**ORDINANCE NO. 2023-05**

**AN ORDINANCE ENACTING AN EXTERIOR PROPERTY MAINTENANCE AND SANITATION CODE**

**VILLAGE OF NEW PARIS**

BE IT ORDAINED, by the Council of the Village of New Paris, Preble County, Ohio, to wit:

**SECTION ONE:**

Due to the need and responsibility for Village government to protect the value of property in the Village, protect the quality of life in the Village, and protect the health, safety, and welfare of the residents of the Village of New Paris, this Ordinance shall take full force and effect from and after its earliest date after passage.

**SECTION TWO:**

That the following shall be known as the Exterior Property Maintenance and Sanitation Code of the Village of New Paris, Ohio:

1. **SCOPE**

The Code is limited to the establishment of minimum standards for the maintenance and sanitary status of exterior surfaces and exterior functioning units of all structures, buildings, and uses within the Village, including lot and yard areas within the Village. No provisions of this Code shall, in any way, directly or indirectly, be interpreted to interfere with, or to limit the right of, any owner or resident to inhabit real property owned or leased by them in such a manner and form as they may determine appropriate; consistent with other applicable provisions of law. This Code is directed to obvious exterior visual conditions and hazards to health and safety which may lead to the violation of the code within the Village.

1. **PURPOSE**

The purpose of this code is to protect the public health, safety, and welfare and the value of property in the Village of New Paris by establishing a minimum standard governing the maintenance, appearance, and exterior condition of all premises and uses throughout the Village; to fix certain responsibilities and duties upon owners, residents, and managers of the same as to both separate and correlative responsibilities and duties; to authorize and establish procedures for the exterior inspection of such premises and uses; to fix penalties for the violations of the Code and to provide a process for the cleanup, repair, demolition, or vacation of premises unfit for human habitation, occupancy, or use. This Code is hereby declared to be remedial and essential for the public interest, and it is intended that this Code be construed and interpreted to effectuate the purposes as stated herein.

1. **SEVERABILITY**

Each chapter, section, paragraph, sentence, clause, phrase, or other divisible part of this Property Maintenance and Sanitation Code is hereby declared to be severable and if any such chapter, section, paragraph, sentence, clause, phrase, or other divisible part is declared unconstitutional or otherwise invalid by any court of competent jurisdiction in a valid judgment or decree, such unconstitutionality or invalidity shall not affect any of the remaining chapters, sections, paragraphs, sentences, clauses, phrases, or other divisible part of this ordinance since the same would have been enacted without the incorporation into this ordinance of such unconstitutional or invalid chapter, section, paragraph, sentence, clause, phrase, or other divisible part.

1. **APPLICABILITY**

All premises within the corporate limits of the Village of New Paris, including every building, outbuilding, structure, lot, and yard, shall comply with the provisions of this Code. Compliance with this Code is required whether or not such premises, including every building, outbuilding, and/or structure was constructed, altered, or repaired before or after the enactment of the Code, and without regard to any permits or licenses which shall have been issued for the use or occupancy of the building premises, for the construction or repair of the building or use, or for the installation or repair of equipment or facilities prior to the effective date of the Code. This Code establishes minimum standards for the initial and continued occupancy and use of all such structures and properties and does not replace or modify standards otherwise established for the construction, repair, alteration, or use of the building. Where there is mixed occupancy, residential or nonresidential use shall be regulated by and subject to the provisions of this code.

1. **HISTORIC BUILDINGS:**

An owner of a building or structure, which has been designated by a governmental body as having historical significance, may use that designation as a basis for an appeal from application of the provisions of this Code.

1. **CONFLICT OF LAWS**

In any case where a provision of the Code imposes a higher standard than that set forth in any other ordinance by the Village or law of the State, then the standard set forth herein shall prevail, but if a provision of the Code imposes a lower standard than that imposed by any other ordinance of the Village or law of the State, then the higher standard contained in any such other ordinance or law shall prevail.

1. **DEFINITIONS:**

For the purpose of the Code, certain terms and words are hereby defined. Words used in the present tense shall include the futures; the singular number shall include the plural, and the plural shall include the singular; the word” building” shall include the word “structure”, and the word “shall” be mandatory and not directory.

