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CHAPTER 91 ANIMALS

Sections 91.04 (B) and (C) are to remain as written and the remainder of chapter 91 is to remain as written.

§ 91.04 Harboring Annoying Animals

- (A) It shall be unlawful for any person to harbor or keep any animal, including but not limited to dogs, horses, insects, and fowl, which by loud and frequent or habitual noise, shall cause serious annoyance to persons in the neighborhood. **No person shall keep or harbor any animal or fowl in the Village so as to create noxious or offensive odors or unsanitary conditions which are a menace to the health, comfort, or safety of the public.** Any person who shall allow such animal to habitually remain or be lodged or fed within his or her house, store or premises, shall be considered as harboring the animal within the meaning of this section.

CHAPTER 93 HEALTH, SANITATION AND NUISANCES

Chapter 93 is hereby repealed in its entirety and adopted as shown below.

§ 93.01 Definitions

- (A) **LITTER** – Means garbage, trash, waste, rubbish, ashes, cans, bottles, wire, paper, cartons, boxes, automobile parts, furniture, glass, auxiliary containers, or anything else of an unsightly or unsanitary nature.
- (B) **PUBLIC TREE** – A tree located on or along a street, sidewalk, lawn, park or other property owned by, or under the control of, the Village of Glendale. For the purposes of this section, a tree includes small seedlings or saplings planted specifically to grow to become a full-size tree.

§ 93.02 Dumping, Littering

- (A) It shall be unlawful for any person to deposit litter upon or into any of the streets, roads, alleys, highways, public parks or places, sidewalks or gutters along the streets. Any use of this kind of the gutters, alleys, roads, streets, avenues, highways, public parks and places of the Village is prohibited.

§ 93.03 Public Trees

- (A) It shall be unlawful for any person, other than the Village or those acting under direction of the Village Administrator, to remove or cause significant damage any public tree.
- (B) Any public tree that is removed or significantly damaged, the person causing the removal or damage shall make a compensatory payment to the Village equal to the dollar value of the tree, or a value equaling to the devaluation of the tree caused by said damage.

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- (C) Payment received as described in 93.03(B) shall be deposited into the Urban Forestry Board Fund for the purpose of enhancing urban forestry in the Village.
- (D) No person, other than the Village, or those acting under direction of the Village Administrator, shall:
 - (1) Plant or transplant any tree on property belonging to, or under the control of, the Village.
 - (2) Damage, cut, carve, prune, damage the root system of, or remove any public tree; nor attach any rope, wire, nails, poster or other artifact to any public tree; nor allow any toxic substance to harm or damage any public tree; or set fire to or otherwise injure by fire, any public tree.
 - (3) Spray, inject or otherwise apply any fertilizer or pesticide, including, but not limited to, dormant oil, insecticide, fungicide, herbicide, or other biological control to any public tree. This provision shall not apply to inadvertent overspray of any fertilizer or other biological control.

§ 93.04 Excessive Sound and Noise Prohibited

- (A) No person, firm or corporation shall operate, cause to be operated or permit to be operated any whistle, rattle, bell, gong, clapper, hammer, drum, horn, radio, phonograph, or other sound-producing or sound amplifying instrument so as to emit loud raucous noises or in any other way create noise or sound in such a manner as to disturb the peace and quiet of a neighborhood or as to interfere with the transaction of business or other ordinary pursuits.
- (B) No person, firm or corporation shall operate, cause to be operated or permit to be operated any whistle, rattle, bell, gong, clapper, hammer, drum, horn, radio, phonograph, television, tape player, loud speaker or any other electronically amplified sound device, instrument, machine or equipment in such a manner and to be of such intensity and duration as to create unreasonable noise or loud sound and which causes inconvenience and annoyance to persons of ordinary sensibilities. It shall be prima facie unlawful for a person, firm or corporation to operate, cause to be operated or permit to be generated, sound by the above described devices or by any other means under the following circumstances.
 - (1) No person, firm or corporation, by any means, shall, between the hours of 7:00 a.m. and 10:00 p.m. on weekdays (Monday through Thursday), 7:00 a.m. and 12:00 midnight on Fridays, and between 8:00 a.m. and 12:00 midnight on Saturdays, Sundays and legal holidays, make, resume, continue, cause or permit any noise of such a character, intensity and duration as to unreasonably disturb the peace and quiet of two complainants from separate households, or in the judgement of a police officer, acting as one of the complainants, constitute a nuisance, or be detrimental to the life or health of any individual. Between the hours of 10:00 p.m. and 7:00 a.m. on weekdays (Monday through Friday morning), 12:01 a.m. and 8:00

