



# Municipal Code of Ordinances for the Village of Brinkhaven, Ohio

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*Adopted* \_\_\_\_\_ 2026

# Ordinance 2026-?

*AN ORDINANCE ADOPTING AND ENACTING A NEW MUNICIPAL CODE FOR THE VILLAGE OF BRINKHAVEN, OHIO; REPEALING ALL ORDINANCES OF A GENERAL AND PERMANENT NATURE NOT INCLUDED THEREIN; PROVIDING FOR THE CONTINUATION OF EXISTING RIGHTS AND LIABILITIES; ESTABLISHING THE CODE AS THE LAW OF THE VILLAGE; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY*

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**WHEREAS**, the Village of Brinkhaven is a municipal corporation organized and existing under the laws of the State of Ohio; and

**WHEREAS**, the Village Council has the authority under the Ohio Constitution and the Ohio Revised Code to enact ordinances for the governance, health, safety, and welfare of the Village; and

**WHEREAS**, the Village Council has caused to be prepared and compiled a **Municipal Code of Ordinances for the Village of Brinkhaven, Ohio**, containing ordinances of a general and permanent nature; and

**WHEREAS**, the Village Council finds that the adoption of a unified and codified body of ordinances will promote clarity, consistency, accessibility, and effective administration of Village government;

**WHEREAS**, immediate adoption of a unified Municipal Code is necessary to ensure consistent governance, lawful administration, and protection of the public peace, health, safety, and welfare;

**NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE COUNCIL OF THE VILLAGE OF BRINKHAVEN, KNOX COUNTY, OHIO:**

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## **SECTION 1. Adoption of Municipal Code**

That the **Municipal Code of Ordinances for the Village of Brinkhaven, Ohio**, consisting of Titles, Chapters, and Sections is hereby **adopted, enacted, and established as the general and permanent law of the Village of Brinkhaven.**

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## **SECTION 2. Repeal of Prior Ordinances**

All ordinances and parts of ordinances of a **general and permanent nature** enacted prior to the effective date of this ordinance are hereby **repealed**, except as to:

1. Ordinances or parts thereof expressly saved by this ordinance;
2. Ordinances of a temporary or special nature; and
3. Rights and liabilities accrued, penalties incurred, or proceedings begun prior to the effective date of this ordinance.

To the extent that any prior ordinance conflicts with the provisions of the Municipal Code adopted herein, the provisions of the Municipal Code shall control.

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## **SECTION 3. Savings Clause**

The repeal of ordinances provided for in Section 2 shall **not affect**:

1. Any offense or violation committed prior to the effective date of this ordinance;
2. Any prosecution, suit, or proceeding pending or instituted prior to the effective date;
3. Any right, duty, obligation, or liability established or accrued under prior ordinances; or
4. Any enforcement action, penalty, or remedy arising under prior law.

All such matters may be continued and enforced as if such ordinances had not been repealed.

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## **SECTION 4. Codification and Maintenance**

The Municipal Code adopted herein shall be maintained as the **official codified ordinances of the Village of Brinkhaven**. The Mayor, Fiscal Officer, Village Solicitor, or their designees are authorized to make **non-substantive editorial changes**, including renumbering, formatting, cross-reference correction, and typographical corrections, necessary to keep the Code current and internally consistent, provided that no substantive change in meaning or effect is made without formal legislative action.

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## **SECTION 5. Codification of Subsequent Ordinances**

All ordinances of a general and permanent nature adopted by the Village Council after the effective date of this Code shall, upon adoption, become part of the Municipal Code of Ordinances of the Village of Brinkhaven and shall be incorporated therein by codification.

The codification of such ordinances shall be accomplished under the authority granted to the Clerk, Fiscal Officer, or other authorized designee, without the necessity of further legislative action, provided that no substantive change in meaning or effect is made during the codification process.

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### **SECTION 6. Severability**

If any section, subsection, sentence, clause, or phrase of this ordinance or of the Municipal Code adopted hereby is for any reason held invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions, which shall remain in full force and effect.

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### **SECTION 7. Prima Facie Evidence of Law**

The Municipal Code of Ordinances adopted by this ordinance shall be received in all courts and administrative proceedings as prima facie evidence of the law of the Village of Brinkhaven.

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### **SECTION 8. Effective Date and Implementation**

This Ordinance and the Codified Ordinances of the Village of Brinkhaven adopted herein are hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, and welfare of the Village.

The emergency is based on the need to immediately establish a clear, organized, and accessible statement of the Village's laws, as the Village does not currently operate under a unified municipal code and existing ordinances are fragmented, inconsistent, and difficult to administer and enforce. Immediate adoption of a comprehensive municipal code is necessary to ensure lawful governance, consistent application of regulations, and public understanding of Village requirements.

This Ordinance shall take effect immediately upon its passage and approval by the Mayor.

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**VILLAGE COUNCIL**  
**CERTIFICATION**

\_\_\_\_\_ moved for the adoption of the  
Ordinance, and

\_\_\_\_\_ seconded the motion. The vote was as  
follows:

\_\_\_\_\_  
voted

\_\_\_\_\_  
voted

\_\_\_\_\_  
voted

\_\_\_\_\_  
voted

\_\_\_\_\_  
voted

\_\_\_\_\_  
voted

**Having received the required two-thirds majority, the Ordinance was adopted.**

**Adopted** \_\_\_\_\_, 2026.

Month and day

\_\_\_\_\_

\_\_\_\_\_  
Mayor's Signature

\_\_\_\_\_  
Date

**FISCAL OFFICER**  
**CERTIFICATION**

I, \_\_\_\_\_ of \_\_\_\_\_, Knox County,  
Ohio,

Name of Fiscal Officer or Clerk

Political subdivision

certify this Ordinance to be a true and correct copy of Ordinance No.

\_\_\_\_\_, as

Ordinance number

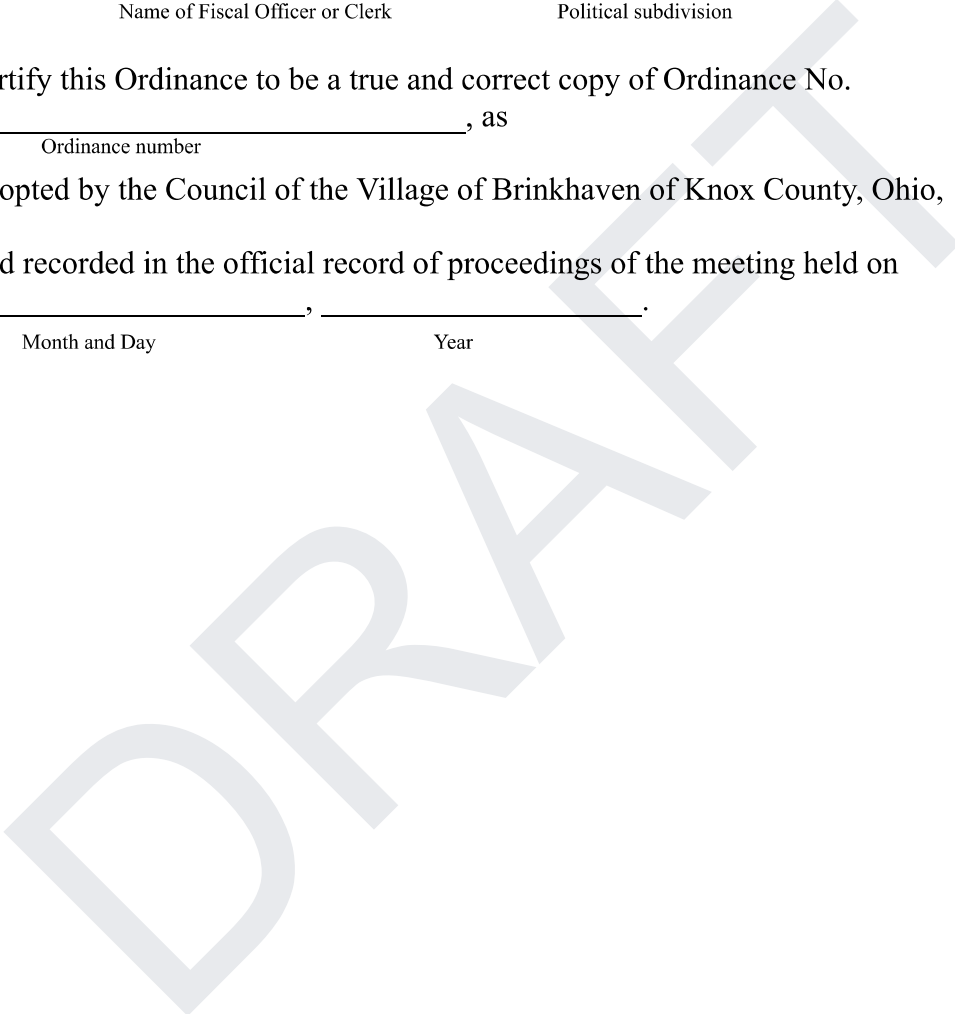
adopted by the Council of the Village of Brinkhaven of Knox County, Ohio,

and recorded in the official record of proceedings of the meeting held on

\_\_\_\_\_, \_\_\_\_\_.

