



# Property Maintenance Code 1988

# **Chapter 1309**

## **Property Maintenance Code**

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## **Cross References**

Safety, Sanitation and Health - Chapter 660 of The General Code of the Village of Galena

Village of Galena, Zoning Ordinance of 1984

## **1309.01 - Title**

This Chapter shall be known as the Property Maintenance Code of the Village of Galena, Ohio, and may be referred to in this Chapter as "the Code".

## **1309.02 - Findings and Declaration of Policy**

It is hereby found and declared that there exist in the Village of Galena, Ohio, structures used for residential and nonresidential use which are, or may become in the future, substandard with respect to structure and maintenance, or further; that such conditions, including but not limited to structural deterioration, lack of maintenance, the appearance of the exterior of the premises, and the existence of fire hazards and unsanitary conditions, constitute a menace to the health, safety, welfare and reasonable comfort of the citizens and inhabitants of the Village. It is further found and declared that, by reason of lack of maintenance and progressive deterioration, certain properties have the further effect of creating blighting conditions and initiating slums; and, that if the same are not curtailed and/or removed, the aforesaid conditions will grow and spread and will necessitate, in time, the expenditure of large amounts of public funds to correct and eliminate the same; and, that by reason of timely regulations and restrictions, as herein contained, the growth of slums and blight may be prevented and the immediate neighborhood and property values thereby maintained, the desirability and amenities of residential and nonresidential uses and immediate neighborhoods enhanced, and the public health, safety and welfare protected and fostered.

## **1309.03 - Purposes**

The purpose of this Code is to protect the public health, safety and welfare of the citizens and inhabitants of the Village by establishing minimum standards governing the maintenance, appearance and condition of all residential and nonresidential premises; to fix certain responsibilities and duties upon owners and occupants; to authorize and establish procedures for the inspection of residential and nonresidential premises; to fix penalties for the violations of this Code; and to provide for the right of access across adjoining premises to permit repairs. This Code is hereby declared to be remedial and essential for the public interest and it is

intended that this Code be liberally construed to effectuate the purposes as stated herein.

## **1309.04 - Definitions**

The following terms, wherever used herein or referred to in this Code, shall have the respective meanings assigned to them unless a different meaning clearly appears from the context:

- (a) "Accessory Structure" means a structure, the use of which is incidental to that of the main building, and which is attached thereto or located on the same premises.
- (b) "Building" means a combination of materials to form a construction adapted to permanent or continuous occupancy or use for public, institutional, residential, business, or storage purposes.
- (c) "Building Code" means the Delaware County Building Code as adopted by the Council of the Village of Galena.
- (d) "Deterioration" means the condition or appearance of a building or part thereof, characterized by holes, breaks, rot, crumbling, cracking, peeling, rusting, or other evidence of physical decay, neglect, or lack of maintenance.
- (e) "Dwelling" means any structure for use by human occupancy for sleeping and living purposes, whether occupied or vacant.
- (f) "Dwelling unit" means any room or group of rooms located within a building forming a single habitable unit.
- (g) "Exposed to Public View" means 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.
- (h) "Exterior of the Premises" means those portions of a building which are exposed to public view and the open space of any premises outside of any building erected thereon.

(i) "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 an obstruction, delay, hazard, or hindrance to the prevention, suppression, or extinguishment of fire.

(j) "Garbage" means putrescible animal and vegetable waste resulting from the handling, preparation, cooking, and consumption of food. (Also, see Subsections (v) and (y) hereunder)

(k) "Immediate Neighborhood" means an area separated by no appreciable space and specially denoting a limited number of properties in a very close space relationship to each other.

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

(m) "Modern Plumbing" means, for residential property, the existence within the residential structure of toilet and bathing facilities, either bathtub or shower and, for nonresidential property, the existence of toilet facilities located within the structure, all to be served either by water from the Village of Galena Water Department or by well water from wells on the premises and pumped into the structure.

(n) "Natural Growth" means dead trees and limbs or other natural growth which, by reason of rotting or deteriorating conditions or storm damage, constitute a hazard to persons in the vicinity thereof.

(o) "Nuisance" means

(1) Any public nuisance known in equity jurisprudence, or as provided by the statutes of the state of Ohio or the Ordinance of the Village of Galena.

(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 Code.

(4) Fire hazards.

(5) Infestation with insects or rodents.

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

(q) "Owner" means 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, a lessee or joint lessees of the whole thereof, or an agent of any other person, firm, corporation, or fiduciary directly in control of the premises.

(r) "Overhanging" means loose objects which, by reason of location above ground level, constitute a danger of falling on persons in the vicinity thereof.

(s) "Premises" means a lot, plot, or parcel of land, including the buildings or structures thereon.

(t) "Property Maintenance Officer" means the zoning & Building Inspector of the Village of Galena.

