

AN ORDINANCE ENACTING CHAPTER 1361, C.O.S., ENTITLED “PROPERTY REGISTRATION AND MAINTENANCE” IN ORDER TO PROTECT THE HEALTH, SAFETY AND WELFARE OF STOW RESIDENTS BY REQUIRING THE REGISTRATION OF NON-OWNER OCCUPIED RESIDENTIAL PROPERTY AND OF NON-RESIDENTIAL VACANT BUILDINGS AND ESTABLISHING MINIMUM MAINTENANCE STANDARDS FOR SUCH PROPERTY AND BUILDINGS.

WHEREAS, it is necessary to enact Chapter 1361, C.O.S., “Building Maintenance Code”, in order to protect the health, safety, and welfare of Stow residents;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF STOW, COUNTY OF SUMMIT AND STATE OF OHIO:

SECTION 1. That Chapter 1361, C.O.S., entitled “Property Registration and Maintenance”, be, and the same is, hereby established to read henceforth as follows:

**“CHAPTER 1361  
PROPERTY REGISTRATION AND MAINTENANCE**

- 1361.01      Rental Property Registration**
- 1361.02      Registration of Vacant Industrial and Commercial Buildings**
- 1361.03      Stow Property Maintenance Code**

**“1361.01 RENTAL PROPERTY REGISTRATION**

(a) Definitions. For the purpose of this Ordinance, the following definitions shall apply, unless the context clearly indicates or requires a different meaning.

- (1) “City of Stow Planning and Zoning Code” means the Planning and Zoning code adopted by ordinance, and any amendments thereto.
- (2) “City of Stow Property Maintenance Code” means the Stow Property Maintenance Code adopted by ordinance and contained in COS 1361.03.
- (3) “Dwelling” means any building or portion of a building that contains one or more dwelling units used, intended to, or designed to be built, used, rented, leased, let or hired out to be occupied, or that is occupied for living purposes. Temporary housing is not a dwelling. Whenever the word “dwelling” is used in this ordinance, it shall be construed as though it is followed by the words “or any part thereof.”
- (4) “Dwelling Unit” means any single unit used or designed to be used to provide complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation. Whenever the word “dwelling unit” is used in this ordinance, it shall be construed as though it is followed by the words “or any part thereof.”
- (5) “Occupant” means any person over one (1) year of age living, sleeping, cooking, or having actual possession of, a dwelling or rooming unit.
- (6) “Ohio Building Code” means the Ohio Building Code, as adopted pursuant to Chapters 119, 781, and 3791 of the Ohio Revised Code, and any amendments.
- (7) “Ohio Fire Code” means the Ohio Fire Code, as adopted pursuant to Chapters 3731, 3737, 3741, 3743, 3781, and 3791 of the Ohio Revised Code, and any amendments.