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a.m. on Saturdays and Sundays and legal holidays, a single complainant, either a resident or a police officer, will be sufficient to allege a violation of this section.

- (2) Any construction work on property within hearing distance of property used for residential purposes shall not take place between the hours of 10:00 p.m. and 7:00 a.m. on weekdays (Monday through Friday morning), and between 10:00 p.m. and 8:00 a.m. on Saturdays and Sundays and legal holidays. **CONSTRUCTION WORK** shall be defined as any type of work which requires a building permit. This section shall not apply to any construction work performed by the city for the health, safety and welfare of the people of Glendale.
 - (3) No person, being the owner, or person in possession, of a motor vehicle with a device described above, shall cause or permit any noise emanating from the motor vehicle which is plainly audible at a distance of 50 feet from the motor vehicle. The lawful use of a motor vehicle horn shall not be a violation of this section.
 - (4) All noise from the use of such electronically amplified sound devices shall be contained to the property on which such devices are located.
- (C) In determining whether a noise is of such a character as to unreasonably disturb the peace and quiet of the community, a court shall consider the following factors:
- (1) Complaints of neighbors regarding the noise;
 - (2) The time of day at which the noise takes place;
 - (3) The intensity and duration of the noise;
 - (4) The type of noise produced; and
 - (5) The alternate means available without excessive noise.
- (D) It shall be presumed to be a violation of this section if notice to cease and desist producing a noise has been given to any person and that person continues to make, cause or permit a noise of similar intensity and duration.
- (E) Nothing herein shall be construed to affect the reasonable giving of information for religious, educational, cultural, or political purposes or the usual and reasonable operation of rail-ways, emergency warning devices, and motor vehicles or to prohibit the reasonable use of automobile warning devices, the reasonable ringing of church bells, the reasonable and ordinary noises attendant on athletic contests or lawful public or semi-public meetings, parades, or celebrations or the right of free speech guaranteed to the citizens of the United States. The following are further exempted from noise/sound restrictions:
- (1) Noises resulting from any work made necessary to restore property to a safe condition or work required to protect persons or property from imminent exposure to danger.
 - (2) Any other noise resulting from activities of a temporary duration permitted by law and for which a license or permit therefore has been granted by the village.

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- (3) Any aircraft operated in conformity with, or pursuant to, federal law, federal air regulations, and air traffic control instruction.
- (F) For the purpose of this section, a request to desist means actual notice of the disturbance by any person to the offender or to an employee or representative of the offender. Once such a request to desist is made, it shall continue to be effective for the purposes of this section beyond the immediate time period in which it is given, and is effective even if the noise disturbs persons other than the person who makes the request to desist.

§93.05 Cellar Doors, Drains, Wells, and Cisterns to be Closed at Night

- (A) It shall be unlawful for any person owning or occupying any cellar, the door of which may be in any street or avenue of the village, to allow the cellar door to remain open between twilight in the evening and daylight of the morning following, without having a light in the cellar way, or for any person to have open any drain, well, cistern, cellar, or other hole, on any sidewalk, or in any street, avenue, or alley of the village, between twilight in the evening and daylight of the morning following, without having the hole properly lighted and guarded.

§93.99 Penalty

- (A) Whoever violates any provision of this chapter for which no penalty is otherwise provided, shall be fined not more than \$100. A separate offense shall be deemed committed on each day that a violation occurs or continues.