1. DETERIORATION: means the condition or appearance of the exterior of the building or part thereof characterized by holes, breaks, rot, crumbling, cracking, peeling, rusting or other evidence of physical decay, neglect or lack of maintenance.
2. EXTERIOR OF THE PREMISES: means those portions of a building which are exposed to the public view and the open space of any premises outside of any building.
3. FINAL ORDER: means that a Notice of Violation has been served according to this Code and the persons named have failed to comply within the time allowed or that a Notice of Violation has been served according to this Code.
4. GARBAGE: means animal or vegetable waste resulting from the handling, preparation, cooking and/or consumption of food.
5. INFESTATION: means the presence of insects, rodents, vermin or other pests on the premises which constitute a health hazard.
6. JUNK MOTOR VEHICLE: means a motor vehicle meeting the requirements of the Ohio Revised Code Section 4513.63 B-E. Listed in Section O, Paragraph 5. Motor Vehicles, subsection A. of this Ordinance that are left in the open on private property and not stored in a structure designed for the storage of vehicles and like items under cover of roof and walls so as to be out of the public view for more than 72 hours with the permission of the person having the right to the possession of the property; excepting, however, any vehicle being held in a junkyard or scrap metal processing facility licensed under the authority of the Village of New Paris or Ohio Revised Code Section 4737.05 to 4737.12 (see attachment), or any vehicle being held for bona fide repairs on a repair order at an automobile service station, garage or body shop, or any vehicle stored on property owned by or under contract with the Village of New Paris permitting the storage of vehicles on such property.
7. MOTOR VEHICLE: means every vehicle propelled or drawn by power other than muscular power, except motorized bicycles, electric bicycles’, construction equipment not designed for use as general highway transportation, farm machinery not designed for general use as transportation on public roadways and trailers designed and used exclusively to transport a boat between a place of storage and a marina or in and a round a marina, when drawn on a street or highway for a distance of no more than ten miles and at a speed of no more than twenty-five miles per hour.
8. NUISANCE: means that which is defined by the statutes of the State of Ohio, ORC 3767.41 (20(a); “Public nuisance” means a building that is a menace to the public health, welfare or safety; that is structurally unsafe, unsanitary or not provided with adequate safe egress’ that constitutes a fire hazard, is otherwise dangerous to human life or is otherwise no longer fit and habitable’ or that, in relation to its existing use, constitutes a health hazard to the public health, welfare or safety by reason of inadequate maintenance, dilapidation, obsolescence or abandonment.
9. OCCUPANCY: means any person living and sleeping in a dwelling unit or having an actual possession of said dwelling unit or any person who leases or rents a non-residential building, structure or any portion thereof.
10. OWNER: means any person, who alone or jointly or severally with others, have legal or equitable title to any premises, with or without the accompanying actual possession thereof; or shall have charge, care or control as owner or agent of the owner; or as executor, administrator, trustee, receiver or guardian of the estate, or as a mortgagee in possession.
11. PERSON: Includes any individual, corporation, association, partnership, trustee, lessee, agent or assignee.
12. PREMISES: Means a lot, plot or parcel of land including the buildings or structures thereon.
13. REFUSE/LITTER: means all solid wastes including, but not limited to; garbage, rubbish, ashes, boxes, accumulated animal feces, dead animals, industrial wastes, the accumulation of brush, broken glass, stumps and roots that present a hazard to the public right-of-way and items which present objectionable odors, unsanitary conditions and/or safety hazards.
14. RUBBISH: means solid waste consisting of both combustible and non-combustible wastes such as, but not limited to, paper, wrappings, tin cans, rubber, wood, glass, crockery, plastics and similar materials.
15. UNCOVERED VEHICLE: means that the junk motor vehicle, junk motor vehicle parts or an unlicensed collector’s vehicle is located outside of a permanent, approved and fully enclosed structure.
16. **ENFORCEMENT:**

The enforcement of any and all provisions of the Code is placed with the Village Sanitation Enforcement Officer, as he/she believes may be required to carry out and effectuate all of the provisions herein.

1. **INSPECTION:**

All buildings, premises, and uses within the Village are subject to exterior inspections by the Village Sanitation Enforcement Officer upon complaint received or obvious violations of this Code.