- (8) “Operator” means any person who, alone or jointly or severally with others, has charge, care, or control of any premises, or part thereof, in which there are one (1) or more rental dwelling units or rental rooming units whether as owner, manger, agent of the owner, or due to conduct that demonstrates the person’s position of responsibility concerning the dwelling or rooming unit.
- (9) “Owner” means any person who, alone or jointly or severally with others, has legal title to any rental dwelling or rental dwelling unit with or without accompanying actual possession thereof, or is the vendor or vendee under a land contract, whether recorded or not, or is the executor, administrator, trustee, or guardian of the estate of either the person with legal title or the land contract vendor or vendee.
- (10) “Person” means an individual, partnership, association, company, firm, trust, corporation, government corporation, department, bureau, agency, or any other entity recognized by law, including heirs, executors, administrators, successors, assigns, and agents or any of the aforesaid.
- (11) “Premises” means the dwelling and any other buildings of any kind or nature located on the lot, and the entire parcel surrounding the buildings, including, but not limited to fences, walkways, walls, and appurtenances. Whenever the word “premises” is used in this ordinance, it shall be construed as though it is followed by the words “or any part thereof.”
- (12) “Property Maintenance Inspector” means the Building Official of the City or the Building Official’s authorized Property Maintenance Inspector.
- (13) “Purchaser” means any person who, alone or jointly or severally with others, has entered into a contract to become the owner of any dwelling unit, with or without accompanying actual possession thereof.
- (14) “Rental Inspection” means rental inspection as required in this ordinance.
- (15) “Rental Registration” means rental registration as required in this ordinance.
- (16) “Rental Unit” means a dwelling unit, rooming unit and/or vacant structure not occupied by the person with legal title.
- (17) “Residential Code of Ohio” means the Residential Code of Ohio, as adopted pursuant to Chapters 119, 3781 and 3791 of the Ohio Revised Code, and any amendments.
- (18) “Rooming House” means any dwelling, or that part of any dwelling, containing one or more rooming units, including hotels, in which space is let by the owner or operator to three or more persons who are not husband, wife, son, daughter, mother, father, sister, or brother of the owner or operator. Whenever the word “rooming house” is used in this ordinance, it shall be construed as though it is followed by the words “or any part thereof.”
- (19) “Rooming Unit” means any room or group of rooms forming a single habitable unit used, intended to be used, or designed to be used for living and sleeping but not for cooking or eating purposes. Whenever the word “rooming unit” is used in this ordinance, it shall be construed as though it is followed by the words “or any part thereof.”
- (20) “Temporary Housing” means any tent, trailer, or other structure used for human shelter which is designed to be transportable and which is not affixed to the ground, to another structure, or to any utilities system on the same premise for more than 30 (thirty) consecutive days.
- (21) “Tenant” or “occupant”, as applied to premises, includes any person holding a written or oral lease, or who actually occupies the whole or any part of such premises, alone or with others.

(b) Conflict and Invalidity. Where a provision of this ordinance is found to be in conflict with a provision of any zoning, building, fire, safety or health ordinance or code of the City existing on the effective date of this Ordinance, the provision which establishes the higher standard for the promotion of the health and safety of the people shall prevail. Where a provision of this ordinance is found to be in conflict with a provision of any other ordinance or code of the City existing on the effective date of this Ordinance, which establishes a lower standard for the promotion and protection of the health and safety of the people, the provisions of this Ordinance shall prevail, and the other ordinance or code shall be repealed to the extent that it may be found in conflict with this Chapter.

(c) Warranties and Liabilities. The provisions of this ordinance shall not be construed to warrant, insure, or guarantee that there are no violations of the City of Stow Property Maintenance Code, Zoning Code, the Residential Code of Ohio, the Ohio Fire Code or the Ohio Building Code at a premise, or that the premise is in a clean, sanitary, safe, or fit condition. Inspections by the Building Department are made for the purpose of preserving and improving the housing stock and enforcing the City of Stow Property Maintenance Code, the City of Stow Planning and Zoning Code, the Residential Code of Ohio, the Ohio Fire Code and the Ohio Building Code and are not made on behalf of the occupant, operator, owner, or purchaser of a premises, or any other person.

(d) Application of Other Codes. The City of Stow Property Maintenance Code, the City of Stow Planning and Zoning Code, the Residential Code of Ohio, the Ohio Fire Code and the Ohio Building Code, and any amendments thereto, are hereby adopted as part of the requirements of this Ordinance for the purpose of providing guidance and standards in the application and enforcement of this Ordinance and in determining whether the conditions of the premises are maintained in an approved manner.

(e) Entry and Inspection. The Property Maintenance Inspector is authorized and directed to make inspections to determine the condition of dwellings, rooming houses, and premises located within the City of Stow. For the purpose of making the inspections, the Property Maintenance Inspector is authorized to enter, examine, and survey, at all reasonable times, all dwellings, dwelling units, rooming units, and premises. The owner or occupant of every dwelling or rooming house or the person in charge thereof, on request of the Property Maintenance Inspector, may give the Property Maintenance Inspector free access to the dwelling or rooming house and its premises, at all reasonable times, for the purpose of inspection, examination, and survey. If entry is refused or not obtained, the Property Maintenance Inspector shall conduct the inspection only as provided by law. This Ordinance shall not be construed to require an occupant, operator or owner to consent to a warrantless inspection of a dwelling, rooming house or premises except as provided by law.