CHAPTER 94 PROPERTY MAINTENANCE CODE

Chapter 94 is repealed in its entirety and replaced with the following.

§94.01 Adoption

The 2021 International Property Maintenance Code as published by the International Code Council is designated as the Glendale Property Maintenance Code, subject to the amendments set forth in this Chapter. Copies of the code shall be on file with the office of the Village Administrator. The 2021 International Property Maintenance Code as referred to in this Chapter is also referred to as, "IPMC."

§94.02 Amendments

The following sections of the above-adopted IPMC are amended as follows:

- (A) Section 101.1 is hereby repealed and replaced with the following: 101.1 Title. These regulations shall be known as the Property Maintenance Code of the Village of Glendale, Ohio hereinafter referred to as "this code."
- (B) Section 102.7 is hereby repealed.
- (C) Section 103.1 is hereby repealed and replaced with the following: 103.1 Creation of agency. The Glendale Property Maintenance Department is hereby created and the official in charge thereof shall be known as the code official. The function of the agency shall be the implementation, administration and enforcement of the provisions of this code.

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- (D) Section 103.2 is hereby repealed and replaced with the following: 103.2 Appointment. The Village Administrator, or their designee, shall serve as the *code official*.
- (E) Section 103.3 is hereby repealed.
- (F) Section 111.4.2 is hereby repealed and replaced with the following: 111.4.2 Method of service. Such notice shall be deemed to be properly served where a copy thereof is served in accordance with one of the following methods: 1. A copy is delivered personally. 2. A copy is posted in a conspicuous place on the *premises*. 3. A copy is sent by certified or registered mail addressed to the owner at the last known address with the return receipt requested. 4. A copy is delivered in any other manner as prescribed by local law. Service of such notice in the foregoing manner upon the owner's agent or upon the person responsible for the structure shall constitute service of notice upon the owner.
- (G) Section 202 definition of "INOPERABLE MOTOR VEHICLE" is hereby repealed.
- (H) Section 202 is hereby amended to include: JUNK VEHICLE. "JUNK VEHICLE" shall mean:
- a. A Motor Vehicle, Trailer, Motorcycle, Watercraft or Recreational Vehicles that possesses any or all of the following types of damage: deflated, wrecked, or missing tires or rims; missing or wrecked body parts; broken or missing headlights, taillights or brake lights; broken, cracked or missing windows or windshields; missing all or part of the motor or transmission; missing or invalid license plate(s); or a vehicle that is otherwise apparently inoperable.
- (I) Section 302.4 is hereby amended to replace, "[JURISDICTION TO INSERT HEIGHT IN INCHES]" with, "eight (8) inches."
- (J) Section 302.8.1 is hereby created, "With the exception of collector's vehicles, parking or storage of any motor vehicle, trailer, sailboat, or powercraft shall be permitted only on an improved surface."
- (K) Section 302.8.2 is hereby created, "A maximum of two sailboats, powercraft, trailers, riding lawn mowers or similar equipment, or a combination thereof, for a maximum of two of the items listed, may be parked or stored in an open area of a rear yard, provided they are concealed from the view of neighboring property owners by means of buildings, fences, vegetation, terrain, or other suitable obstruction and are stored on an improved surface. A riding lawn mower or similar equipment need not be stored on an improved surface."
- (L) Section 304.14 is hereby amended to replace, "[DATE] to [DATE]" with, "April 1 to October 1".
- (M) Section 602.3 is hereby amended to replace, "[DATE] to [DATE]" with, "April 1 to October 1".
- (N) Section 602.4 is hereby amended to replace, "[DATE] to [DATE]" with, "April 1 to October 1".

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- (O) Section 109.5, Abatement, is hereby repealed and replaced with Section 94.03, Abatement, as provided in this Chapter.
- (P) Section 302.8, Vehicles, is hereby repealed and replaced with Section 94.04, Junk Vehicles, as provided in this Chapter.
- (Q) Section 108, Board of Appeals, is hereby repealed and replaced with Section 154.56, Board of Appeals.