(u) "Refuse" means all putrescible and non-putrescible solid 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. (Also see Subsections (j) and (x) herein).

(v) "Registered Mail" means registered or certified mail.

(w) "Rooming Unit" means any room or group of rooms forming a single habitable unit other than a dwelling unit, which is rented or available for rent for sleeping purposes, with or without cooking facilities.

(x) "Rubbish" means non-putrescible solid wastes consisting of both combustible and non-combustible wastes, such as paper, wrappings, tin cans, yard clippings, leaves, wood, glass, crockery and similar materials. (Also, see Subsections (j) and (u) herein).

(y) "Structure: means a combination of any materials, whether fixed or portable, forming a construction.

(z) "Weathering" means deterioration, decay or damage caused by exposure to the elements.

## **1309.05 - Applicability**

(a) Every residential and nonresidential building and the premises on which it is situated in the Village, used or intended to be used for dwelling, retail, commercial, business, light manufacturing, or industrial occupancy; shall comply with the provisions of this Code, whether or not such building has been constructed, altered, or repaired before or after the enactment of this Code, and irrespective of any permits or licenses which shall have been issued for the use or occupancy of the building or for the installation or repair of equipment of facilities prior to the effective date of this Code. This Code 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; except as provided in section 1309.05(b). Where there is mixed occupancy, residential or nonresidential use therein shall be nevertheless regulated by and subject to the provisions of this Code.

(b) In any case, where the provisions of this Code impose a higher standard than set forth in any other ordinances of the Village under the laws of the State, then the standards as set forth herein shall prevail; but if the provisions of this Code impose a lower standard than any other ordinances of the Village 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 Code 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 Code shall constitute a defense against any violation or any other ordinance of the Village 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 Village from enforcing any such other provision.

## **1309.06 - Owner and Occupant – Duties and Responsibilities**

Owners shall have all the duties and responsibilities as prescribed in this Code and the regulations promulgated pursuant thereto, 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.

Unless expressly provided to the contrary in this Code, 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.

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 which include but are not limited to refuse, natural growth, and/or overhangings.

## **1309.08 - Exterior Appearance of Premises and Structures; Freedom From Infestation**

### **A. Residential**

The exterior of the premises, the exterior of dwelling structures, and the condition of accessory structures shall be maintained so that the appearance of the premises and all buildings shall reflect a level of maintenance in keeping with the residential standards of the immediate neighborhood 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 Commercial and Industrial Material** - There shall not be stored or used at a location visible from the sidewalk, street, or other public area, equipment and materials relating to commercial or industrial uses, unless permitted under the Zoning Ordinance for the premises.

**(2) Storage of Inoperable, Unlicensed or Junk Vehicles** - Outdoor storage of inoperable, unlicensed or unused motor vehicles or trailers or parts thereof on a lot, for a period in excess of seven (7) days is prohibited. Said vehicles stored on the premises must be stored within a building so as not to be visible from any adjoining property or public road. Such vehicles shall not be used for storage or other purposes unless enclosed within a building on the premises.

**(3) Landscaping** - Premises shall be well maintained. Lawns, 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.

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

**(5) Maintenance of Exteriors of Dwelling Structures and Secondary or Appurtenant Structures**

(a) All exterior parts of every dwelling structure, including exterior walls, parapet walls, decorative additions, chimneys, fences, and all other exterior structures, either above or below the roof line, shall be maintained in safe condition, weathertight, and so as to resist decay or deterioration from any cause.

(b) Any dwelling 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.

(4) - Freedom from Infestation - All parts of the premises shall be maintained so as to prevent infestation by insects or termites and rodents. All provisions for garbage shall be constructed so as not to be accessible to dogs, cats or other animals.

## **B. Nonresidential**

The exterior of the premises 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 standards of the immediate neighborhood so that the appearance of the premises and structures shall not constitute a blighting factor for the 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) Landscaping. Premises shall be maintained. Lawns, hedges, and bushes shall be kept from becoming overgrown and unsightly where exposed to the public view and where the same constitute a blighting factor which depreciates any adjoining property.

(2) Signs and Billboards. All permanent signs and billboards exposed to public view permitted by reason of other regulations or as a lawful nonconforming use, shall be maintained in good repair. Any signs which have weathered or are faded, or those upon which the paint has peeled or cracked shall, with their supporting members, be removed forthwith, or put

into a good state of repair. All nonconforming or broken electrical signs shall be repaired or shall, with their supporting members, be removed forthwith.

(3) Windows. All windows exposed to public view shall be kept free of foreign substances, except when necessary in the course of changing displays. No storage of materials, stock or inventory shall be permitted in window display areas or other areas ordinarily exposed to public view unless such areas are first screened from public view by drapes, by venetian blinds, or by other permanent rendering of the windows to make them opaque to the public view. All screening of interiors shall be maintained in a clean and an attractive manner and kept in a good state of repair.