1. **MAINTENANCE RESPONSIBILITY:**
2. The owner and/or manager of every structure or use within the Village shall be responsible for maintaining the exterior surfaces of the same in conformance with the provisions of this Code.
3. The owner and /or manager of every structure or use within the Village shall be responsible for maintaining the yard area contiguous thereto in conformance with the provisions of this Code.
4. The owner and/or manager of every yard or lot within the Village shall be responsible for maintaining their yard and/or lot area in conformance with the provisions of this Code.
5. No owner and/or manager shall be relieved from the obligations of, nor be entitled to defend, any violation by reason of any contract or agreement between them and any other person.
6. **GENERAL EXTERIOR MAINTENANCE REQUIREMENTS:**
7. The exterior surfaces of all structures or uses within the Village, whether functional or decorative, shall be maintained in good repair. Any exterior part or feature thereof having functional use shall be capable of performing the use for which such part or feature was designed.
8. The entire yard area extending up to and including the lot line in all directions shall be in compliance with the definitions of this ordinance.
9. **EXTERIOR SURFACES:**
10. All exterior surfaces of every structure or use within the Village shall be maintained so as to resist decay or deterioration from any naturally-occurring cause. All exterior surfaces shall be covered with paint, finish, or other surface-coating so as to prevent such decay and deterioration. An exterior wall segment(s), facing, or other distinguishable surface area determined by the Village Sanitation Enforcement Officer to have bare, peeling, flaking, pitted, corroded, or otherwise showing deterioration, will require the wall segment (s), facing, or other distinguishable surface area to be surface-coated in its entirety. If the surface to be coated is a portion of a larger structure, such surface coating shall be compatible in color, texture, and design with the entire structure.
11. Any deteriorated or decayed exterior walls, doors, porches, floors, steps, railing or parts or features thereof, shall be repaired or replaced.
12. Any damaged or broken windows, screens or shutters and deteriorated or decayed sill, sash, molding, lintel, frame or trim thereof, shall be repaired or replaced.
13. **FOUNDATION:**

The foundation of every structure or use within the Village shall be maintained in such condition and repair as to prevent damage to the structural integrity of the same.

1. **ROOFS, GUTTERS, DOWNSPOUTS, AND CHIMNEYS:**
2. The roof of every structure or use within the Village shall be maintained weather-tight. All missing shingles, or other roofing materials, shall be replaced with materials of similar kind, nature, design, and color as the original thereof. If any roof segment(s), or distinguishable portion thereof, is determined by the Village Sanitation Enforcement Officer to have missing or deteriorated shingles, or other roofing material, then the roof segment(s) or distinguishable portion thereof shall be replaced or repaired with materials of similar kind, nature, design, and color as the original thereof.
3. Any structure or use within the Village having gutters and/or downspouts in place shall be maintained in such a manner as to keep such gutters and/or downspouts free of exterior rust, corrosion, and debris, and so the system of gutters and downspouts operates as originally designed to remove water from the roof in an efficient fashion. Such rust, corrosion, and debris as may develop in the course of ordinary use of the same, shall be removed, painted, or otherwise surface-coated as to keep such gutters and/or downspouts free of visible rust or corrosion.
4. **YARD AREA MAINTENANCE:**
5. Litter/Refuse:

 No indoor furniture, mattresses, household furnishings, rugs, appliances, dilapidated vehicles, vehicle parts including tires, trailers, machinery or construction equipment shall be placed or stored on any lot within the Village, including on any porches or patios visible from a public right-of-way including public alleyways over a period in excess of ten (10) days. Said ten (10) day period begins on the day of written notification from the Village Sanitation Enforcement Officer and may be extended as a result of extenuating circumstances if approved by the Village Sanitation Enforcement Officer.

Exterior property areas of all premises or uses shall be kept free of debris, objects, materials, or conditions that, in the opinion of the Village Sanitation Enforcement Officer, create a health, accident, or fire hazard, or are a public nuisance, or constitute a blighting or deteriorating influence on the neighborhood. All debris, objects, materials, or conditions shall be removed within ten (10) days. Said ten (10) day period begins on the day of written notification from the Village Sanitation Enforcement Officer and may be extended as a result of extenuating circumstances if approved by the Village Sanitation Enforcement Officer.