(f) Registration Required.

- (1) Registration is required on a form provided by the Building Department under the following circumstances:
  - (A) All rental units that the owner owns or that the operator operates no later than the first of January each year; and
  - (B) Immediately following the completion of title transfer to a premise with a rental unit or units.
- (2) A registration fee of \$40.00 per unit shall be imposed for each owner or operator.
- (3) If a registration form is filed late, an additional late fee of \$25.00 shall be required for each thirty (30) day period or part thereof that the registration is filed late.
- (4) Within thirty (30) days of any change of information that is required on a registration form, the owner or operator of a rental unit(s) shall contact the Building Department, in writing, to update the information on the registration form. A \$10.00 fee shall be charged for updating the information on the registration, except in the case of the death of the property owner.

- (5) If an owner or operator becomes the owner or operator of additional rental units during a registration period, a fee of \$30.00 per unit shall be imposed.
- (6) If, upon the third renewal of registration, no notices, orders, or convictions set forth in Section (j) of this Ordinance have been issued, the fee for registration shall be reduced by fifty percent.
- (7) Funds collected under this Ordinance shall be used exclusively for the improvement of the housing, infrastructure and administration with the City and shall be held in a separate account set up and administered by the City of Stow Finance Department.
- (8) A registration form shall be valid for one calendar year unless:
  - (A) False information is furnished to the Building Department on the registration form; or
  - (B) A transfer of title to the premise or a rental unit has been completed.
- (9) A registration form may not be transferred to the purchaser of a premise with a rental unit and shall be void upon completion of transfer of title to the premises, except as provided in Section (h)(4) of this Ordinance.
- (10) No person, including an operator, owner, purchaser, escrow agent, real estate agent, or realtor shall participate in a transfer of title to a premises or disperse proceeds from a transfer of title to a premises without having, in escrow, a copy of registration form completed by the purchaser of the premises or a statement from the purchase that the premises contains only one dwelling unit, and will be occupied by the purchaser for one year after the transfer of title. The escrowed document shall be forwarded to the Building Department upon transfer of title.
- (11) Registration is *not* required if a dwelling or dwelling unit has been substantially altered so as not meet the requirements of a habitable residential dwelling or dwelling unit, as determined by the Building Official or his/her designee.

(g) Form of Registration. The registration form shall include the following information and any additional information as determined by the Building Department:

- (1) The total number of rental units the owner owns or that the operator operates;
- (2) The number of premises with a rental unit;
- (3) The address of each premises;
- (4) The number of rental units on each premises; and
- (5) Information concerning the owner, which shall include:
  - (A) If the owner is one or more individuals or a sole proprietorship, the owner's name, address, date of birth, driver's license number, and phone number;
  - (B) If the owner is a partnership, the name, address, tax identification number, and phone number of the partnership, and the name, address, date of birth, driver's license number and phone number of one of the partners;
  - (C) If the owner is a corporation, the name, address, and phone number of the corporation, the name, address and phone number of the corporation's statutory agent, and the name, address, date of birth, driver's license number and phone number of one of the officers; and
  - (D) If the owner is a trust, the name, address and phone number of the trust, and the name, address, date of birth, driver's license number and phone number of one of the trustees.
- (6) If the owner of the premises is required to have an operator, or if the owner has an operator that is not the owner, then the registration form shall also include:
  - (A) If the operator is one or more individuals or a sole proprietorship, the operator's name, address, date of birth, driver's license number and phone number;

- (B) If the operator is a partnership, the name, address and phone number of partnership, and the name, address, date of birth, driver's license number and phone number of one of the partners; and
- (C) If the operator is a corporation, the name, address and phone number of the corporation, the name and address of the corporation's statutory agent, and the name, address, date of birth, driver's license number and phone number of one of the officers; and
- (D) If the operator is a trust, the name, address and phone number of the trust, and the name, address, date of birth, driver's license number and phone number of one of the trustees.

(h) Inspection.