Month and Day

Year



# **MUNICIPAL CODE OF ORDINANCES**

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*Titles are numbered for organizational purposes and may not be consecutive.*

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# TITLE I — GENERAL PROVISIONS

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## Chapter 101 — Short Title

### § 101.01 Short Title

(A) All ordinances of a permanent and general nature of the village, as revised, codified, rearranged, renumbered and consolidated into component codes, titles, chapters, and sections, shall be known and designated as the “Municipal Code of Ordinances,” for which designation “code of ordinances”, “codified ordinances” or “code” may be substituted. Title, chapter and section headings do not constitute any part of the law as contained in the code.

(R.C. § 1.01)

(B) All references to codes, titles, chapters and sections are to such components of the code unless otherwise specified. Any component code may be referred to and cited by its name, such as the “streets code” or “streets protection.” Sections may be referred to and cited by the designation “§” followed by the number, such as “§ 101.01”.

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## Chapter 102 — Definitions and Construction

### § 102.01 Definitions

For the purpose of this Code, the following words and phrases shall have the meanings ascribed herein unless the context clearly indicates otherwise:

1. “Village” means the Village of Brinkhaven, Knox County, Ohio.
2. “Council” means the legislative authority of the Village, i.e., the Village Council.
3. “Mayor” means the elected Mayor of the Village of Brinkhaven.
4. “Fiscal Officer” means the Village Fiscal Officer.
5. “Code Enforcement Officer” means a person appointed or designated by the Village with authority to enforce specific provisions of this Code as expressly provided herein. No person shall exercise enforcement authority unless such authority is specifically granted by this Code or by applicable Ohio law.
6. “Person” means any individual, firm, partnership, association, corporation, or other legal entity.
7. “Ordinance” means any legislative enactment of general and permanent nature duly adopted by Council.
8. “Code” or “Municipal Code” means the codified collection of all ordinances of a general and permanent nature adopted by Council and organized into Titles, Chapters, and Sections.

9. “Owner” means any person, firm, partnership, corporation, association, trust, or other legal entity holding legal or equitable title to property, whether individually, jointly, or in any representative capacity, and includes, without limitation, a deed holder, land contract vendee, trustee, executor, administrator, guardian, or any person having charge, care, or control of property as agent or otherwise.
10. “Occupant” means any person who resides in, uses, occupies, or has possession or control of any premises or any part thereof, whether or not such person is the owner, and regardless of whether such occupancy is temporary or permanent, lawful or unlawful.
11. “Premises” means any lot, parcel, tract, or plot of land, together with all structures, buildings, improvements, and appurtenances located thereon, or any part thereof, whether occupied or vacant.
12. “Structure” means anything constructed or erected, the use of which requires location on the ground or attachment to something having a location on the ground, and includes, without limitation, buildings, sheds, decks, porches, walls, signs, towers, and other similar improvements.
13. “Property” means real property, including land and all buildings, structures, fixtures, improvements, and appurtenances thereon, and, where the context requires, includes any interest therein.

## **§ 102.02 Construction of Language**

In this Code:

1. Words used in the present tense include the future tense.
2. Words in the singular include the plural, and words in the plural include the singular.
3. Words denoting the masculine gender include the feminine and neuter genders, and vice versa.
4. The word “shall” is mandatory and the word “may” is permissive.
5. Section headings, titles, or captions are for convenience only and shall not control the meaning of the text.
6. References to other sections, chapters, or Titles are deemed references to this Code unless otherwise indicated.
7. The term ‘prima facie’ as used in this Code establishes a rebuttable presumption and does not shift the ultimate burden of proof where otherwise governed by law.

## **§ 102.03 Administrative Interpretation**

Where this Code requires the exercise of judgment, determinations shall be based on objective, observable conditions, documented facts, and reasonable inferences consistent with the purposes of this Code. Such determinations shall be applied consistently and shall not be arbitrary, capricious, or discriminatory.

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## Chapter 103 — Supersession of Prior Ordinances

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### § 103.01 Supersession

All ordinances, resolutions, motions, or parts thereof of a general and permanent nature enacted prior to the effective date of this Code are hereby superseded, repealed, and declared obsolete to the extent that they are inconsistent with, duplicative of, or in conflict with the provisions of this Code.

### § 103.02 Continuity of Law

To the extent any prior ordinance is not inconsistent with this Code, such ordinance shall remain in full force and effect until expressly amended, repealed, or superseded by Village Council.

### § 103.03 Savings Clause

The repeal or supersession of any prior ordinance shall not affect:

1. Any accrued or vested rights;
2. Any obligations or duties incurred;
3. Any penalties, forfeitures, or liabilities incurred; or
4. Any prosecution, action, or proceeding pending or instituted under prior ordinances.

All such matters may be continued and enforced as if such prior ordinances had not been repealed.

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## Chapter 104 — Codification of Ordinances

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### § 104.01 Codification of Subsequent Ordinances

All ordinances of a general and permanent nature adopted after the effective date of this Code shall, upon adoption, become part of the Municipal Code of Ordinances of the Village of Brinkhaven and shall be incorporated therein by codification.

### § 104.02 Codification Authority

The Mayor, Fiscal Officer, Clerk, or other authorized designee is empowered to:

1. Correct typographical errors;
2. Renumber sections, chapters, or Titles;
3. Update cross-references and internal tables of contents;
4. Maintain the Code in a consistent and accessible format; provided that no substantive change in meaning or effect is made without formal legislative action.

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## **Chapter 105 — Scope and Applicability**

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### **§ 105.01 Scope**

The provisions of this Code shall apply throughout the entire corporate limits of the Village of Brinkhaven, including all territory annexed or added in the future unless expressly limited.

### **§ 105.02 Applicability**

Unless otherwise specified, the provisions of this Code:

- (A) Apply to all persons, properties, businesses, and activities within the Village;
- (B) Do not apply to temporary, emergency, or special ordinances or resolutions unless expressly stated.

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## **Chapter 106 — Severability**

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### **§ 106.01 Severability**

If any provision, section, subsection, sentence, clause, or phrase of this Code is declared invalid or unconstitutional by a court of competent jurisdiction, such invalidity shall not affect the remaining provisions, which shall remain in full force and effect.

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## **Chapter 107 — Enforcement Framework**

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### **§ 107.01 General Enforcement Framework**

(A) The provisions of this Code may be enforced under any applicable chapter governing property maintenance, nuisance, blight, or public health and safety conditions.

(B) Where a condition or activity violates more than one provision of this Code, the Village may proceed under any applicable provision or combination of provisions.

(C) The classification of a violation under a particular chapter shall not limit the authority of the Village to enforce other applicable provisions.

(D) The provisions of Title VII establish general standards governing the use and condition of property. Specific and enforceable requirements are set forth in Titles IX and XI. Enforcement procedures and remedies are governed by Title XV.

### **§ 107.02 Controlling Enforcement Provisions**

Unless expressly provided otherwise, the procedures, remedies, and enforcement mechanisms set forth in Title XV (Enforcement and Penalties) shall govern the enforcement of all provisions of this Code.

# TITLE III — LEGISLATIVE AUTHORITY

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## Chapter 301 — Council Establishment

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### § 301.01 Establishment of Village Council

The legislative authority of the Village of Brinkhaven is hereby vested in a Village Council, as provided in Ohio Revised Code § 731.01 and related provisions of state law.

### § 301.02 Composition and Authority

#### (A) Number of Members

The Village Council shall consist of six (6) members, as provided by Ohio law.

#### (B) Terms of Office

Council members shall serve terms of office as prescribed by Ohio law and shall be elected or appointed in accordance with applicable statutes.

### § 301.03 Powers and Duties

Village Council shall exercise all powers and duties granted to the legislative authority of a village under the Ohio Constitution, the Ohio Revised Code, and this Code, including:

1. Enactment of ordinances and resolutions;
2. Establishment of Village policies;
3. Appropriation of funds; and
4. Such other powers as provided by law.
5. Hearing and determining appeals from administrative enforcement decisions as provided in accordance with § 1501.14 of this Code.
6. Council may establish committees or working groups as necessary to carry out its functions.

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## **Chapter 303 — Council Meetings, Compensation, and Vacancies**

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### **§ 303.01 Regular Meetings**

The Village Council shall hold regular meetings on the second Monday of each month at 6:00 p.m., at a location within the Village designated by Council, in accordance with the Ohio Revised Code and the Rules of Council.

### **§ 303.02 Special Meetings**

Special meetings of Council may be called and conducted in accordance with the Ohio Revised Code and the Rules of Council.