No owner of land in the Village shall permit litter or refuse to be placed and not removed from the owner’s land when notified by the Village to remove the litter, in accordance with part B of this Section. Failure to remove litter is hereby declared a nuisance and a hazard to the health and safety of the residents of the Village.

The open storage and display of material and equipment incidental to a nonresidential use adjacent to a residential zoning district, Planned Residential District, Planned Unit District, or visible from a public right-of-way shall only be permitted provided the area used for open storage and display shall be effectively screened on adjoining sides and public rights-of-way by means of walls or fences with a one hundred percent (100%) opaqueness and is located behind the building line and not in a required yard. Walls or fences shall be a minimum of six (6) feet in height without advertising thereon and shall not include chain link fences. Walls and fences may be further screened with plantings comprised of evergreen hedges six (6) feet in height.

The Village Sanitation Enforcement Officer shall cause written notice to be served upon the owner of the land in the Village, notifying the owner of the land to collect and remove the Litter/refuse within fifteen days of such notice.

1. Weed Control Required:
	1. No owner of land in the Village, shall permit weeds to grow thereon to a height in excess of eight inches in height, or to mature seeds thereon, or fail to cut and destroy such weeds when notified by the Village to do so, in accordance with this Ordinance. Failure to cut or destroy such weeds is hereby declared a nuisance and a hazard to the health a safety of the residents of the Village.

As used in this Section, “weeds” shall be defined as all noxious weeds, and all grasses, annual plants, plant growth and vegetation, other than trees or shrubs, provided, however, that such shall not include cultivated flowers and gardens, “Noxious weeds”, as used in this Section, includes thistle, burdock, jimson weed, ragweed, milkweed, mullein, poison ivy and other vegetation of rank growth.

* 1. The Village Sanitation Enforcement Officer shall cause written notice to be served once each growing season for weeks, April 1st through October 31st of each calendar year, upon the owner of land in the Village, notifying them that weeds are growing on land in their care and directing that such weeds shall be cut within five days of such notice and that such weeds shall be cut thereafter during the growing season with sufficient frequency to prevent such weeds from exceeding eight inches in height or maturing seeds thereon.
	2. Failure to Comply with Notice; Remedies of Village; Collection of Costs:
		1. Procedure When Owner Fails to Comply for Weeds:

During the period from April 1st through October 31st of each calendar year, the Village Sanitation Enforcement Officer may determine that the growth of weeds on land for which a notice has been issued under section 2 of this ordinance constitutes a hazard and/or nuisance pursuant to this Ordinance and that the owner(s) has failed to comply with the notice. Thereupon, the Village Sanitation Enforcement Officer may cause the weeds to be cut by use of Village employees and equipment or by the hiring of private contractors.

* + 1. Whoever violates this section is guilty of a minor misdemeanor. Each day the violation continues beyond the five-day period provided for the notice to cut weeds; and each day the violation continues beyond the fifteen-day period provided for in the notice to remove litter/refuse, as outlined in this ordinance, each violation shall be deemed a separate offense.
		2. Procedure When Owner Fails to Comply for refuse/litter:

Officer may determine that the failure to remove litter on land for which notice has been issued under Section 1 of Yard area Maintenance, constituting a hazard and/or nuisance pursuant to this ordinance and that the owner(s) have failed to comply with the notice. Thereupon, the Village Sanitation Enforcement Officer may order the litter/refuse to be removed by the use of Village employees and equipment or by the hiring of private contractors.

* + 1. Statement of Cost:

Upon completion of the cutting and removal of the weeds and the removal of the litter/ refuse, the Village Sanitation Enforcement Officer shall determine the cost of cutting and removal of the weeds and the removal of the litter/refuse; and shall cause an invoice therefore to be mailed to the owner(s) of the land. Such costs shall may include: (1) equipment charges; (2) equipment operator charges; (3) Equipment transportation charges; (4) Administration and supervision charges; (5) Removal Charges; and (6) Contractual charges.

* + 1. Payment of Costs:

The Village shall certify the charges for services as provided in this section hereof to the County Auditor, together with a proper description of the premises. Such amounts shall be entered upon the tax duplicate, shall be a lien upon such lands from the date of the entry and shall be collected as other taxes and returned to the Village for credit to the fund from which the costs were paid.

