

# RECORD OF ORDINANCES

Ordinance No. 11-14-2016-2

Passed NOVEMBER 19 20 16

**AN ORDINANCE TO AMEND CHAPTER 1406 (INTERNATIONAL PROPERTY MAINTENANCE CODE) OF THE BALTIMORE CODIFIED ORDINANCES IN ORDER TO ADOPT AN UPDATED VERSION (2012) OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE, TOGETHER WITH UPDATED REVISIONS TO SAID CODE, AND THE DECLARATION OF AN EMERGENCY**

WHEREAS, the Village of Baltimore previously adopted, in Ordinance 2006-27, and amended in Ordinance 2008-27 and in Ordinance 2009-32, the 2009 version of the International Property Maintenance Code (herein after "the Code"); and

WHEREAS, the Village of Baltimore desires to adopt an updated version of the Code, together with updated revisions to the Code in order to continue to regulate buildings and structures for the safety of the Village's citizens; and

WHEREAS, Chapter 1406 (International Property Maintenance Code) needs to be amended in order to reflect the adoption of an updated version of the Code and revisions thereto; and,

WHEREAS, this legislation needs to be adopted on an emergency basis in order for the orderly and timely enforcement of the Code for the safety of the Village's resident;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF BALTIMORE, FAIRFIELD COUNTY, OHIO, THREE-FOURTH'S (3/4'S) OF ITS MEMBERS CONCURRING:

SECTION 1: Chapter 1406.01, International Property Maintenance Code EDITION ADOPTED, which currently reads as follows:

**"1406.01 2009 EDITION ADOPTED.**

That certain document, a copy of which is on file at the Village Town Hall, being marked and designated as the 2009 International Property Maintenance Code as published by the International Code Council, Inc., be and is hereby adopted as the Property Maintenance Code of the village of Baltimore, in the State of Ohio; for the control of buildings and structures as herein provided; and each and all of the regulations, provisions, penalties, conditions and terms of said Property Maintenance Code, which Code is attached to Ordinance No. 2009-32 in its entirety, are hereby referred to, adopted; and made a part hereof, as if fully set out in this section, with the addition, insertions, deletions and changes, if any, prescribed in Section 1406.02."

is hereby amended to read:

**"1406.01 2012 EDITION ADOPTED.**

That certain document, a copy of which is on file at the Village Town Hall, being marked and designated as the 2012 International Property Maintenance Code as published by the International Code Council, Inc., be and is hereby adopted as the Property Maintenance Code of the village of Baltimore, in the State of Ohio; for the control of buildings and structures as herein provided; and each and all of the regulations, provisions, penalties, conditions and terms of said Property Maintenance Code, which Code is attached to Ordinance No. 11-14-2016-2 in its entirety, are hereby referred to, adopted, and made a part hereof, as if fully set out in this section, with the addition, insertions, deletions and changes, if any, prescribed in Section 1406.02."

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SECTION 2: Chapter 1406.02, "REVISIONS," of the Code, which currently reads in relevant part as follows:

**"1406.02 REVISIONS.**

The following sections are hereby revised:

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Section 103.1. et seq. All references herein to "Department of property maintenance" shall read "Zoning Department"; all references herein to "code official" shall read "Zoning Administrator."

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Section 106.3 Prosecution of violation. Any person failing to comply with a notice of violation or order served in accordance with Section 107 shall be deemed guilty of a misdemeanor of the first degree, and the violation shall be deemed a strict liability offense. If the notice of violation is not complied with, the Zoning Administrator shall institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the structure in violation of the provisions of this code or of the order or direction made pursuant thereto. Any action taken by the authority having jurisdiction on such premises shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

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Enforcement: Performed by the Zoning Administrator through complaints and drive-by inspections."

is hereby amended to read:

**"1406.02 REVISIONS.**

The following sections are hereby revised:

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Section 103.1. et seq. All references herein to "Department of property maintenance" shall read "Zoning Department"; all references herein to "code official" shall read "Code Enforcement Officer."

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Section 106.3 Prosecution of violation. Any person failing to comply with a notice of violation or order served in accordance with Section 107 shall be deemed guilty of a misdemeanor of the first degree, and the violation shall be deemed a strict liability offense. If the notice of violation is not complied with, the Code Enforcement Officer shall institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the structure in violation of the provisions of this code or of the order or direction made pursuant thereto. Any action taken by the authority having jurisdiction on such premises shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

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SECTION 3: That if any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The Baltimore Village Council hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

SECTION 4: That the Clerk of Council is hereby ordered and directed to cause this ordinance to be published as provided for by law.

SECTION 5: This ordinance shall become effective at the earliest period authorized by law.

  
Brad Nicodemus, Mayor

DATE OF PASSAGE: 11-14-2016

EFFECTIVE DATE: 11-14-2016

ATTEST:   
Kathryn E. Jenkins, Fiscal Officer

SPONSOR: HANKISON

APPROVED AS TO FORM:   
Jeffrey Feyko, Village Solicitor