### **§ 303.03 Quorum**

Pursuant to Ohio Revised Code § 731.44, a majority of the members of Council elected or appointed shall constitute a quorum for the transaction of business.

### **§ 303.04 Voting Procedures**

(A) No ordinance, resolution, or other legislative measure shall be adopted except by the affirmative vote required by Ohio Revised Code § 731.43 or other applicable law.

(B) The Mayor shall vote only as authorized by the Ohio Revised Code.

### **§ 303.05 Compensation of Village Officials**

#### **(A) Current Compensation**

Until December 31, 2029, compensation for elected officials shall be as follows:

Mayor: \$70.00 per month

Each Council Member: \$35.00 per month

Fiscal Officer: \$500.00 per month

#### **(B) Compensation Effective January 1, 2030**

Beginning January 1, 2030, compensation for elected officials shall be as follows:

Mayor: \$80.00 per month

Each Council Member: \$40.00 per month

Fiscal Officer: \$500.00 per month

#### **(C) Payment**

Compensation shall be paid monthly from appropriate Village funds, subject to applicable law.

## **§ 303.06 Vacancies**

### **(A) Vacancies**

Vacancies in Council shall be filled in the manner provided by Ohio law.

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## **Chapter 305 — Mayor**

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### **§ 305.01 Office; General Authority**

(A) The Mayor is the chief executive officer of the Village and shall exercise all executive and administrative authority as provided by this Code and Ohio law.

(B) The Mayor shall ensure that all ordinances, resolutions, and laws are faithfully executed.

(C) Except as otherwise provided by law or this Code, all executive and administrative authority of the Village is vested in the Mayor.

(D) All Village officers, employees, and administrative functions shall be subject to the direction and supervision of the Mayor, except where independent authority is expressly granted by law or this Code.

(E) Nothing in this section shall be construed to limit:

1. The legislative authority of Village Council;
2. The fiscal duties and independent statutory authority of the Fiscal Officer; or
3. The requirement that enforcement decisions in individual cases be made independently as provided in § 307.04.

### **§ 305.02 Presiding Officer; Legislative Role**

(A) The Mayor shall preside at meetings of Village Council when present, but shall not be entitled to vote except as provided by Ohio law.

(B) The Mayor may recommend to Village Council such measures as the Mayor deems necessary or expedient for the good of the Village.

### **§ 305.03 Administration and Supervision**

(A) The Mayor shall supervise the administrative affairs of the Village and coordinate the activities of Village officers and employees.

(B) The Mayor may issue lawful administrative directives necessary to carry out Village operations, provided such directives are consistent with this Code and Ohio law.

#### **§ 305.04 Appointments and Removals**

(A) The Mayor shall make appointments as authorized by this Code or Ohio law, subject to Council confirmation where required.

(B) Appointments shall be submitted to Council in writing.

(C) The Mayor may make interim appointments where necessary to ensure continuity of operations, subject to applicable law.

#### **§ 305.05 Contracts and Expenditures**

(A) The Mayor is authorized to execute contracts and official documents approved by Village Council and within appropriated funds.

(B) The Mayor may approve routine expenditures within appropriated funds, consistent with this Code, Ohio law, and any limits established by resolution of Village Council.

(C) No contract or expenditure shall be made unless funds are certified as available by the Fiscal Officer.

(D) No purchase or contract shall be structured to avoid legal requirements or Council approval thresholds.

#### **§ 305.06 Emergency Powers**

(A) When the Mayor determines that an emergency exists affecting public health, safety, or welfare, the Mayor may take temporary actions reasonably necessary to address the emergency, consistent with Ohio law.

(B) Emergency actions shall be reported to Village Council as soon as practicable.

(C) Emergency measures shall be limited in duration to the extent necessary to address the emergency and shall not exceed fourteen (14) days unless extended or ratified by Village Council.

(D) This section does not authorize the Mayor to enact legislation or appropriate funds.

#### **§ 305.07 Administrative Orders**

(A) The Mayor may issue written administrative orders necessary for the operation of Village government and protection of public health, safety, and welfare.

(B) Administrative orders shall be consistent with this Code and Ohio law and shall not conflict with any ordinance or resolution of Village Council.

(C) Administrative orders shall be temporary in nature and shall not exceed fourteen (14) days unless extended or ratified by Village Council.

### **§ 305.08 Reports**

The Mayor shall keep Village Council informed regarding the affairs of the Village and shall provide reports as reasonably requested.

### **§ 305.09 Committees and Advisory Bodies**

The Mayor may appoint members to committees or advisory bodies authorized by Council or by law, subject to any required confirmation.

### **§ 305.10 Intergovernmental Relations and Grants**

- (A) The Mayor may apply for grants and assistance on behalf of the Village.
- (B) The Mayor may negotiate intergovernmental agreements, subject to Council approval where required.
- (C) No agreement creating a financial obligation shall be binding without Council approval.

### **§ 305.11 Acting Mayor; Succession**

- (A) In the absence, incapacity, or vacancy of the Mayor, the President Pro Tempore of Village Council shall serve as Acting Mayor, unless otherwise provided by law.
- (B) If the President Pro Tempore is unavailable, Council may designate another member to serve as Acting Mayor.
- (C) The Acting Mayor may perform routine executive duties necessary for continuity of operations but shall not make permanent appointments, incur unapproved obligations, or take actions with long-term effect unless authorized by Council or required by law.
- (D) Acting authority shall cease upon the Mayor's return or the qualification of a successor.

### **§ 305.13 Limit on Administrative Authority**

Administrative orders, directives, and guidelines issued by the Mayor or designee shall be limited to implementation and enforcement of this Code and shall not establish new policies of general applicability or substantive requirements not authorized by ordinance or resolution of Village Council.

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## Chapter 306 — Fiscal Officer

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### § 306.01 Office; General Duties

(A) The Fiscal Officer is the chief fiscal and accounting officer of the Village and shall be appointed by the Mayor, subject to confirmation by Village Council in accordance with § 305.04. The Fiscal Officer may serve on a part-time basis as permitted by law. The Fiscal Officer is not required to be a resident of the Village unless otherwise required by law.

(B) The Fiscal Officer shall perform the duties prescribed by this Code and Ohio law, including maintaining the financial records of the Village, keeping all accounts required by law, and ensuring proper custody of Village funds.

### § 306.02 Accounting, Records, and Reports

(A) The Fiscal Officer shall keep accurate books of account, records of receipts and disbursements, and such other records as required by law.

(B) The Fiscal Officer shall prepare and present financial reports to Village Council as required by law or as Council may reasonably request.

(C) The Fiscal Officer shall cooperate with auditors and ensure that financial records are available for inspection as required by law.

### § 306.03 Budgeting and Appropriations

(A) The Fiscal Officer shall assist in the preparation of the annual budget and appropriation measures as required by law.

(B) The Fiscal Officer shall not issue or approve any warrant, check, or payment unless the expenditure has been lawfully authorized and appropriated.

(C) The Fiscal Officer shall monitor revenues and expenditures and shall advise the Mayor and Village Council of the financial condition of the Village.

### § 306.04 Warrants, Payments, and Contracts

(A) The Fiscal Officer shall issue and countersign warrants or checks as required by law.

(B) The Fiscal Officer shall not certify the availability of funds or countersign any contract or obligation unless sufficient unencumbered funds are available and the expenditure is properly authorized and in compliance with applicable fiscal requirements.

(C) The Fiscal Officer shall maintain records of contracts, obligations, and encumbrances.

### **§ 306.05 Receipts, Deposits, and Investments**

(A) The Fiscal Officer shall receive, deposit, and account for all money belonging to the Village in accordance with law.

(B) The Fiscal Officer shall ensure that Village funds are deposited, invested, and safeguarded in accordance with applicable law.

### **§ 306.06 Fiscal Compliance and Authority**

(A) The Fiscal Officer shall perform all fiscal certifications and verifications required by law or this Code.

(B) The Fiscal Officer may refuse to certify or process any payment or obligation that is not properly authorized or does not comply with applicable fiscal requirements.

### **§ 306.07 Continuity of Fiscal Operations**

(A) Village Council may, by ordinance or resolution, provide for temporary assistance, shared services, or contractual support to ensure continuity of fiscal operations during absences, vacancies, or periods of limited availability of the Fiscal Officer, as permitted by law.

(B) Nothing in this section authorizes the delegation of duties that must, by law, be performed personally by the Fiscal Officer.

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## **Chapter 307 — Code Enforcement Officer**

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### **§ 307.01 Establishment**

There is hereby established the position of Code Enforcement Officer for the Village. The Code Enforcement Officer shall be appointed or designated by the Mayor and shall serve at the pleasure of the Mayor, unless otherwise provided by ordinance or contract.

### **§ 307.02 Duties and Authority**

(A) The Code Enforcement Officer shall administer and enforce those provisions of this Code relating to property maintenance, public nuisance, and other regulatory matters as assigned by this Code or by the Village.

