

RECORD OF ORDINANCES

Ordinance No. 2023-23

Passed MARCH 1, 20 23

SPONSOR: PLANNING AND ZONING COMMITTEE

AN ORDINANCE AMENDING SECTION 93.26 OF THE CODIFIED ORDINANCES OF THE VILLAGE, ENTITLED "MINIMUM STANDARDS TO BE MAINTAINED BY BUILDINGS AND PROPERTIES WITHIN THE VILLAGE," TO INCLUDE STANDARDS FOR SWIMMING POOLS, HOT TUBS AND LANDSCAPING PONDS, AND DECLARING AN EMERGENCY.

WHEREAS, the Mayor has recommended that this Council amend Section 93.26 of the Codified Ordinances of the Village, entitled "Minimum Standards to be Maintained by Buildings and Properties within the Village," to include standards for swimming pools, hot tubs and landscaping ponds; and

WHEREAS, the Mayor has recommended the amendment to Section 93.26 because water that is unsanitary, stagnant, rancid, filthy, silted, turbid, or contains swill, muck, sludge, silt, trash, or garbage is generally unsafe and aesthetically displeasing and generally presents a nuisance that effects surrounding property owners, residents and businesses; and

WHEREAS, this Council finds and determines, after reviewing all pertinent information, that it is necessary and in the best interest of the Village to amend Section 93.26 for the reasons set forth above.

NOW, THEREFORE BE IT ORDAINED, by the Council of the Village of Mogadore, Counties of Summit and Portage, State of Ohio, that:

SECTION 1: This Council hereby amends Section 93.26 of the Codified Ordinances of the Village, entitled "Minimum Standards to be Maintained by Buildings and Properties within the Village," as set forth on Exhibit A, attached hereto and incorporated herein by reference.

SECTION 2: This Council finds and determines that all formal actions of this Council concerning and relating to the adoption of this Ordinance were taken in open meetings of this Council and any deliberations of this Council and any of its committees that resulted in this formal action were in meetings open to the public, in compliance with all legal requirements.

SECTION 3: This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, and safety of the residents of the Village of Mogadore and for the purpose of immediately providing standards for swimming pools, hot tubs and landscaping ponds to operate in a safe and sanitary manner within the Village, and, provided this Ordinance receives the affirmative vote of at least five (5) members elected or appointed to this Council, it shall take effect and be in force upon its passage by Council and approval by the Mayor, otherwise it shall take effect and be in force at the earliest period allowed by law.

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Michael Raddip 3-1-23
President of Council Date

Michael A. Noel 3-1-23
Mayor Date

Attest: [Signature]
Clerk-Treasurer

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Ordinance No. 2023-23Passed MARCH 1, 20 23**EXHIBIT A****§ 93.26 MINIMUM STANDARDS TO BE MAINTAINED BY BUILDINGS AND PROPERTIES WITHIN VILLAGE.**

(A) The exterior of all premises and the condition of all buildings and structures thereon shall be maintained so that the appearance thereof shall reflect a level of maintenance in keeping with the standards of the village as defined in this section and so as to avoid blighting effects and hazards to health and safety.

(B) (1) General maintenance.

(a) The owner/operator shall keep the exterior of all premises and every structure thereon including, but not limited to walls, roofs, cornices, chimneys, drains, towers, porches, landings, fire escapes, stairs, storefronts, signs, windows, doors, awnings, and marquees in good repair, and all services thereof shall be, kept painted or protected with other approved coating or material where necessary for the purposes of preservation and avoiding a blighting influence on adjoining properties. All obsolete signs shall be removed, all surfaces shall be maintained free of broken glass, loose shingles, crumbling stone or brick, peeling paint or other conditions reflective of the deterioration or inadequate maintenance, to the end that the property itself may be preserved safely and fire hazards eliminated and adjoining properties and neighborhoods protected from blighting influences.

(b) All premises shall be appropriately maintained and lawns, hedges, bushes, trees, and other vegetation shall be kept trimmed and from becoming overgrown and unsightly where exposed to public view or where such vegetation may constitute a blighting influence on adjoining properties. However, this provision shall not preclude the maintenance of undeveloped or under developed land in its natural state.

(c) All canopies, marquees, signs, awnings, exterior stairways, fire escapes, standpipes, exhaust ducts, porches, balconies, and similar overhanging extensions, shall be maintained in good condition and shall not show evidence of weathering, discoloration, ripping, tearing or other holes or breaks.

(d) No swimming pool, hot tub or landscaping pond shall be operated, kept or maintained in such a manner as to contain any amount of water that is unsanitary, stagnant, rancid, filthy, silted, turbid, or contains swill, muck, sludge, silt, trash, or garbage. All swimming pools and hot tubs shall be operated, kept and maintained in a state of good repair, properly functioning at all times, and shall be equipped with proper and functional filtering equipment manufactured for the purpose of filtering and cleaning of such swimming pools and hot tubs.

(2) Maintenance of accessory structures.

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(a) All dilapidated accessory structures on any property shall be removed or rehabilitated. All accessory buildings which are to remain shall provide weatherproofed usable space and shall not harbor rodents, termites or other vermin.

(b) Fences and retaining walls or similar structures shall be anchored firmly in the ground, shall be constructed in a workmanlike manner and maintained in the same manner so that such fences or retaining walls or similar structures shall always be in a state of good structural repair, or in the alternative, such fences, retaining walls or similar structures shall be removed or replaced. All fences shall be treated periodically with chemicals or paints as to retard deterioration, unless such deterioration is superficial deterioration designed to enhance appearance.

(3) Removal of miscellaneous debris. All yards, courts, or lots shall be kept free of unsightly materials not appropriate to the area and debris which may cause a fire hazard or may act as a breeding place for vermin or insects.

(4) Steps, walks and driveways. All steps, paths, walkways, porches, drives, and parking lots and parking areas shall be so constructed and maintained as to assure safety and be kept free from deterioration and blighting effects; if any such area, by reason of its state of repair, constitutes danger to health or safety, it shall be repaired or replaced. Hazards and unsanitary conditions shall be eliminated. All driveways and walks which exist within the public rights-of-way which are now paved shall be maintained in good order by and at the expense of the owner of the fee simple title to the property.

(C) (1) During a 15-day period of time in which to disagree with the finding(s) of the Zoning Inspector, a property owner may request a brief hearing with the Planning Commission or submit written objection to be considered. After the 15-day period, a final notice will be served specifying the number of days which the owner, occupant, or other such person or entity having charge of the land shall have in which to begin repairs or to take other such corrective actions as may be required in order to eliminate the violation. The Planning Commission or Zoning Inspector shall also specify a completion date.

(2) Failure to comply with the directives of this section shall result in a violation of this nuisance chapter and said violation shall be subject to penalties contained within § 93.99.