- (1) An exterior inspection is a biannual exterior inspection of the premises. An exterior inspection shall be conducted biannually of each premises that is registered under this Ordinance.
- (2) A comprehensive inspection is a semiannual, interior and exterior inspection of the premises. Comprehensive inspections occur during a four (4) year period to determine compliance with the applicable codes. A comprehensive inspection is required when any of the following apply:
  - (A) If within any one (1) year period, three (3) or more notices/orders to comply have been issued to the owner or operator pursuant to this Ordinance concerning the same premises, the premises that was the subject of the notices/orders to comply may be subject to semiannual comprehensive inspections;
  - (B) If any notice/order to comply have been issued to the owner or operator pursuant to this Ordinance, and such order has not been complied within the time set forth in the notice/order, the premises that was the subject of the notice/order to comply may be subject to semiannual comprehensive inspections;
  - (C) If the owner or operator has been convicted of a violation of this Ordinance, *all* premises with a rental unit that the owner owns or the operator operates may be subject to comprehensive inspections.
- (3) A comprehensive inspection fee \$150.00 per rental unit shall be imposed and shall include the first two comprehensive inspections semiannually.
- (4) The re-inspection fee, per rental unit, for each re-inspection after the first two semiannual comprehensive inspections, per rental unit is \$100.00.
- (5) Money collected under this section shall be used exclusively for the improvement of the housing, infrastructure and administration within the City and shall be held in a separate account.

(i) Operator Required. The owner of a rental unit who does not reside in, have a place of business in, or have a street mailing address in Summit County or a contiguous county shall have an operator who resides in, has a place of business in, or has a street mailing address in Summit County of a contiguous county.

(j) Notice of Violation.

- (1) Whenever the Property Maintenance Inspector determines that there has been a violation of any provision of this Ordinance, notice of the violation shall be given to the person responsible to order compliance pursuant to the City of Stow Property Maintenance Code, the City of Stow Planning and Zoning Code, the Residential Code of Ohio, the Ohio Fire Code, and the Ohio Building Code.

- (2) Whenever a person violates or fails to comply with any of the provisions of the Ordinance, the Property Maintenance Inspector shall have the authority to impose an administrative or criminal penalty. The Property Maintenance Inspector shall consider the following criteria in assessing an administrative penalty:
  - (A) The extent to which the person has benefited by the violation of this Ordinance;
  - (B) The degree of harm to the public health, safety, welfare and aesthetics as a result of the violation of this Ordinance;
  - (C) The recidivism of the person, including previous notices and orders to comply and previous enforcement action;
  - (D) Good faith efforts of the person to remedy the violation of this Ordinance; and
  - (E) The duration of the violation after a notice and order to comply served pursuant to this section.
- (3) Upon request of the owner of the property to the Building Department during the process of an eviction, the owner may request a certified letter from the Building Department verifying the violation of the City of Stow Property Maintenance Code, the City of Stow Planning and Zoning Code, the Residential Code of Ohio, the Ohio Fire Code, or the Ohio Building Code applicable to the statutory requirements of a legal eviction.
- (4) The imposition of an administrative fine shall be accomplished only after a notice/order is provided to the occupant, operator or owner. Notice of a decision imposing an administrative fine shall comply with the Notice of Violation as provided herein.

(k) Right of Appeal Hearing. Any party, including the City, that is aggrieved by an alleged error in an administrative action made under this Ordinance may file an appeal thereof with the Board of Zoning and Building Appeals in accordance with COS 1137.05.

(l) Penalty.