§94.03 Abatement

- (A) ABATEMENT AND ASSESSMENT BY VILLAGE REGARDING NOXIOUS WEEDS AND LITTER; PROCEDURE. If the owner of any lot or land in violation of this IPMC fails to comply with the notice issued in accordance with this Code as to noxious weeds or litter as defined by this IPMC, and notice has been provided to the owner in accordance with this IPMC, the code official shall destroy the offending vegetation by spraying it with a chemical compound, approved by the County Commissioner of Health, by cutting or digging under such weeds or by any other method approved by the County Commissioner of Health, and may otherwise remove litter and debris. The code official shall report all expenses involved in the abatement of such violation, including the cost of service of notice, to Council, after such activity is completed. When noxious weeds have been cut or destroyed in accordance with this Code, and/or litter removed in accordance with this Code, the cost thereof shall be a lien on the lot or land from the date such expenses are reported to Council. The Clerk of Council shall certify such cost to the County Auditor to be placed upon the tax list and collected as other taxes are collected and returned to the Village in accordance with Ohio R.C. § 731.54
- (B) ABATEMENT AND ASSESSMENT BY VILLAGE REGARDING HAZARDOUS STRUCTURES AND OTHER NUISANCES; PROCEDURE. If the owner of any lot or land in violation of this IPMC fails to comply with the notice issued in accordance with this Code as to hazardous structures or other nuisance conditions as defined by this IMPC, and notice has been provided to the owner in accordance with this IMPC, the Council, by resolution, shall authorize and direct the appropriate Village official to abate the violation. The code official or other relevant designee shall report all expenses involved in the abatement of such violation, including the cost of service of notice, to Council, once such abatement has been completed. The Clerk of Council shall certify such cost to the County Auditor to be placed upon the tax list and collected as other taxes are collected and returned to the village in accordance with Ohio R.C. § 715.261.
- (C) ABATEMENT AND ASSESSMENT BY VILLAGE; COSTS ASSESSED.
 - 1. For abatement action performed pursuant to the IPMC and this Section, for which the Village is able and willing to undertake using its own personnel and equipment, the costs charged against the abated property shall be invoiced at an hourly rate equivalent to the hourly rate paid to the employee or employees performing the abatement activity, plus up to 10% administrative cost over and above that amount.

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This additional 10% fee is intended to cover the Village's additional personnel costs, equipment depreciation, fuel costs, and similar costs.

2. For abatement action performed pursuant to the IPMC and this Section, for which the Village contracts with a third party, the costs charged against the abated property shall be subject to the laws regarding contracting and bidding, the Village shall hire a commercially-reasonable and competent contractor or contractors to complete the abatement action, and the Village shall charge for all expenses incurred by the Village in connection with the abatement services performed, plus up to a 10% charge for the Village's administrative costs related thereto.

§94.04 Junk Vehicles

(A) Prohibition Against Junk Vehicles on Private Property.

No person in charge or control of any property within the Village, whether as owner, tenant, occupant, lessee, or any person otherwise having care or control of any premises within the Village, shall allow any partially dismantled, or non-operating, or wrecked, or junked, or discarded vehicle, or vehicle which does not have secured to it the full number of current license plates required by the laws of the State, to remain on such property longer than seven (7) consecutive days per calendar year and no person whether as owner, tenant, occupant, or lessee of such property or as owner, renter or other rightful user or person with a right to possession, of any such vehicle shall allow any such vehicle to remain on any property within the Village for a longer time than seven (7) consecutive days per calendar year except that this section shall not apply to such a vehicle that is stored completely within an enclosed building or garage or is otherwise specifically permitted pursuant to Zoning Code as found in the Village of Glendale, Ohio Ordinances, Chapter 154.

(B) Status of Junk Vehicles as Public Nuisance.