(B) In carrying out these duties, the Code Enforcement Officer is authorized to:

1. Conduct inspections consistent with this Code and applicable law;
2. Issue notices of violation, administrative citations, and orders requiring compliance;
3. Initiate enforcement actions as authorized by this Code;
4. Maintain records of enforcement activities; and
5. Coordinate with other officials and agencies as necessary to carry out enforcement responsibilities.

### **§ 307.03 Entry and Inspection**

(A) The Code Enforcement Officer may enter exterior areas of premises at reasonable times for purposes of inspection and enforcement, consistent with constitutional requirements.

(B) Entry into any structure or occupied area shall require the consent of the owner or occupant, a valid administrative or judicial warrant, or other lawful authority.

(C) Inspections shall be conducted in a reasonable manner and shall be limited to areas relevant to the enforcement of this Code.

### **§ 307.04 Enforcement Independence**

Enforcement decisions in individual cases, including whether to investigate, issue a notice or citation, or pursue further action, shall be made by the Code Enforcement Officer based on the facts and applicable law. Such decisions shall not be directed or controlled by the Mayor or any other elected official with respect to any specific person, property, or case.

### **§ 307.05 Temporary Designation**

In the absence of a designated Code Enforcement Officer, the Mayor may temporarily designate a qualified individual to carry out enforcement responsibilities on an interim basis. Any such designation shall be in writing and shall remain in effect only until a Code Enforcement Officer is appointed or designated.

### **§ 307.06 Coordination with Law Enforcement**

Nothing in this Chapter shall be construed to grant law enforcement authority to the Code Enforcement Officer. Matters involving criminal conduct shall be referred to appropriate law enforcement agencies.

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## **Chapter 308 — Ethics and Conflicts of Interest (Procedures)**

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### **§ 308.01 Purpose and Relationship to Ohio Law**

(A) This Chapter establishes procedural rules for disclosure and recusal in matters involving conflicts of interest.

(B) Nothing in this Chapter shall be construed to modify, limit, or replace the requirements of Ohio ethics law, including Ohio Revised Code Chapter 102 and related provisions.

(C) Compliance with this Chapter is in addition to compliance with applicable law.

### **§ 308.02 Duty to Disclose**

#### **(A) Who Must Disclose**

Any Village official, officer, employee, or member of a committee or advisory body who has, or reasonably may have, a conflict of interest in a matter before the Village shall disclose that interest.

#### **(B) Timing**

Disclosure shall be made as soon as the conflict becomes known and, if the matter is being considered at a meeting, before discussion or action on the matter.

#### **(C) Form of Disclosure**

Disclosure shall be made orally at the meeting and, if requested by the presiding officer or Fiscal Officer, in writing for the record.

### **§ 308.03 Recusal**

#### **(A) When Required**

Any person described in § 308.02 who has a conflict of interest, or whose participation is prohibited by law, shall recuse from participation in the matter.

#### **(B) Scope of Recusal**

1. Recusal means the person shall:
2. Not participate in discussion, deliberation, or decision-making on the matter;
3. Not attempt to influence the decision; and
4. Not vote on the matter.

#### **(C) Presence**

A recused person may remain present at the meeting unless otherwise required by law or directed by the presiding officer, but shall not participate in the matter.

### **§ 308.04 Recording of Disclosure and Recusal**

(A) The minutes of the meeting shall reflect:

1. The disclosure of the conflict;
2. The identity of the person recused; and
3. The fact of non-participation and non-voting.

(B) Any written disclosure shall be maintained with the meeting records.

### **§ 308.05 Quorum and Voting When Recusals Occur**

(A) Quorum

A member who is recused shall be counted for purposes of determining the presence of a quorum, unless otherwise required by law.

(B) Voting

A recused member shall not be counted in determining the number of votes cast on the matter.

(C) Loss of Quorum

If recusals result in the body being unable to act due to lack of a lawful quorum or voting majority, the matter shall be deferred or handled as otherwise permitted by law.

### **§ 308.06 Applicability**

This Chapter applies to:

1. The Mayor;
2. Members of Village Council;
3. Members of committees or advisory bodies; and
4. Any other Village official or officer participating in an official decision.

### **§ 308.07 Construction**

Nothing in this Chapter shall be interpreted to permit any conduct prohibited by applicable law.

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## **Chapter 309 — Purchasing and Procurement**

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### **§ 309.01 Purpose and Applicability**

The purpose of this Chapter is to ensure that Village expenditures are made in a lawful, fiscally responsible, and transparent manner consistent with applicable Ohio law.

This Chapter applies to all purchases and expenditures made by the Village unless otherwise governed by law.

### **§ 309.02 Authority and Approval**

(A) Village Council retains authority over appropriations and any expenditures or contracts required by law to be approved by ordinance or resolution.

(B) The Mayor may authorize routine purchases and expenditures within appropriated funds, consistent with this Code and Ohio law.

(C) No expenditure or obligation shall be made unless the Fiscal Officer certifies the availability of funds as required by law.

### **§ 309.03 Competitive Purchasing**

All purchasing and contracting by the Village shall comply with the Ohio Revised Code and any applicable state requirements governing competitive bidding, public contracts, and fiscal procedures.

### **§ 309.04 Vendor Selection**

The Mayor may establish simple administrative practices for documenting purchases and expenditures, provided such practices are consistent with this Code and Ohio law.

### **§ 309.05 Sole-Source Procurement**

No purchase or contract shall be divided or structured for the purpose of avoiding legal requirements or approval thresholds.

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# TITLE V — ADMINISTRATION

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## Chapter 501 — Records Retention

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### § 501.01 Purpose

The purpose of this Chapter is to establish uniform policies for the creation, maintenance, protection, retention, and lawful disposition of public records of the Village, to promote accountability, continuity of operations, and efficient administration.

### § 501.02 Records Retention Schedule

#### (A) Adoption

The Village shall adopt and maintain a Records Retention Schedule identifying categories of public records and establishing minimum retention periods in accordance with applicable law.

#### (B) Approval

The Records Retention Schedule and any amendments shall be approved as required by law.

#### (C) Compliance

All Village officers and employees shall comply with the adopted Records Retention Schedule.

#### (D) Permanent Records

Records designated as permanent by law or by the adopted schedule shall be retained indefinitely.

#### (E) Litigation and Audit Hold

No record relating to pending or reasonably anticipated litigation, investigations, public records requests, or active audits shall be destroyed until such matters are fully resolved.

### **§ 501.03 Records Disposal Procedures**

(A) Authorization

No public record shall be disposed of except in accordance with the adopted Records Retention Schedule and with approval of the Records Commission as required by law.

(B) Records Commission

The Records Commission shall consist of:

1. The Mayor;
2. The Fiscal Officer; and
3. One (1) member of Village Council appointed annually by Council.

(C) Duties

The Records Commission shall review retention schedules and approve the disposal of public records as required by law.

(D) Documentation

The Fiscal Officer shall prepare, submit, and maintain documentation of records disposal in the manner required by law.

(E) Method

Records shall be disposed of by methods appropriate to the record type and consistent with confidentiality requirements.

### **§ 501.04 Compliance with Ohio Law**

(A) Public Access

Public records shall be made available for inspection and copying in accordance with applicable law, except where exempt.

(B) Form and Format

Public records may be maintained in any lawful format.

(C) Custody and Protection

The Fiscal Officer shall ensure that public records are reasonably organized, protected from damage or loss, and preserved in accordance with legal and operational requirements.

# TITLE VII — LAND USE AND PROPERTY CONDITIONS

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## Chapter 701 — General Use Standards

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### § 701.01 Purpose

The purpose of this Title is to establish general standards governing the use and condition of property to protect public health, safety, and welfare.

These provisions regulate observable conditions and impacts and are not intended to establish zoning districts or regulate land use by classification, but rather to provide uniform, objective standards applicable to all properties.

### § 701.02 Applicability

(A) This Title applies to all properties, structures, and activities within the Village.

(B) The provisions of this Title shall be enforced in coordination with, and subject to, the applicable provisions of:

1. Chapter 901 (Property Maintenance);
2. Chapter 903 (Blighted Properties);
3. Chapter 1101 (Public Nuisances); and
4. Title XV (General Penalties and Enforcement).

(C) This Title establishes general standards governing the use and condition of property.

(D) Specific and objective requirements are set forth in the Chapters referenced in subsection (B), and compliance shall be determined based on those provisions.

(E) Nothing in this Title shall be construed to limit or supersede the enforcement authority provided in the provisions listed above.

### § 701.03 General Use Authorization

(A) Any lawful residential use, accessory use, or customary incidental activity is permitted, provided it complies with this Code.

(B) Uses or activities that create or result in a public nuisance, unsafe condition, or violation of any objective standard set forth in this Code, including but not limited to Chapters 901 (Property Maintenance) and 1101 (Public Nuisances), are prohibited.