- (1) In addition to any criminal penalties that may be imposed pursuant to this Ordinance, any person, occupant, operator, owner or purchaser who violates or fails to comply with any of the provisions of this Ordinance shall be subject to the following administrative penalties in accordance with the criteria of Section (f)(1) and (2):
  - (A) First offense, an administrative fine of up to \$200.00;
  - (B) Second offense, an administrative fine of up to \$400.00; and
  - (C) For a third offense, an administrative fine of up to \$600.00. Such fines shall be paid within 30 days of issuance.
- (2) If a person does not pay an administrative penalty within the time ordered pursuant to this Ordinance, the Building Official shall so notify the Finance Director. In addition to the administrative penalty, an interest rate equal to the current rate of interest charged by the City on special assessments shall be imposed by the City for the life of the administrative penalty, added to the administrative penalty, and collected as provided in this section. The Finance Director shall then certify the amount of administrative penalty, including interest, to the County Fiscal Officer. The County Fiscal Officer shall enter the amount on the tax duplicate of the county as a special assessment against the person's real estate at issue.
- (3) Money collected under divisions (a) and (2) of this section shall be used exclusively for the improvement of housing, infrastructure, and administration within the City.
- (4) In addition to any administrative penalties that may be imposed pursuant to Section (1) above, any person, occupant, operator, owner or purchaser who violates or fails to comply with any of the provisions of this Ordinance shall be guilty of a misdemeanor of

the third degree and shall be fined not more than \$500.00 and/or imprisoned not more than sixty (60) days.

- (5) A conviction or convictions obtained prior to the effective date of this Ordinance shall constitute a conviction or convictions for purposes of enforcement of the minimum mandatory penalties required by this section. Each separate count of which a person has been convicted shall constitute a separate violation of a section of the City of Stow Building Maintenance Code, the City of Stow Planning and Zoning Code, the Residential Code of Ohio, the Ohio Fire Code, or the Ohio Building Code.
- (6) A separate offense shall be deemed committed each day during or on which a violation occurs or continues.
- (7) The provisions of this Ordinance are specifically intended to impose strict liability.

### **1361.02 REGISTRATION OF VACANT INDUSTRIAL AND COMMERCIAL BUILDINGS**

(a) Definitions. For the purpose of this Ordinance, the following definitions shall apply, unless the context clearly indicates or requires a different meaning.

- (1) “Building” means any structure that is used, intended to, or designed to be built, used, rented, leased, let or hired out to be occupied, or that is occupied for any purpose other than living purposes. Whenever the word “building” is used in this Ordinance, it shall be construed as though it is followed by the words “or any part thereof.”
- (2) “City of Stow Planning and Zoning Code” means the Planning and Zoning code adopted by ordinance, and any amendments thereto.
- (3) “City of Stow Property Maintenance Code” means the Stow Property Maintenance Code adopted by ordinance and contained in COS 1361.03.
- (4) “Ohio Building Code” means the Ohio Building Code, as adopted pursuant to Chapters 119, 781, and 3791 of the Ohio Revised Code, and any amendments.
- (5) “Ohio Fire Code” means the Ohio Fire Code, as adopted pursuant to Chapters 3731, 3737, 3741, 3743, 3781, and 3791 of the Ohio Revised Code, and any amendments.
- (6) “Owner” means any person who, alone or jointly or severally with others, has legal title to any rental property or rental property unit with or without accompanying actual possession thereof, or is the vendor or vendee under a land contract, whether recorded or not, or is the executor, administrator, trustee, or guardian of the estate of either the person with legal title or the land contract vendor or vendee.
- (7) “Person” means an individual, partnership, association, company, firm, trust, corporation, government corporation, department, bureau, agency, or any other entity recognized by law, including heirs, executors, administrators, successors, assigns, and agents or any of the aforesaid.
- (8) “Premises” means the vacant building and any other buildings of any kind or nature located on the lot, and the entire parcel surrounding the buildings, including, but not limited to fences, walkways, walls, and appurtenances. Whenever the word “premises” is used in this ordinance, it shall be construed as though it is followed by the words “or any part thereof.”
- (9) “Residential Code of Ohio” means the Residential Code of Ohio, as adopted pursuant to Chapters 119, 3781 and 3791 of the Ohio Revised Code, and any amendments.
- (10) “Vacant building” means a building or any portion thereof that is not occupied, leased, rented, or otherwise used as a place of business, storage, or any other purpose or that is frequently open or unsecured so that unauthorized admittance may be gained without

damaging any portion of the property. Whenever the word “vacant building” is used in this Ordinance, it shall be construed as though it is followed by the words “or any part thereof.”

(b) Registration Required.