The location or presence of any Junk Vehicle on any public or private land or property, or public or private street, alley, or way within the Village of Glendale is hereby deemed a public nuisance and is subject to summary abatement as provided in this Section 94.04 or any other ordinance or law of the Village of Glendale or as provided under any relevant portion of the Ohio Revised Code. No person shall permit a Junk Vehicle to remain in the open on any public or private property within the Village of Glendale after receipt of a notice to remove such vehicle due to its nature as a public nuisance.

(C) Enforcement, Authority of Code Official and Notices of Violation.

Powers of the Code Official. The Code Official, as designated by this chapter, is hereby authorized and directed to enforce the provisions of this Section 94.04, through himself or through a designee. The Code Official shall have the authority to render interpretations of this Section 94.04 and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be in compliance with the intent and purpose of this Section 94.04. Such policies and procedures

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shall not have the effect of waiving requirements specifically provided for in this Section 94.04.

1. Inspections. The Code Official shall make all of the required inspections, or shall accept reports of inspection by approved designees, agencies or individuals. All reports of such inspections shall be in writing. The Code Official is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise, subject to the approval of the appointing authority.
2. Right of Entry. The owner, occupant, tenant, or person in charge of any property possesses the right to deny entry to any property by the Code Official or his designee for the purpose of compliance with this Section 94.04. However, nothing in this Section 94.04 shall prohibit the Code Official or his designee from asking permission from an owner, occupant, tenant, or person in charge of property for permission to inspect such property for compliance with this Section 94.04 and all other applicable laws, regulations and codes, to seek a search warrant based on probable cause, or to enter such property in case of emergency circumstances requiring expeditious action.
3. Identification. The Code Official shall carry proper identification when inspecting premises in the performance of duties under this Section 94.04.
4. Notice of Violation; Orders.
 - (a) Notice to person responsible. Whenever the Code Official determines that there has been a violation of this Section 94.04, notice shall be given in the manner prescribed in division (b) of this section as to form and division (c) of this section as to method of service to the party or parties responsible for the violation as specified in this Section 94.04.
 - (b) Form. Such notice prescribed in division (4)(a) of this section shall be in accordance with all of the following. Such notice shall:
 - i. Be in writing;
 - ii. Include a description of the property/premises sufficient for identification;
 - iii. Include a photograph or photographs of the Junk Vehicle, taken by the official making such inspection;
 - iv. Include a statement of the violation or violations and why the notice is being issued. Such statement shall include the following details to the extent such details are available: (a) the make and model of the vehicle; (b) the vehicle identification number; and (c) description of the damaged or missing parts or equipment;
 - v. Include a correction order that shall state that the responsible party has seven (7) days from time of delivery/posting of the order to either (1) remove the vehicle(s) that are the subject of the Notice; or (2) to give

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written notice of an appeal of the Village of Glendale pursuant to Section 94.04(E).

- vi. Inform the party responsible of the Village's right to file to abate the violation and to file a lien in accordance with division (G)(3) of this section.
- (c) Method of service. Such notice shall be deemed to be properly served if a copy thereof:
- i. Is delivered personally by the Code Official or his designee and handed to an individual at the premises, or if no individual is present, a copy thereof shall be posted in a conspicuous place in or about the premises by such notice; or
 - ii. Is sent by certified or first-class mail addressed to the last known address of the party responsible; or
 - iii. If mailed and returned as undelivered, such letter or a copy thereof is subsequently posted in a conspicuous place in or about the premises by such notice.
- (d) Unauthorized tampering. Signs, tags or seals posted or affixed by the Code Official shall not be mutilated, destroyed or tampered with, or removed without authorization from the Code Official.
- (e) Modifications. Whenever there are practical difficulties involved in carrying out the provisions of this Section 94.04, the Code Official shall have the authority to grant modifications for individual cases upon application of the party responsible, provided the Code Official shall first find that special individual reason makes the strict letter of this Section 94.04 impractical and the modification is in compliance with the intent and purpose of this Section 94.04 and that such modification does not lessen health, life and fire safety requirements. The details of action granting modifications shall be recorded and entered in the department files.