* 1. Application of this Ordinance:

The provisions of this chapter shall apply to those areas which are within seventy-five feet of any property line which includes a residence or place of business, or within twenty-five feet of the edge of the pavement along any road frontage of any lot of parcel which does not include a residence or place of business.

* 1. Penalty:

In addition to imposing court cost pursuant to O.R.C. 2947.23, the court may impose a fine in the amount of not more than one hundred fifty dollars ($150.00) for violating this ordinance, which is classified as a minor misdemeanor.

1. Accessory Structures:
	1. All structures or uses located in the yard areas within the Village, such as sheds, barns, garages, bins, and the like, shall be structures intended for the purposes for which they are being used and maintained in good repair in conformance with other provisions of this Code having regard to foundations, roofs and exterior surfaces.
	2. Any broken, rusted, deteriorated, or decayed fence, yard enclosure, or other device or structure located in the yard area contiguous to any structure or use within the Village shall be repaired or removed.
2. Ground Surface Hazards:

Holes, cracks, excavations, breaks, projections, and obstructions at any place on the premises which, in the opinion of the Village Sanitation Enforcement Officer, are a hazard to persons using the premises shall not be permitted.

**SECTION 3:**

1. **JUNK MOTOR VEHICLES:**

The accumulation and storage of a junk motor vehicle, junk motor vehicle parts or an unlicensed collector’s vehicle on private property is hereby declared to be a nuisance, detrimental to the health, safety and welfare of the residents of the Village of New Paris. No person shall leave or permit the storage of a junk motor vehicle, junk motor vehicle parts or an unlicensed collectors’ vehicle, as defined in Ohio Revised Code 4501.01, in an uncovered condition on private property for more than seventy-two (72) hours with the permission of the person having the right to possession of the property. No person having the right to the possession of property where a junk motor vehicle, junk motor vehicle parts or an unlicensed collector’s vehicle is stored shall willfully leave such vehicle or parts uncovered, in the open, for more than ten (10) days after receipt of notice as provided below in Section C hereof. It shall serve as prima facie evidence of a willful failure to comply with the notice when the vehicle or parts remain left on said property.

1. **SPECIAL PERMITS FOR REPAIR:**

Any person who is repairing or who is about to have repaired any junk motor vehicle, junk motor vehicle parts or an unlicensed collector’s vehicle, may obtain an authorization from the Village Sanitation Officer to permit the junk motor vehicle, junk motor vehicle parts or unlicensed collector’s motor vehicle to remain on the premises for an additional ten (10) days,

1. **NOTICE TO REMOVE VEHICLES:**

Upon notice from the Village Sanitation Officer that any person is storing a junk motor vehicle, junk motor vehicle parts or an unlicensed collector’s vehicle in violation of Section A. hereof, the Village Sanitation Officer may send, via certified mail, return receipt requested, or may make service of such notice via personal delivery, to the owner (s) of the land upon which the vehicle or parts are left, that within ten (10) days of receipt of the notice the vehicle or parts shall be covered by being housed in a garage or other suitable structure as defined by the definition in this ordinance. Junk Motor Vehicles, of this Ordinance, being under cover of roof and walls, or shall be removed from the property. The Village of New Parsi shall make all reasonable efforts to determine the registered owner’s last known address as reflected on the vehicle title. If the name listed as the registered owner of the vehicle is not the same name listed as the owner(s) of the lane, the Village of New Paris shall send notice via certified mail, return receipt requested, to the registered owner’s last known address as reflected on the vehicle title. In the event that the owner(s) of the land or the registered owner of the vehicle cannot be found after a reasonable effort and diligence, a notice shall be posted in a conspicuous place on a building and on the vehicle or parts for a period of ten (10) days.

1. **RIGHT OF APPEAL**

Any recipient of a notice to remove a junk motor vehicle may appeal the same in writing to the Sanitation Board within ten (10) days after its receipt. If the recipient of a notice fails to file an appeal, it shall be conclusively presumed that the vehicle is, in fact, a junk motor vehicle and a nuisance subject to removal.