- (1) All buildings and their premises located within the City which are or hereafter become vacant shall be registered with the chief Building Official by the owner thereof within thirty (30) days from the last date of occupancy.
- (2) The registration fee for which such vacant or unoccupied building shall be (\$150.00) per calendar year.
- (3) If any registration is not made within the time set forth in this chapter, an additional late fee of \$25.00 shall be required for each thirty (30) day period or part thereof that the registration is filed late.
- (4) Registration shall not be assignable. If the names or addresses of any of the persons required as a part of the registration statement change, a new registration statement shall be properly made within ten days from the date of such change in the same manner and form as herein prescribed.

(c) Form of Registration. Registration shall be made on forms supplied by the Chief Building Official and shall include:

- (1) A description of the premises;
- (2) The names and addresses of all owners of the premises;
- (3) The names and address of the person or persons who shall be responsible for compliance with this chapter;
- (4) If known, the period of time for which the premises are to remain vacant.

(d) Maintenance Requirements.

- (1) As a minimum requirement, all vacant buildings as defined in this chapter shall conform to the following requirements:
  - (A) City of Stow Building Maintenance Code;
  - (B) City of Stow Planning and Zoning Code;
  - (C) Residential Code of Ohio;
  - (D) Ohio Fire Code; and
  - (E) Ohio Building Code
- (2) All buildings, which, in addition to being vacant, are also open and unsecured to trespass, shall additionally meet the following requirements:
  - (A) All windows and doors on the ground floor area, including basement and garage, shall be boarded up and secured with minimum one-half inch sheathing grade plywood; and
  - (B) The sheathing shall be applied in a neat and orderly manner, cut to the size of the opening and shall be painted to conform to the building exterior.

(e) Mandatory Inspection.

- (1) Upon registration of any vacant building pursuant to this chapter, and annually thereafter, the Chief Building Official shall cause inspections to be made of the premises to determine if there exists any fire, safety, health or property maintenance violation and collect information of such building and premises, including, but not limited to;
  - (A) Building systems;
  - (B) Height;
  - (C) Area;
  - (D) Construction type; and
  - (E) Any other information as determined by the Director of Planning and Development.

- (2) If a hazard or violation exists the Chief Building Official or his representative shall provide the owner (s) with a notice to comply with the provisions of this chapter.
- (A) Upon receipt of notice, the person or persons responsible for compliance with this chapter shall provide the Chief Building Official with a plan and timeline for bringing the vacant building and premises into compliance with the provisions set forth in this chapter.
  - (B) The plan required under Section (d)(2)(A) shall be reviewed and approved by the Chief Building Official and implemented and completed within six months of the date that the building is registered under this chapter.
  - (C) Upon application by the owner, the Board of Building Appeals may extend the period of compliance for an additional six months; provided, however, that such extension shall be granted only where the owner has demonstrated a good faith effort to comply with the plan that has been filed pursuant to this chapter.

(f) Declaration of Public Nuisance. Any vacant building that is not maintained in accordance or compliance with the minimum standards set forth in Section (c) is deemed and declared to be a public nuisance, which the Building Official is authorized to abate in accordance with the provisions provided for by this Code. Such abatement may include, without limitation, securing the building against unauthorized third-party entry as may be necessary in the interest of the health, safety, and welfare of the public. In the event that the City secures the building, all costs incurred may be assessed against the owner of the property pursuant to this Code.

(g) Occupying Vacant Buildings. After a vacant building is registered with the City, or an emergency order is issued in accordance with any applicable code with respect to any vacant building, no one shall use, occupy, rent, or cause, suffer, or allow any person to use or occupy or rent said vacant building, unless approval from the Building Official has been obtained. The building official may permit a portion of a vacant building to be occupied provided that meets the standards set forth in the Section (c) for which the proposed use or occupancy is applicable.

(h) Right of Appeal Hearing. Any person affected by any notice which has been issued in connection with the enforcement of any of the provisions of this Section may appeal to the Board of Zoning and Building Appeals in accordance with COS section 1137.05.