(C) No use shall be conducted in a manner that results in a violation of any applicable provision of this Code.

## **§ 701.04 Nature of Regulation**

This Title establishes uniform, objective standards governing the condition, use, and impacts of property to protect public health, safety, and welfare.

These provisions are not intended to establish zoning districts or regulate land use by classification, but may incidentally affect how property is used to the extent necessary to enforce objective health, safety, nuisance, and property maintenance standards.

Any limitations on structures, activities, or property conditions shall be interpreted as necessary to prevent adverse impacts, not to regulate use by category or district.

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## **Chapter 703 — Performance Standards**

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### **§ 703.01 General Standard**

All uses and activities shall comply with the objective property condition standards set forth in this Code, including Chapter 901 (Property Maintenance) and Chapter 1101 (Public Nuisances). This Chapter is intended to identify prohibited impacts and shall not be construed to create independent or conflicting standards.

### **§ 703.02 Prohibited Impacts**

No person shall use property in a manner that results in conditions that violate this Code, including but not limited to:

1. Noise conditions in violation of Chapter 1103;
2. Conditions that constitute a nuisance or otherwise create unsafe or hazardous conditions affecting persons or property, as defined in Chapter 1101 or other applicable provisions of this Code;
3. Emission of smoke, dust, fumes, or odors that constitute a nuisance under Chapter 1101;
4. Traffic or parking conditions that create a demonstrable safety hazard or obstruction in violation of applicable provisions of this Code; or
5. Environmental conditions in violation of applicable law.

Compliance with this section shall be determined based on observable conditions and documented evidence.

### **§ 703.03 Exterior Property Conditions**

All exterior property conditions, including outdoor storage, accumulation, and maintenance, shall be governed exclusively by Chapter 901 (Property Maintenance) and other applicable provisions of this Code.

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## **Chapter 705 — Permits and Administrative Review**

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### **§ 705.01 Permit Requirement**

A permit issued by the Code Enforcement Officer shall be required for:

- (A) Construction of new structures;
- (B) Structural additions or significant alterations;
- (C) Placement or installation of any structure, whether permanent or temporary;
- (D) Any construction, alteration, or activity that affects a structure or property condition regulated by this Code and for which permit review is reasonably necessary to verify compliance with objective standards set forth herein.
- (E) Such other activities as may be expressly designated by ordinance or resolution of Village Council.

Such permits are in addition to any permit, review, or approval required by state law or other lawful authority and do not authorize work otherwise prohibited by law.

Permits issued under this Chapter are limited to verification of compliance with objective standards set forth in this Code and applicable law. Such permits do not constitute approval of land use by classification, zoning authorization, or discretionary land use approval.

### **§ 705.02 Administrative Review**

- (A) The Code Enforcement Officer shall review permit applications for compliance with this Code and applicable law.
- (B) The Code Enforcement Officer shall approve or deny an application based solely on compliance with objective provisions of this Code. No permit decision shall be based on subjective judgment regarding the desirability of a use or activity.
- (C) Conditions of approval shall be:
  1. Reasonable;
  2. Directly related to the proposed activity; and
  3. Necessary to ensure compliance with this Code.

### **§ 705.03 No Legislative or Quasi-Judicial Approval Required**

Except as otherwise required by law, no separate zoning approval, variance, or conditional use approval shall be required.

#### **§ 705.04 No Zoning Authority**

Nothing in this Title shall be construed to establish zoning districts, regulate land use by classification, or require conditional use or variance approval.

#### **§ 705.05 Limitation on Authority**

Nothing in this Chapter shall be construed to authorize regulation of land use by classification, the establishment of zoning districts, or discretionary approval of uses. Permits issued under this Chapter are limited to verification of compliance with objective standards set forth in this Code.

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## **Chapter 707 — Chronic Nuisance and Repeated Violations**

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#### **§ 707.01 Purpose**

The purpose of this Chapter is to address properties that demonstrate a pattern of repeated or ongoing violations of this Code, which negatively impact the health, safety, and welfare of the Village.

#### **§ 707.02 Chronic Property Defined**

A “chronic property” is any property for which:

- (A) Three (3) or more violations of this Code have been documented within a thirty (30) day period; or
- (B) Five (5) or more violations have been documented within a twelve (12) month period; or
- (C) A violation continues unabated for more than ten (10) days after notice of violation has been issued, unless a different compliance period is specified.

#### **§ 707.03 Enforcement**

- (A) A property determined to be a chronic property may be subject to enhanced enforcement actions, including:
  - 1. Escalated penalties as provided in Title XV;
  - 2. Abatement by the Village with cost recovery;
  - 3. Injunctive relief or other remedies available at law or in equity.
- (B) Each day a violation continues may constitute a separate offense as provided in Title XV.

This Chapter supplements, and does not replace, the general chronic or repeat violation provisions set forth in § 1501.09.

#### **§ 707.04 Non-Exclusive Remedy**

The provisions of this chapter are cumulative and shall not limit the authority of the Village to enforce any other provision of this Code.

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## **Chapter 709 — Appeals**

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#### **§ 709.01 Right of Appeal**

Any person aggrieved may appeal in accordance with § 1501.14 of this Code.

#### **§ 709.02 Authority**

Village Council shall hear and decide all appeals under this Title.

#### **§ 709.03 Final Administrative Action**

A decision of Village Council shall constitute the final administrative action of the Village, subject to judicial review as provided by law.

# TITLE IX — PROPERTY MAINTENANCE AND REGULATION

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## Chapter 901 — Property Maintenance

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### § 901.01 Purpose

The purpose of this Chapter is to establish minimum standards for the maintenance of premises and structures to protect public health, safety, and welfare; prevent blight and deterioration; and ensure safe, sanitary, and orderly conditions within the Village.

### § 901.02 Minimum Property Standards

All owners, occupants, operators, agents, and other persons having control of real property shall maintain the premises and any structures in compliance with the following standards:

#### (A) General Condition

Premises shall be maintained in a clean, safe, sanitary, and structurally sound condition and shall be free from conditions that constitute a nuisance, attract vermin, create fire hazards, or endanger persons or property.

#### (B) Structures

Structures and all exterior components, including walls, roofs, foundations, windows, doors, stairs, porches, and accessory structures, shall be maintained in good repair, structurally sound, and weather-resistant.

#### (C) Exterior Areas

Yards, driveways, and open areas shall be kept free from accumulation of rubbish, refuse, junk, or debris. Vegetation shall be maintained so as not to create a nuisance, harbor pests, or obstruct visibility or access. Hazardous or dead vegetation shall be removed or mitigated.

#### (D) Storage and Vehicles

Outdoor storage shall be orderly and shall not create safety hazards, fire hazards, or blight. Inoperable, unlicensed, or abandoned vehicles shall not be stored outdoors except as permitted by law.

#### (E) Utilities and Drainage

Premises shall maintain drainage and grading sufficient to prevent standing water or damage to structures or neighboring property. No owner, occupant, or person in control of premises shall allow soil, gravel, rock, debris, or other materials to be discharged, tracked, or carried from the property onto any street, sidewalk, alley, or public right-of-way.

(F) Address Identification

Approved address numbers shall be displayed in a location visible from the street.

(G) Controlling Standards

The standards set forth in this Chapter are intended to provide the primary and controlling criteria for determining property condition violations within the Village. Other provisions of this Code referencing property conditions shall be interpreted consistently with this Chapter.

(H) Determination of Compliance

Compliance with this section shall be determined based on observable conditions and documented evidence.

**§ 901.03 Enforcement and Remedies**

(A) Violations of this Chapter shall be enforced in accordance with Title XV (General Penalties and Enforcement).

(B) Authorized officials may inspect premises at reasonable times consistent with law.

(C) Upon determination of a violation, written notice shall be provided describing the violation and specifying a compliance period.

(D) The compliance period shall be reasonable in light of the nature of the violation and any risk to public health or safety.

(E) If a violation is not corrected:

1. The Village may pursue any remedy authorized by law, including civil enforcement or citation;
2. The Village may abate the condition and assess costs as permitted by law; and
3. Additional remedies under Title XV (General Penalties and Enforcement) may be applied.

(F) Appeals

Any person aggrieved may appeal in accordance with § 1501.14 of this Code.

(G) Coordination

Where a condition violates multiple provisions of this Code, the Village may proceed under any applicable provision; however, duplicate penalties shall not be imposed for the same condition.

## **§ 901.04 Temporary Structures and Recreational Vehicles as Dwellings**

### **(A) Legislative Findings and Purpose**

Village Council hereby finds that structures used for human habitation must provide adequate protection of public health, safety, and welfare.

Council further finds that structures lacking compliance with generally applicable building, housing, and sanitation standards may present increased risks, including but not limited to:

1. inadequate potable water supply,
2. improper sewage and waste disposal,
3. fire hazards and unsafe electrical conditions,
4. insufficient weather protection, and
5. risks to occupants and neighboring properties.

