice to any owner or occupant of any violation at any address other than the last known address provided hereunder if such other address is filed with the Property Maintenance Officer personally or by certified mail addressed to the Property Maintenance Officer. Date of service of the notice shall be determined (where service is by mail) as the day following the day of mailing for notices to addresses within the City and as of the fourth day after the day of mailing for notices to addresses outside the City. Where the day of service would fall upon a Sunday or other day when mail is not ordinarily delivered, then the day of service shall be the next regular delivery day. Notwithstanding any other provisions herein contained where premises are subject to registration and have been so registered, notice served upon the agent designated therein shall constitute service upon the owner, or lessor of the premises, jointly and severally.
- (c) Notice To Become An Order Unless Hearing Is Requested. Within ten (10) days of the date of service of a notice, the notice shall constitute a final order unless any person affected by the notice requests a hearing thereon before the Exterior Property Maintenance Commission, serving a written request within the ten (10) day period, in person or by mail, on the Property Maintenance Officer and Mayor. The Commission shall consist of five Marysville citizens, not employed by the City, one appointed by the Mayor and one from each ward of the City appointed by each Ward Council person. Members shall serve a three-year term. Members shall serve no more than two consecutive terms. Such request for a hearing before the Commission shall set forth briefly the grounds or reasons on which the request for a hearing is based and the factual matters contained in the notice of violation that are to be disputed at the hearing. The Property Maintenance Officer, upon receipt of the request shall, within thirty (30) days therefrom and upon five (5) days notice to the party aggrieved, set the matter down for hearing. Any decision rendered by the Commission must be made by affirmative vote of majority of the quorum. A quorum of the Commission represents at least three of the five members.
- (d) Determination at Hearing. The Commission shall issue an order either incorporating the determination and directions contained in the notice, modifying the same, or withdrawing the notice. Determination shall be made within ten (10) days from the completion of the hearing.
- (e) Extension of Time. The Commission may extend the time for correction or abatement of the violations for an additional period of time not to exceed thirty (30) days, except where major capital improvements or renovations are involved, in which instance the time for completion may be extended for a period of time not to exceed three hundred sixty-five (365) days beyond the expiration date of the original notice, with the provisions of an agreed-upon time frame established between the property owner and City.

- (f) Noncompliance with Notice. Whenever the owner, agent, occupant or operator of a structure or premises fails, neglects or refuses to comply with any notice of the Property Maintenance Officer that becomes a final order, the Property Maintenance Officer may advise the City Law Director of the circumstances and request him to institute an appropriate legal action to compel compliance.
- (g) Referral of Violations. Any violation of any ordinance other than this chapter, discovered by the Property Maintenance Officer or his/her representative, shall be reported to the official or agency responsible for the enforcement of such ordinance. (Ord. 50-02. Passed 9-12-02.)

#### **1319.09 APPLICATION FOR INSPECTION.**

Whenever an owner or agent, a bona fide prospective purchaser or mortgagee requests an inspection in order to ascertain if any section of this chapter has been violated, the Property Maintenance Officer shall, upon payment of the fee hereunder stated, cause an inspection to be made of the premises and issue an informational certificate or report of the inspection to the applicant, indicating therein any violation of this chapter on the premises. The applicant for such inspection shall state in writing his full name, his residence and the reasons and basis for which the inspection is requested. The Property Maintenance Officer may deny the application for failure to comply with this requirement. (Ord. 50-02. Passed 9-12-02.)

#### **1319.10 APPLICATION FOR STATUS REPORT.**

Where, in lieu of an inspection, an owner, agent, lessee, bona fide prospective purchaser or mortgagee requests a status report as to whether or not there are any known violations presently pending on such premises, upon written request, a copy of any notice or order of any violation then pending shall be sent to the applicant. (Ord. 50-02. Passed 9-12-02.)

#### **1319.11 INSPECTION FEES.**

The fee for any inspection report of any structure made at the request of the owner, agent of the owner, lessee, bona fide prospective purchaser or mortgagee shall be in accordance with the Inspection Fee schedule adopted by the City herein.

- (a) Inspection fee, \$50.00
- (Ord. 50-02. Passed 9-12-02.)

#### **1319.12 CERTIFICATE OF NECESSITY.**

(a) Who May Apply. Where any owner or agent is required to make repairs or otherwise improve his property and is unable to comply with this chapter without having right of access to the building or premises through or across adjoining premises not owned by him or under his control, and where right of access has been refused the owner or agent; or where the owner or person responsible for granting permission cannot be found or located; then, upon the filing of an affidavit setting forth the facts with the Property Maintenance Officer, the Property Maintenance Officer shall serve a five (5) day notice, in writing, of a hearing upon the owner or the agent of any adjoining premises affected by the application.

(b) Hearing. On the day fixed for hearing, the Exterior Property Maintenance Commission shall provide opportunity for the owner or agent of the adjoining property or properties to state why access should not be granted across such adjoining properties. (Ord. 50-02. Passed 9-12-02.)

#### **1319.13 ISSUANCE OF CERTIFICATE AND CONDITIONS.**

If the Exterior Property Maintenance Commission determines that access is deemed absolutely necessary for compliance with this chapter, then the Commission shall issue a certificate of necessity setting forth therein the person or persons to whom the certificate shall apply, such conditions as shall be necessary to protect the adjoining property, reasonable time limits during which such certificate shall operate, precautions to be taken to avoid damages and, where the Commission deems proper, that a bond be procured at the expense of any persons seeking access to secure the adjoining property against damage to persons or property arising out of such rights of access. The bond shall not exceed ten thousand dollars (\$10,000) unless conditions deemed advisable by the Commission appear otherwise; and the amount set shall take into consideration the extent, nature and the duration of the repairs, the proximity of the improvement on the premises affected and the potential risk of damage thereto. The bond shall be filed with the Property Maintenance Officer. (Ord. 50-02. Passed 9-12-02.)

#### **1319.14 PROCEDURE WHERE ACCESS IS REFUSED.**

Any refusal to comply with this section or any interference with access to premises pursuant to a certificate issued hereunder shall be a violation of this chapter and, in addition to the penalties provided hereunder, the Property Maintenance Officer may, upon affidavit, apply to the Municipal Court for a warrant under the procedure set forth herein or to the Common Pleas Court for an order granting access to the subject premises. (Ord. 50-02. Passed 9-12-02.)

#### **1319.15 SEVERABILITY.**

If any section, subsection, paragraph, sentence, clause, phrase or word contained in this chapter shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this chapter, which shall remain in full force and effect, and to this end, the provisions of this chapter are hereby declared to be severable. (Ord. 50-02. Passed 9-12-02.)

#### **1319.99 PENALTY.**

(a) Fines For Violations. A first violation of any section of this chapter shall be punishable by a fine of not more than one hundred dollars (\$100.00) for the violation committed hereunder. Each violation of a section of this chapter shall constitute a separate and distinct violation independent of any other section or subsection or any order issued pursuant to this chapter. Each day's failure to comply with any such section or subsection shall constitute a separate violation. Where the defendant is other than a natural person or persons, this section shall also apply to any agent, superintendent, officer, member or director or partner who shall alone or with others have charge, care or control of the premises.

(b) Other Legal Action. The imposition of any penalty shall not preclude the City Law Director from instituting an appropriate action of proceeding in a court of proper jurisdiction to prevent an unlawful repair or maintenance; or to restrain, correct or abate a violation; to require compliance with the provisions of this chapter or other applicable laws, ordinances, rules or regulations, or the orders or determinations of the Property Maintenance Officer or the Commission. (Ord. 50-02. Passed 9-12-02.)