(i) Penalty. Whosoever violates any provision of this Section is guilty of a minor misdemeanor, punishable by up to \$100 fine, for each offense. Each day such violation continues after receipt of a violation notice shall be considered a separate offense. If within one year of the date of the offense the offender has been convicted of or pleads guilty to another violation of Section 163, the offender is guilty of a misdemeanor of the third degree. The imposition of a penalty shall not excuse the violation or permit it to continue and the application of such penalty shall not be held to prevent the enforced removal of prohibited conditions.

(j) Injunction. The City of Stow, the Mayor on behalf of the City of Stow, or any officer designated by the Mayor on behalf of the City of Stow may, in addition to the criminal remedies provided in this Section, file suit for injunction against any violation of this Section.

### **1361.03 STOW PROPERTY MAINTENANCE CODE**

(a) General Maintenance Standards. The owner, tenant or lessee, agent, occupant, or operator shall maintain the premises including but not limited to the exterior and interior of every dwelling or accessory structure located thereon in

accordance with the provisions set forth in the 2006 edition of the International Code Council Property Maintenance Code, Residential Code of Ohio and the Ohio Building Code so that the property itself may be preserved safely, fire hazards eliminated, and adjoining properties and the neighborhood be protected from blighting influences.

(b) Adoption of ICC Property Maintenance Code. The 2006 International Code Council Property Maintenance Code is hereby adopted to the extent that it does not conflict with any other provision of this Chapter.

(c) Notice of Violation. Whenever the Building Official or the Building Official's authorized Property Maintenance Inspector determines that there has been a violation of any of the provisions of this Section, written notice of such violation shall be given to the owner, tenant or lessee, agent and or operator having charge of the structure or property. Such notice shall include a list of violations, refer to the section violated and order remedial action that will effect compliance with the provisions of this Section, and specify a period of thirty (30) days to comply. Service of notice of violation shall be by personal delivery to the person or persons responsible; certified mail addressed to the person or persons responsible at the last known address; or posting a copy of the notice in a conspicuous place on the premises.

(d) Right of Appeal Hearing. Any person affected by any notice and order which has been issued in connection with the enforcement of any of the provisions of this Section may appeal the matter to the Board of Zoning and Building Appeals in accordance with C.O.S. Section 1137.05.

(e) Penalty. Whosoever violates any provision of this Section is guilty of a minor misdemeanor, punishable by up to \$100 fine, for each offense. Each day such violation continues after receipt of a violation notice shall be considered a separate offense. If within one year of the date of the offense the offender has been convicted of or pleads guilty to another violation of Section 163, the offender is guilty of a misdemeanor of the third degree. The imposition of a penalty shall not excuse the violation or permit it to continue and the application of such penalty shall not be held to prevent the enforced removal of prohibited conditions.

(f) Injunction. The City of Stow, the Mayor on behalf of the City of Stow, or any officer designated by the Mayor on behalf of the City of Stow may, in addition to the criminal remedies provided in this Section, file suit for injunction against any violation of this Section.”

SECTION 2. This Council finds and determines that all formal actions of this Council concerning and relating to the passage of this ordinance were taken in an open meeting of this Council and that all deliberations of this Council and of any committees or subcommittees that resulted in those formal actions were in meetings open to the public in compliance with the law.

SECTION 3. That this Ordinance was adopted pursuant to Section 4.11, Charter, and shall take effect thirty (30) days after its adoption by Council and approval by the Mayor, otherwise at the earliest period allowed by law.

ADOPTED BY COUNCIL \_\_\_\_\_

ATTEST \_\_\_\_\_

Bonnie J. Emahiser  
CLERK OF COUNCIL

\_\_\_\_\_  
Ron Alexander  
PRESIDENT OF COUNCIL

FILED WITH MAYOR\_\_\_\_\_

APPROVED\_\_\_\_\_

FILED WITH CLERK\_\_\_\_\_

Karen Fritschel  
MAYOR

APPROVED AS TO FORM

EFFECTIVE DATE\_\_\_\_\_

\_\_\_\_\_  
Brian A. Reali  
LAW DIRECTOR

DRAFT