Accordingly, this section establishes objective minimum standards for residential occupancy, and is intended to regulate conditions affecting health and safety.

This section shall not be construed as establishing zoning districts or regulating land use by classification, but rather as establishing uniform occupancy standards applicable to all properties within the Village.

### **(B) Definitions**

#### **1. Dwelling**

A structure used for human habitation that complies with applicable provisions of:

- a. the Ohio Revised Code,
- b. applicable building and housing standards, and
- c. this Code,

including provision for:

- a. potable water,
- b. sanitary sewage disposal,
- c. safe electrical service,
- d. structural integrity, and
- e. weather protection.

#### **2. Recreational Vehicle (RV)**

A motorhome, travel trailer, camper, fifth-wheel, or similar vehicle designed for temporary recreational or travel use and not constructed in compliance with standards applicable to permanent residential structures.

#### **3. Temporary Structure**

Any tent, portable building, container, trailer, or similar structure not constructed or approved for residential occupancy under applicable building or housing standards.

### **(C) General Occupancy Standard**

No person shall occupy, and no owner shall permit the occupancy of, any structure for residential or sleeping purposes unless such structure qualifies as a Dwelling as defined in this section.

### **(D) Application to Certain Structures**

Structures that do not meet the definition of a Dwelling—including but not limited to recreational vehicles and temporary structures—shall not be used for residential occupancy.

This determination shall be based on objective compliance with applicable health, safety, and building standards, and not solely on the form or classification of the structure.

(E) Limited Temporary Emergency Occupancy

1. Eligibility

Temporary occupancy of a recreational vehicle or temporary structure may be permitted when an existing lawful dwelling on the same property has been rendered uninhabitable due to fire, natural disaster, or similar unforeseen event.

2. Conditions

Such occupancy shall be permitted only where:

- a. the occupants are lawful residents of the affected dwelling;
- b. the temporary structure is located on the same property;
- c. adequate sanitary facilities and lawful waste disposal are provided; and
- d. the occupancy does not create a nuisance or hazard under this Code.

3. Duration

Temporary occupancy shall not exceed thirty (30) days.

4. Extensions

A single extension or multiple extensions may be granted, provided that:

- a. the total duration shall not exceed ninety (90) days;
- b. the applicant demonstrates documented, good-faith progress toward restoring habitable conditions; and
- c. the continued occupancy does not create a health or safety risk.

5. Written Determination Required

Any extension shall be supported by a written determination by the Code Enforcement Officer based on objective findings and shall be subject to appeal as provided in § 1501.14.

(F) Non-Residential Use

Nothing in this section shall prohibit:

1. the storage or parking of recreational vehicles; or
2. their incidental, short-term use for travel-related purposes, provided such use does not constitute residential occupancy.

(G) Objective Enforcement Criteria

Determinations under this section shall be based on observable and documentable conditions, including but not limited to:

1. presence of sleeping facilities or bedding;
2. duration and frequency of occupancy;
3. utility connections or service arrangements;
4. receipt of mail, deliveries, or other indicia of primary residence; and
5. absence of a lawful dwelling being used for habitation.

(H) Consistency With State Law

This section shall be interpreted and applied in a manner consistent with the Ohio Revised Code and applicable state regulations governing building standards, sanitation, and municipal authority. Nothing in this section is intended to conflict with or supersede state law.

(I) Relationship to Other Provisions

This section is cumulative of and may be enforced in conjunction with Chapters 701, 703, 901, and 1101 of this Code. A violation of this section may also constitute a nuisance where applicable.

**§ 901.05 Outdoor Storage**

(A) Purpose

The purpose of this section is to ensure that outdoor storage of materials, equipment, and personal property is maintained in a safe, orderly, and sanitary manner and does not create hazards, nuisances, or conditions of blight.

(B) General Standard

All outdoor storage on any property shall be maintained in a neat, orderly, and safe manner and shall not:

1. Create a fire, health, or safety hazard;
2. Provide harborage for rodents or vermin;
3. Obstruct sidewalks, streets, alleys, or rights-of-way; or
4. Constitute or contribute to a public nuisance or blighted condition as defined elsewhere in this Code.

Outdoor storage shall not include the placement or construction of structures except as permitted by this Code.

(C) Prohibited Outdoor Storage

Except as otherwise permitted by this Code, the following shall not be stored outdoors on any property:

1. Junk, rubbish, refuse, or debris;
2. Inoperable, dismantled, or unlicensed vehicles or vehicle parts, except as otherwise permitted by law;
3. Broken or discarded appliances, furniture, or fixtures;
4. Scrap materials, tires, or similar waste items; or
5. Any materials stored in a manner that creates a nuisance or safety hazard.

(D) Permitted Outdoor Storage

The following are permitted when kept in a reasonable, neat, and orderly condition and not in violation of division (B) of this section:

1. Firewood, neatly stacked;
2. Lawn, garden, and household maintenance equipment;
3. Recreational equipment and vehicles;
4. Building materials temporarily stored in connection with an active construction, repair, or improvement project, provided such materials are removed within a reasonable time after completion of the project;
5. Other items customarily associated with normal residential or property use, when not in disrepair or creating a nuisance.

(E) Placement and Screening.

Where practicable, outdoor storage shall be located in side or rear yards and, when the nature or volume of stored items would otherwise create a visual nuisance, shall be reasonably screened from public view by fencing, landscaping, or placement behind structures.

(F) Responsibility.

The property owner and, where applicable, the occupant shall be jointly responsible for compliance with this section.

(G) Enforcement.

A violation of this section shall constitute a violation of this Chapter and shall be subject to enforcement in accordance with this Chapter and Title XV (General Penalties and Enforcement).

(H) Determination of Compliance

Compliance with this section shall be determined based on observable conditions and documented evidence.

**§ 901.06 Fences**

(A) Purpose

The purpose of this section is to ensure that fences within the Village are maintained in a safe, orderly, and non-hazardous condition and do not create visibility hazards or conditions detrimental to public health, safety, or welfare.

(B) Height

Fences shall not exceed:

1. Four (4) feet in height within any front yard; and
2. Six (6) feet in height within any side or rear yard.

(C) Location

Fences shall be located entirely on the property of the owner and shall not encroach into any public right-of-way unless expressly authorized by the Village.

(D) Visibility and Safety

No fence shall:

1. Obstruct visibility at intersections, driveways, or along public rights-of-way in a manner that creates a traffic or safety hazard;
2. Contain barbed wire, razor wire, sharp projections, or other hazardous materials in residential areas; or
3. Be installed or maintained in a manner that creates a risk of injury to persons or damage to property.

(E) Maintenance

All fences shall be maintained in a structurally sound condition and in good repair. Fences that are leaning, broken, deteriorated, or otherwise unsafe shall be repaired or removed.

(F) Responsibility

The property owner and, where applicable, the occupant shall be responsible for compliance with this section.

(G) Determination of Compliance

Compliance with this section shall be determined based on observable conditions and documented evidence.

(H) Enforcement

A violation of this section shall constitute a violation of this Chapter and shall be subject to enforcement in accordance with Title XV (General Penalties and Enforcement) of this Code.

**§ 901.07 Accessory Structures**

(A) Purpose

To ensure that accessory structures are safe, appropriately located, and do not create hazards or adverse impacts on neighboring properties.

(B) General Standards

Accessory structures shall:

1. Be subordinate to the principal structure;
2. Be located only in side or rear yards; and
3. Not be used as a dwelling unless expressly permitted by this Code.

Accessory structures shall not be located in any front yard. No structure other than a principal building or permitted fence shall be located in a front yard unless otherwise expressly authorized by this Code.

(C) Height

Accessory structures shall not exceed twenty (20) feet in height.

(D) Placement

Accessory structures shall not be located within any required setback area applicable to the principal structure.

(E) Maintenance

All accessory structures shall be maintained in good repair and free of structural hazards.

(F) Enforcement

Violations shall be enforced in accordance with Title XV (General Penalties and Enforcement).

(G) Determination of Compliance

Compliance with this section shall be determined based on observable conditions and documented evidence.

## **§ 901.08 Construction Conditions**

### **(A) Purpose**

To ensure that construction activity is conducted in a safe, orderly manner and does not create ongoing nuisance or hazardous conditions.

### **(B) General Requirements**

Construction sites shall:

1. Be maintained in a reasonably clean and orderly condition;
2. Not allow accumulation of debris, waste materials, or hazards on the premises;
3. Secure materials and equipment to prevent danger to the public; and
4. Comply with applicable noise regulations under Chapter 1103.

### **(C) Duration**

Construction materials shall not remain on-site for an unreasonable period following completion of work.

### **(D) Enforcement**

Violations shall be enforced in accordance with Title XV (General Penalties and Enforcement).

### **(E) Determination of Compliance**

Compliance with this section shall be determined based on observable conditions and documented evidence.