(D) Appeal.

If any recipient of a notice of violation of this section 94.04 to remove a Junk Vehicle would like to appeal the order, a written notice of appeal must be filed with the Board of Zoning Appeals at the Village of Glendale Village Offices at 30 Village Square prior to the expiration of the seven (7) day time limit from receipt of such notice/delivery and posting of such notice. An appeal may only be filed by:

1. Appearing in person at the Village offices at 30 Village Square and completing a written notice of appeal; or
2. Sending a written notice of appeal via facsimile or regular U.S. mail, as long as received by the Village at the Village Offices at 30 Village Square prior to the expiration of the seven (7) day time limit.

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(E) Conclusive Presumption of Junk Vehicle as a Public Nuisance.

If any recipient of a notice to remove a Junk Vehicle fails to either (1) comply with the Notice of Violation/Order; or (2) to appeal the notice in writing pursuant to the Notice and to this Section 94.04, the vehicle or vehicles that are the subject of the Order shall be conclusively presumed to be "Junk Vehicle(s)" and a public nuisance, and such public nuisance may be abated by the Police Department by way of removing the violating vehicles from the premises.

(F) Enforcement and Penalties

If the party responsible neither complies with the Notice of Violation/Order nor appeals the Notice within the time provided, the Code Official may institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, including the following:

1. Imposition of the penalties found in Section 94.04(G);
2. Injunctive relief; and
3. Removal and Disposal of Junk Vehicles.
 - a. The Code Official or his designee may direct the Police Department to order the Junk Vehicle towed or otherwise removed from the property or place where found in the event that the Code Official or his designee has determined, upon lawful inspection, that the junk vehicle possesses any of the following characteristics, which constitute an imminent danger to the public health, safety, or general welfare:
 - i. The Junk Vehicle has become a breeding ground or harbor for mosquitoes or other insects, snakes, rats, or other pests;
 - ii. The Junk Vehicle has become a point of heavy growth of weeds or other noxious vegetation over eight inches in height;
 - iii. The Junk Vehicle is a point of concentration of gasoline, oil, or other flammable or explosive materials;
 - iv. The Junk Vehicle is so located that there is a danger of the vehicle falling or turning over; or
 - v. The Junk Vehicle is a source of danger for children through entrapment in areas of confinement that cannot be opened from the inside or from exposed surfaces of metal, glass, or other rigid materials.
 - b. Thereafter, such Junk Vehicle shall be deemed forfeited, to be disposed of in accordance with the terms of this section.
 - c. Prior to being removed, the Junk Vehicle shall be:

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- i. Photographed by the authorized official ordering the removal of such vehicle;
- ii. The authorized official shall verify in writing that the vehicle is the same as described in the inspection provided under subsection 94.04(C)(4)(b);
- iii. The authorized official shall include a written and photographic description as to the reasons the Junk Vehicle is determined to meet one or more of the characteristics of Section 94.02(H).
- iv. Once the authorized official has documented the Junk Vehicle's status per the above terms, the Police Department shall thereupon tow, remove, or cause to be removed such "Junk Vehicle" and shall immediately dispose of it to a vehicle salvage dealer, as defined in §4738.01 of the Ohio Revised Code, or a scrap metal processing facility, as defined in §4737.05 of the Ohio Revised Code.
- v. Recovery of Costs. Any monies accruing from the disposition of a Junk Vehicle that are in excess of the expenses incurred by the Village for towing, removal or storage of the vehicle shall be credited to a fund of the Village of Glendale.
- vi. Lien Filed. Any action taken by the authority having jurisdiction on such premises where costs of abatement of the violation are incurred by the Village over and above what was recoverable pursuant to the above section (v), such costs shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

§94.99 Penalty

Whoever violates any provision of this chapter for which no penalty is otherwise provided, shall be fined not more than \$100. A separate offense shall be deemed committed on each day that a violation occurs or continues, which in the case of junk vehicles under Section 94.04, each day and each individual vehicle shall constitute a separate offense.