(4) 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 damage area or areas. Any cornice visible above a store front shall be kept painted, where required, and in good repair.

(5) 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.

(6) Freedom from Infestation - All parts of the premises shall be maintained so as to prevent infestation by insects or termites and rodents. All provisions for garbage shall be constructed so as not to be accessible to dogs, cats or other animals.

## 1309.10 Administrative Provisions

**A. Property Maintenance Officer** - The Zoning Building Inspector of the village is hereby designated to serve as the Property Maintenance Officer hereunder; and all inspections, regulations and enforcement on violations of the provision of this Code, unless expressly stated to the contrary, shall be under his direction and supervision.

### **B. When Inspections are to be made.**

#### (1) Residential

(a) - Periodic Inspections All building and premises subject to this Code are subject to inspection from time to time by the Property Maintenance Officer of the village. At the time of such inspections, all the exterior parts of the premises must be available and accessible for such inspection, and the owner, and occupant are required to provide the necessary arrangements to facilitate such inspection. Such inspection shall be made between the hours of 8:00 a.m. and 4:00 p.m., unless the premises are not available during the foregoing hours for inspections, or there is a reason to believe a violation exists of a character which is an immediate threat to health or safety, thereby requiring inspection and abatement without delay.

(b) Inspection for the Procurement of an Occupancy Permit before there is a change of occupant in a residential structure whether by reason of sale of the premises or by a change of tenants, the new occupant must obtain an Occupancy Permit from the Property Maintenance Officer.

This permit shall not be issued if there is any substantial violations of this code nor shall it be issued if the premises are not equipped with modern plumbing as defined in this code. Any occupancy of a residential property or an attempt to occupy said property without obtaining such an Occupancy Permit shall constitute a violation of this Code and shall be subject to the penalties contained in Section 1309.99 of the code. The Property Maintenance Officer shall make a charge of Ten Dollars (\$10.00) for the issuance of said permit.

## (2) Nonresidential

(a) Periodic Inspections - All Building and premises subject to this Code are subject to inspection from time to time by the Property Maintenance Officer. At the time of such inspections, all exterior parts of the premises must be available and accessible for such inspections, and the owner or occupant is required to provide the necessary arrangements to facilitate such inspections. Such inspections shall be made during the regular open hours of the business occupying such premises unless there is a reason to believe a violation exists of a character which is an immediate threat to health or safety thereby requiring inspection and abatement without delay.

(b) Inspection for the Procurement of an Occupancy Permit - Before there is a change of occupant in a nonresidential structure whether by reason of sale of the premises or by a change of tenants, the new occupant must obtain an Occupancy Permit from the Property Maintenance Officer. This permit shall not be issued if there is any substantial violations of this code nor shall it be issued if the premises are not equipped with modern plumbing as defined in this code. Any occupancy of a nonresidential property or an attempt to occupy said property without obtaining such an Occupancy Permit shall constitute a violation of this Code and shall be subject to the penalties contained in section 1309.99 of the code. The Property Maintenance Officer shall make a charge of Ten Dollars (\$10.00) for the issuance of said permit.

(3) Conduct of Inspectors - Inspectors shall conduct themselves so as to avoid intentional embarrassment or inconvenience to occupants.

### **C. Where Access by Inspectors is Refused**

(a) Where the Property Maintenance Officer or his agent is refused access, or is otherwise impeded or prevented by the owner or occupant from conducting an inspection of the premises, such person shall be in violation of this Code and subject to the penalties contained under section 1309.99.

(b) In addition to the provisions herein, the Property Maintenance Officer may apply to the Delaware Common Pleas Court, upon affidavit, for a search warrant, setting forth factually the actual conditions and circumstances that provide a

reasonable basis for believing that a nuisance or violation of this Code exists on the premises and, if the Court is satisfied as to the matter set forth in such affidavit, the Court may authorize the issuance of a search warrant permitting access to and inspection of that part of the premises on which the nuisance or violation exists. A warrant for access may be issued by the Court upon affidavit of the Property Maintenance Officer establishing the grounds therefore pursuant to section 1309.22 of this Code.

## **1309.12 - Procedure Where Violation is Discovered**

Where a violation of this Code or the regulations hereunder is found to exist, a written notice 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 (10) 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. 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 Delaware County Auditor. If the last known address of the owner cannot be ascertained, the notice may be posted on the outside front entrance of the building. Date of the 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 Village and as of the fourth day after the day of mailing for notice to addresses outside the village. 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.

(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 Zoning and Planning Commission, serving a written request within the ten (10) day period in person or by mail, on the Chairman of the Zoning and Planning Commission. Such request for a hearing before the Zoning and Planning 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 which are to be disputed at the hearing. The Chairman, 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.