## **§ 901.09 Parking and Vehicle Surfaces**

### **(A) Purpose**

To prevent property damage, erosion, and unsightly or unsafe conditions caused by improper vehicle parking.

### **(B) General Standard**

Vehicles shall not be routinely parked on lawns, landscaped areas, or unprepared surfaces in a manner that creates:

1. Mud, erosion, or drainage problems;
2. Damage to the property; or
3. A nuisance condition.

### **(C) Exceptions**

Temporary or occasional parking shall not constitute a violation unless it results in a condition described in subsection (B).

### **(D) Enforcement**

Violations shall be enforced in accordance with Title XV (General Penalties and Enforcement).

### **(E) Determination of Compliance**

Compliance with this section shall be determined based on observable conditions and documented evidence.

## **§ 901.10 Screening of Large Outdoor Storage**

### **(A) Purpose**

To reduce visual blight and protect neighboring properties from adverse impacts of large-scale outdoor storage.

### **(B) Applicability**

This section applies to outdoor storage of materials, equipment, or items not customarily associated with normal residential use.

### **(C) Screening Required**

Where such storage would create a visual nuisance, it shall be:

1. Located in a side or rear yard; and
2. Reasonably screened from public view by fencing, landscaping, or placement behind structures.

### **(D) Maintenance**

Screening shall be maintained in good condition.

### **(E) Enforcement**

Violations shall be enforced in accordance with Title XV (General Penalties and Enforcement).

## **§ 901.11 Home Occupations**

### **(A) Purpose**

The purpose of this section is to allow limited business and assembly activity within residential properties while ensuring such activity remains incidental to residential use and does not create adverse impacts.

### **(B) General Standard**

A home occupation or incidental residential activity shall be permitted if it:

1. Is incidental and subordinate to the residential use of the property;
2. Does not alter the residential character of the property or neighborhood; and
3. Complies with this section.

### **(C) Performance Standards**

A home occupation or incidental activity shall:

1. Not generate traffic, parking demand, or deliveries beyond that normally associated with residential use;
2. Not create noise, odor, vibration, glare, or other conditions detectable beyond the property line;
3. Not involve outdoor storage of materials, equipment, or inventory;
4. Not involve regular on-site presence of non-resident employees; and
5. Be conducted entirely within a dwelling or permitted accessory structure.

(D) Residential Assembly and Gathering Activities

Home occupations conducted by occupants may include occasional small-scale assembly and gathering activities incidental to residential use, including group meetings, receptions, religious gatherings, performances, rehearsals, or similar events open to family, guests, or the public, provided that:

1. The total number of persons present at any time shall not exceed forty-nine (49), provided that adequate parking is available on-site or lawfully accommodated and the activity does not create traffic, safety, or nuisance conditions in violation of this Code.
2. Activities occur entirely within the dwelling and do not involve structural alterations changing its residential appearance; and
3. The activities do not create significant adverse impacts, including excessive traffic, noise, or parking demand.

(E) Prohibited Activities

The following shall not be permitted as home occupations:

1. Any use involving hazardous materials or processes;
2. Vehicle repair, body work, or similar mechanical operations conducted outdoors or on a commercial scale; or
3. Any use that constitutes a public nuisance or violates other provisions of this Code.

(F) Administration

The Code Enforcement Officer may determine whether a use qualifies as a home occupation based on observable conditions and compliance with this section.

(G) Enforcement

Violations of this section shall be enforced in accordance with Title XV (Penalties and Enforcement) of this Code.

**§ 901.12 Sidewalks and Pedestrian Surfaces**

(A) Purpose

To ensure that sidewalks and pedestrian pathways adjacent to or serving private property are maintained in a safe and usable condition.

(B) Responsibility

The owner of property abutting any sidewalk or pedestrian pathway shall maintain such surfaces in a safe, level, and passable condition.

(C) Prohibited Conditions

No owner shall:

1. Remove, damage, or alter any sidewalk without restoring it to a safe and level condition;
2. Allow any sidewalk or pedestrian surface to become uneven, broken, displaced, or hazardous; or
3. Create or permit any condition that presents a tripping hazard or impedes safe pedestrian use.

(D) Restoration Requirement

Any person who removes, disturbs, or damages a sidewalk shall restore the surface to a condition that is reasonably level, stable, and consistent with surrounding grade and construction.

(E) Prima Facie Condition

A difference in elevation, break, or displacement creating a tripping hazard shall constitute prima facie evidence of a violation.

(F) Continuing Violation

Each day a hazardous condition exists after notice and opportunity to correct may constitute a separate violation.

(G) Enforcement

Violations shall be enforced in accordance with this Chapter and Title XV (General Penalties and Enforcement), including issuance of administrative citations under § 1501.03.

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## Chapter 903 — Blighted Properties

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### § 903.01 Definitions

For the purposes of this Chapter, the following terms shall have the meanings set forth below.

Terms not defined in this Chapter shall have the meanings given in Chapter 102.

(A) Blighted Property

Any property or structure which, due to neglect, abandonment, deterioration, or unsafe condition, contains conditions on the premises that constitute a public nuisance or pose a risk to public health, safety, or welfare. Conditions indicative of blight may include, but are not limited to, structural instability, dilapidation, unsecured or broken openings, accumulation of refuse or junk, overgrown vegetation that harbors vermin, infestation, standing water, or other hazardous conditions.

(B) Nuisance

“Nuisance” has the meaning set forth in § 1101.01 of this Code.

(C) Owner

“Owner” has the meaning given in § 102.01, and for purposes of this Chapter includes any Occupant or any person having possession, charge, care, or control of the premises or any structure thereon for purposes of compliance and enforcement.

(D) Vacant Structure

Any structure that has been unoccupied for a continuous period exceeding ninety (90) days and is not subject to active, lawful use or maintenance.

### **§ 903.02 Declaration Of Blight**

(A) A property may be declared blighted when conditions exist that, individually or collectively, constitute a nuisance or pose a significant risk to public health or safety.

(B) In determining blight, the Village may consider the severity, duration, and recurrence of such conditions.

(C) A determination of blight shall be made by the Code Enforcement Officer based on observable conditions and documented evidence.

### **§ 903.03 Corrective Actions**

(A) Notice of Violation

Upon a determination that a property is blighted, the Owner shall be provided written notice identifying the conditions on the premises or involving any structure that constitute blight and specifying a reasonable period for correction, which shall not be less than fourteen (14) days, except in cases involving an immediate threat to health or safety.

(B) Required Actions

Corrective actions may include, as appropriate:

1. Repair or stabilization of unsafe structures or structural elements;
2. Securing structures against unauthorized entry;
3. Removal of refuse, junk, or hazardous materials from the premises;
4. Mitigation of vermin infestation on the premises or within structures;
5. Correction of drainage or standing water conditions on the premises;
6. Removal or mitigation of dead or hazardous vegetation on the premises; or
7. Any other action reasonably necessary to abate the nuisance or hazard on the premises or involving a structure.

(C) Emergency Conditions

When an immediate threat exists, the Village may take emergency action as authorized by this Code and law.

### **§ 903.04 Enforcement**

(A) General Rule

Violations of this Chapter shall be enforced in accordance with Title XV (General Penalties and Enforcement) of this Code, unless otherwise expressly provided herein.

(B) Failure to Comply

If an Owner fails to correct a blighted condition on the premises or involving a structure within the time specified:

1. The Village may impose civil penalties as provided by ordinance or general penalty as provided in Title XV (General Penalties and Enforcement); and
2. The Village may enter upon the premises and abate the condition.

(C) Abatement and Cost Recovery

Pursuant to Ohio Revised Code § 715.261 and related authority, the Village may recover the costs of abatement as provided in Title XV (General Penalties and Enforcement), including assessment against the property and certification to the County Auditor, where authorized by law.

(D) Right of Entry

Authorized officials may enter exterior areas of the premises at reasonable times to conduct inspections. Entry into interior areas of structures shall require consent or a lawful administrative warrant.

(E) Appeals

Any person aggrieved may appeal in accordance with Title XV (General Penalties and Enforcement).

(F) Coordination with Other Codes

Where a condition violates multiple provisions of this Code, the Village may proceed under any applicable provision; however, duplicate penalties shall not be imposed.

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## Chapter 905 — Absentee Landlords

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### § 905.01 Registration Required

(A) Purpose

The purpose of this Chapter is to ensure that owners of rental and absentee properties are identifiable, contactable, and accountable for compliance with this Code, and to facilitate effective enforcement of property maintenance, nuisance, and blight regulations.

(B) Definitions for this Chapter

For purposes of this Chapter:

1. Absentee Property Owner means an owner who does not reside within thirty (30) miles of the Village of Brinkhaven for more than one hundred eighty (180) days in any calendar year.
2. Landlord means any owner, lessor, sublessor, or person having legal control of a dwelling unit who permits occupancy by one or more tenants.
3. Rental Property means any dwelling, building, room, or portion thereof that is rented, leased, or otherwise occupied by one or more tenants.