After the filing of an appeal, it shall be heard before the Sanitation Board, who shall determine whether the vehicle is a junk motor vehicle in violation of Section 4 “Junk Motor Vehicles” as defined in Definition #6 of this ordinance. If the Sanitation Board determines the vehicle to be in violation of said Ordinance, the Board may order the vehicle removed in accordance with Section C.

1. **REMOVAL OF NUISANCE**

A junk motor vehicle, junk motor vehicle part or an unlicensed collector’s vehicle determined to be a nuisance that remains on the property in violation of this Ordinance may be removed. The Village of New Paris shall cause to have removed such junk motor vehicle, junk motor vehicle parts or unlicensed collector’s vehicle by a licensed and bonded towing service and assess the owners(s) of the land the actual costs of such removal, but not less that the actual cost plus one (1) hour of administrative fees and daily storage, if applicable. Daily storage per junk motor vehicle shall be a minimum of Fifteen Dollars ($15) per day per vehicle. In accordance with the Ohio Revised Code 715.261, the assessment shall be certified by the Village Fiscal Officer for the charges for the service as provided for the above to the county auditor, together with a property description of the premises. Such amounts shall be entered upon the tax duplicate, shall be a lien on upon such lands from the date of entry and shall be collected as other taxes and returned to the Village of New Paris for credit to the fund from which the costs were paid. The recovery of its costs by the Village of New Paris pursuant to this section is a remedy in addition to the penalty provided below in Section E. Additionally, after removal such vehicle shall be stored until lawfully claimed with the provision of Ohio Revised Code 4513.62-.65.

1. **PENALTY**

Whoever violates any provision of this Section of this Ordinance JUNK MOTOR VEHICLES is guilty of a minor misdemeanor and shall be assessed any costs incurred by the Village of New Paris in disposing of such junk motor vehicle(s). On a second offense within one calendar year, such person is guilty of a misdemeanor of the fourth degree. On a third offense within one calendar year, such person is guilty of a misdemeanor in the third degree. On a fourth offense within one calendar year, such person is guilty of a misdemeanor in the second degree. On a fifth offense within a calendar year, such person is guilty of a misdemeanor in the first degree. Each subsequent period of thirty days that the vehicle or parts continue to be left in storage shall constitute a separate offense.

**SECTION 4:**

1. **INFESTATION:**

All Structures, and the premises thereof, shall be maintained free of vermin, rodents and other pests, and free of sources of breeding, harborage and infestation by such vermin, rodents and other pests.

**Insect and Rodent Control:**

1. Grounds, building and structures shall be maintained free of insect and rodent harborage and infestation. Extermination methods and other measures to control insects and rodents shall conform to the requirements of the local heath authority.
2. Grounds shall be maintained free of accumulation of debris which may provide rodent harborage or breeding places for flies, mosquitos and other pests.
3. Storage areas shall be maintained as to prevent rodent harborage: lumber, pip and other building materials shall be stored at least eighteen (18) inches above the ground.
4. Where the potential for insect and rodent infestation exist, all exterior openings in or beneath a structure shall be appropriately screened with wire mesh or other suitable material.
5. The growth of brush, weeds and grass shall be controlled to prevent harborage of ticks, chiggers and other noxious insects. Grounds shall be so maintained as to prevent the growth of ragweed, poison ivy, poison oak, poison sumac and other noxious weeds considered to be detrimental to public health. Open areas shall be maintained free of heavy undergrowth of any description.