(d) Determination at Hearing

At any hearing provided hereunder, the Chairman of the Zoning and Planning Commission shall be vested with all the powers provided by law to compel the attendance of witnesses and parties in interest by the issuance and service of subpoena; to require by subpoena the production of books, records, or other documents at any such hearing which may be permitted to matters to be determined by him; and to enforce any such subpoena or secure any other for the enforcement of any such subpoena, as provided by law. Determination shall be made within ten (10) days from the completion of the hearing. The Zoning and Planning Commission shall issue an Order either incorporating the determination and directions contained in the notice, modifying the same, or withdrawing the notice.

(e) – Extension of Time

The Property Maintenance Officer 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 capitol improvements or renovations are involved, in which instance the time for completion may be extended for a period of time not to exceed ninety (90) days beyond the expiration date of the original notice.

(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 (as provided for in Subsection (c) hereinabove) the Property Maintenance Officer may advise the Village Solicitor 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 Code, discovered by the Property Maintenance Officer or his representative, shall be reported to the official or agency responsible for the enforcement of such ordinance.

### **1309.17 – Application for Inspection**

Whenever and owner or occupant, a bona fide prospective purchaser, mortgagee, or a bona fide prospective occupant shall apply to the Property Maintenance Officer for an inspection in order to ascertain if any section of this Code has been violated, the Property Maintenance Officer shall, upon payment of the fee hereunder stated, cause the 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 Code 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.

### **1309.18 – Application for Status Report**

Where, in lieu of an inspection, an owner or occupant, lessee, bona fide prospective purchaser, mortgagee, or bona fide prospective occupant requests a status report as to whether or not there are any known violations presently pending on such premises, upon payment of the fee prescribed herein and the written request, a copy of any notice or Order or any violation then pending shall be sent to the applicant.

### **1309.19 – Inspection and Status Report Fees**

(a) The minimum fee for any inspection made under Section 1309.17 shall be ten dollars. (\$10.00). Any dwellings of more than ten (10) units or rooming units shall pay an additional fee of fifty cents (50) for each unit in excess of ten (10). (b) The fee for any status report under section 1309.18 shall be four dollars (\$4.00).



## **1309.20 – Certificate of Necessity**

### **A – Who May Apply**

Where any owner or occupant is required to make repairs or otherwise improve his property and is unable to comply with this Code 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 occupant; 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 occupant of any adjoining premises affected by the application.

### **B - Hearing**

On the day fixed for hearing, the Zoning and Planning Commission shall provide opportunity for the owner or occupant of the adjoining property or properties to state why access should not be granted across such adjoining properties.

### **C – Issuance of Certificate and Conditions**

If the Zoning and Planning Commission determines that access is deemed absolutely necessary for compliance with this Code, then the Zoning and Planning 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 Zoning and Planning 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 (\$10,000.00) unless conditions deemed advisable by the Zoning and Planning 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.

### **D – 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 Code and, in addition to the penalties provided hereunder, the Property Maintenance Officer may, upon affidavit, apply to the Common Pleas Court for a warrant under the procedure set forth in section 1309.11 (b) authorizing access to the premises under appropriate conditions and circumstances as provided under Section C.

## **1309.23 – Severability**

If any section, subsection, paragraph, sentence, clause, phrase, or word contained in this Code shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this Code which shall remain in full force and effect, and to this end, the provisions of this Code are hereby declared to be severable.

## **1309.99 – Penalties**

### **(a) Fines for Violations**

A violation of any Section of this Code shall be punishable by a fine of not more than One Hundred Dollars (\$100.00) for each violation committed hereunder. Each violation of a section of this Code shall constitute a separate and distinct violation independent of any other section or subsection or any Order issued pursuant to this Code. 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 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 Village Solicitor 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; to prevent the occupancy of a building, structure, or premises; to require compliance with the provisions of this Code or other applicable laws, ordinances,

rules, or regulations, or the orders of determination of the Property Maintenance Officer or the Zoning and Planning Commission.

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### 7. Recreation

- a. Use NRP A standards as a guide for recreational areas needed.
- b. Secure the provision and/or construction of useable open space by developers of major new Planned Residential Developments (30 homes or more).

### 8. Greenways

- a. Require greenway linkage of new Planned Residential Developments (Conservation Subdivisions).
- b. Add green way criteria to the zoning resolution; count its area as open space.

### 9. Buffer

- a. Amend the zoning resolution to show a landscape detail buffer between incompatible land uses.

### 10. Definitions

- a. Add other definitions as needed to clarify the intention of the zoning resolution.

### 16.2 Non zoning related actions

1. Acquire additional lands for future township parks.

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