**SECTION 5: NOTICE OF VIOLATION:**

1. Where a violation of any provision of the Code is found to exist, the Village, through its Sanitation Enforcement Officer, shall cause a written notice of such violation to be served upon the owner, manager, occupant or other person responsible for the correction thereof. The Notice shall specify the violation committed, and shall provide a reasonable period of time, not more than (10) days, to correct or abate the violation.
2. When the violation involves a motor vehicle, a period of ten (days) is considered a reasonable period of time to correct or abate the violation The Notice shall state that, if the violation is not corrected or abated within the time allowed, the Village Sanitation Enforcement Officer may cause to have a motor vehicle to have a motor vehicle impounded and charge the cost thereof to the property owner. Alternatively, the Sanitation Officer may refer the violation to the prosecuting authority to pursue the appropriate criminal penalties, as discussed below.
3. Notice shall be served by certified mail, return receipt requested, AND by regular mail with certificate of mailing. Such mailings shall be sent to current address, as recorded with the County Auditor or Bureau of Motor Vehicles, or by the hand of the Chief of Police, or hand of any Police Officer, as the case may be as to the owner, and the property address as to the occupant. Regardless of whether the certified mail receipt if signed for and returned, service shall be deemed constructively completed if the regular mailing does not return to the Village undelivered.
4. When the violation involves a motor vehicle, a copy of the Notice shall also be conspicuously affixed to the motor vehicle if the surrounding facts and circumstances make it practicable to do so.
5. In every case where a notice of violation is served upon the appropriate party, and the permitted grace period for compliance has expired, a “Failure to Comply” notice shall be served upon the same party and in the same manner permitted under this Ordinance. In the absence of an appeal, as provided below, the completion of the notice of violation and the execution of the failure to comply notice shall constitute a Final Order as to administrative proceedings.

**SECTION 6: APPEAL**

1. Within five (5) days of the date of receipt of Notice of Violation, the Person may request a hearing before the Board of Sanitation by filing a written request with the Village Fiscal Officer. The appeal shall be heard at the next regularly scheduled meeting of the Board of Sanitation; allowing at least five (5) days’ notice to the party and the Village Sanitation Enforcement Officer. The Board of sanitation may sustain, modify, or dismiss, in whole or in part, any action required to correct or abate the violation set forth in the Notice. The Board shall issue an Order incorporating its determinations and shall serve such order upon the Appellant in a manner provided by this Code. Such order shall be a Final Order as to these administrative proceedings. The service upon the Village Fiscal Officer of the request for review shall toll the number of days permitted for the violation to be rectified, and said tolling shall continue until such time as the Board’s findings are served upon the subject party.
2. The Board of Sanitation shall consider the following in determining appropriate action to be taken, to-witt:
	1. That any modification of the original order of the Village Sanitation Enforcement Officer shall not, in any material way, alter the standards of this Code and shall not affect detrimentally the health or safety of occupants, or the health, safety, or welfare of the occupants or owners of adjacent premises or of the immediate neighborhood; and
	2. That strict enforcement would constitute an undue an unnecessary hardship on the owner, manager, or resident by reason of compelling expenditure for repair of the premises which would substantially disproportionate any benefit to the health, safety, or welfare of the community that might be derived therefrom.
3. Further appeal may proceed according to O.R.C. Chapter 2506

**SECTION 7: MISDEMEANOR FOR FAILURE TO CORRRECT OR ABATE:**

It shall be unlawful for any owner, manager, occupant, or other person responsible for the correction thereof to fail to correct or abate a violation, as determined by a Final Order entered into under this Code. Prosecution for criminal violation of this Code shall be in the Eaton Municipal Court. The Final Order shall be prima facie evidence of the violation of this Code.

**SECTION 8: PENALTY**

Whoever fails to comply with any Final Order, as provided herein, shall be upon conviction of the same, guilty of a misdemeanor of the third degree. Upon conviction, the fine shall be not more than $500.00 or imprisonment for not more than 60 (sixty) days or both, and in addition, the offender shall pay all costs and expenses involved in the case.

Each day of such violation shall constitute a separate offense, and said violations shall commence after expiration of the grace period permitted by the notice served upon the Defendant by the Sanitation Enforcement Officer. The owner of any building, structure, premises, or part thereof, and any agent or other person who commits, participates in, assists in, or maintains such violation, may each be found guilty of a separate offense and suffer the penalties herein provided. Nothing herein contained shall prevent the Village form taking such other lawful action as is necessary to prevent or remedy any violations.

**SECTION 9**

Any portion or portions of ordinances or resolutions heretofore approved by the Village of New Paris which are in conflict or inconsistent with any provision of the Exterior Property Maintenance Code, adopted in Section One hereof, are hereby repealed as of the effective date of this Ordinance.

This ordinance shall take effect and be in force from and after the earliest period allowed by law.

1st Reading \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

2nd Reading \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

3rd and Final Reading \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Approved this \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_2023

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Fiscal Officer Mayor