Vacant Structure means any structure unoccupied for more than ninety (90) consecutive days.

(C) Registration Required

All absentee property owners and all landlords of rental property within the Village shall register annually with the Village on a form prescribed by the Village.

(D) Information Required

Registration shall include, at a minimum:

1. Owner's name, mailing address, telephone number, and email address;
2. Property address and parcel number;
3. Occupancy status (tenant-occupied, or vacant);
4. Name, address, telephone number, and email address of a Local Agent or Responsible Party, if designated by the Owner; and
5. Emergency contact information.

(E) Owner Responsibility and Contactability

The Owner shall be responsible for maintaining current and accurate contact information and for responding to notices and enforcement actions in a timely manner.

Failure of an Owner to receive notice due to outdated or incorrect registration information shall not affect the validity of enforcement proceedings.

(F) Optional Local Agent

An Owner may designate a Local Agent or Responsible Party to receive notices and communications on behalf of the Owner.

Service of notice upon any designated Local Agent shall constitute service upon the Owner.

(G) Timing of Registration

Registration shall occur within thirty (30) days of:

1. Acquiring ownership of property;
2. Renting or leasing a dwelling unit; or
3. Becoming an absentee property owner,

whichever occurs first.

(H) Updates Required

Any change in ownership, contact information, occupancy status, or Local Agent designation shall be reported to the Village within ten (10) days of such change.

(I) Failure to Register

Failure to register or to maintain current registration information as required by this Chapter shall constitute a violation of this Code and may be enforced independently of any other violation.

(J) Appeals

Any person aggrieved by an enforcement action under this Chapter may appeal in accordance with § 1501.14 of this Code.

## **§ 905.02 Compliance And Enforcement**

### **(A) Compliance with Applicable Code Provisions**

All properties subject to this Chapter shall comply with the requirements of Chapter 901 (Property Maintenance), Chapter 903 (Blighted Properties), Chapter 1101 (Public Nuisances), and all other applicable provisions of this Code.

### **(B) Responsibility of Owner and Local Agent**

The Owner and any designated Local Agent or Responsible Party shall be jointly and severally responsible for compliance with this Code, including receipt of notices, correction of violations, and participation in enforcement proceedings.

### **(C) Inspections**

The Code Enforcement Officer is authorized to inspect properties subject to this Chapter upon complaint, observation of a visible violation, determination of vacancy, or for other lawful enforcement purposes.

Except in cases of emergency, reasonable notice shall be provided to the Owner or Local Agent prior to inspection of any occupied structure, consistent with constitutional requirements.

### **(D) Notice and Opportunity to Correct**

When a violation is identified, the Village shall issue written notice describing the violation, the required corrective action, and a reasonable period for compliance.

Unless an imminent threat to public health or safety exists, the compliance period shall not be less than ten (10) days from the date of notice.

### **(E) Failure to Comply; Enforcement and Abatement**

If the violation is not corrected within the time specified, the Village may pursue any enforcement action or remedy authorized by Title XV (General Penalties and Enforcement) of this Code, including but not limited to:

1. Issuance of administrative citations or initiation of civil or criminal proceedings;
2. Abatement of the nuisance or hazardous condition; and
3. Assessment of abatement costs to the property or certification of such costs to the County Auditor for collection in the same manner as real property taxes, as authorized by law.

### **(F) Registration Violations**

Failure to comply with the registration requirements of this Chapter shall constitute a separate violation and may be enforced independently of any property maintenance or nuisance violation.

### **(G) Cumulative Remedies**

The remedies provided in this Chapter are cumulative and in addition to any other remedies available under this Code or applicable law. Enforcement may proceed under any applicable provision; however, duplicate penalties shall not be imposed for the same condition.

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## Chapter 907 — Junkyards

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### § 907.01 Definitions

For purposes of this Chapter, the following terms shall have the meanings set forth below:

(A) Junkyard

Any lot, land, parcel, building, structure, or part thereof used for the storage, keeping, collection, dismantling, processing, purchase, sale, or resale of junk, scrap, waste, used or salvaged materials, including but not limited to metals, paper, rags, tires, rubber, plastics, glass, building materials, appliances, or motor vehicles or parts thereof.

(B) Salvage Yard

Any place where salvaged materials, vehicles, or other items are stored, dismantled, processed, or offered for sale, including automotive salvage yards, scrap yards, or similar businesses.

### § 907.02 Prohibition

(A) The establishment, operation, or maintenance of any junkyard or salvage yard is prohibited within the corporate limits of the Village of Brinkhaven.

(B) No person, business, or entity shall store, accumulate, or maintain junk or salvaged materials in any manner that constitutes a junkyard or salvage yard within the Village.

### § 907.03 Exemptions

This Chapter shall not apply to:

(A) Temporary storage of materials during lawful construction, demolition, or clean-up projects, provided such materials are removed within a reasonable time upon completion of the project, and in no event allowed to remain in a manner that creates a nuisance or safety hazard;

(B) Village-authorized or Village-operated facilities used for public works, utility, or infrastructure purposes;

(C) Lawfully operating repair or service facilities, provided all junk, inoperable vehicles, and salvage materials are stored entirely within enclosed buildings and not visible from public rights-of-way or adjoining properties.

## **§ 907.04 Nonconforming Uses**

(A) Any junkyard or salvage yard lawfully established and in compliance with all applicable laws and regulations at the time of its establishment, and continuously maintained in such compliance, within the corporate limits prior to the effective date of this Chapter, shall be deemed a nonconforming use.

A use shall not be deemed lawful for purposes of this section solely because it existed prior to the effective date of this Chapter or was not previously subject to enforcement.

(B) No expansion, enlargement, or intensification of any nonconforming junkyard or salvage yard shall be permitted.

## **§ 907.05 Enforcement**

### **(A) Authority**

This Chapter shall be enforced by the Code Enforcement Officer and such other officials as may be authorized by law.

### **(B) Notice and Opportunity to Comply**

Upon determination that a violation exists, the Village may issue written notice requiring the responsible party to correct the violation within the time specified in the notice, consistent with applicable law and Title XV (General Penalties and Enforcement) of this Code.

### **(C) Enforcement; Remedies**

Violations of this Chapter shall be enforced in accordance with Title XV (General Penalties and Enforcement) of this Code, unless otherwise expressly provided herein. The Village may pursue any remedies authorized by Title XV, including, but not limited to:

1. Issuance of citations or initiation of civil or criminal enforcement proceedings;
2. Nuisance abatement;
3. Injunctive relief; and
4. Recovery of costs incurred by the Village in remedying the violation, as authorized by law.

### **(D) Penalties**

The penalties, classifications of violations, and rules regarding continuing violations shall be as provided in Title XV (General Penalties and Enforcement) of this Code.

### **(E) Appeals**

Any person aggrieved may appeal in accordance with § 1501.14 of this Code.

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## Chapter 909 — Highway Signage and Wayfinding

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### § 909.01 Purpose

The purpose of this Chapter is to protect the visual character, safety, and orderly appearance of the Village of Brinkhaven; to prevent the proliferation of temporary or unauthorized commercial signage along public highways and rights-of-way; and to ensure that visitors and residents are directed to local destinations through a consistent and approved community wayfinding system.

### § 909.02 Definitions

For purposes of this Chapter:

(A) Highway Corridor

Any state highway, county road, or other public roadway entering, exiting, or passing through the Village of Brinkhaven, including the adjacent public right-of-way.

(B) Directional Business Sign

Any sign, placard, banner, stake sign, or other device intended to direct motorists or pedestrians to a commercial establishment, event venue, or organizational location within or near the Village.

(C) Wayfinding Sign

An official directional sign installed, maintained, or authorized by the Village identifying local businesses, institutions, or public destinations.

### § 909.03 Prohibited Signs

(A) Except as otherwise expressly permitted by this Code, no sign shall be placed within any public right-of-way.

(B) Off-premises signs are prohibited, except as provided in subsection (C).

(C) The Village may establish and maintain an official wayfinding signage system to provide directional information to public facilities, community destinations, and local points of interest.

(D) Temporary signs may be permitted on private property, subject to reasonable limitations on size, number, duration, and placement as established by this Code.

(E) This section shall be applied in a content-neutral manner and shall regulate signs based on location, size, and physical characteristics, not on the message conveyed.

### **§ 909.04 Official Wayfinding System**

(A) The Village may establish and maintain **official wayfinding signage** identifying local businesses, community institutions, and destinations.

(B) Businesses or organizations seeking directional signage within the Village shall submit a request to be included on the Village's official wayfinding sign.

(C) The Village may adopt administrative guidelines governing:

1. Eligibility for inclusion;
2. Sign format and design;
3. Installation and maintenance; and
4. Any applicable participation fee necessary to offset fabrication or maintenance costs.

### **§ 909.05 Removal of Unauthorized Signs**

(A) Any sign installed in violation of this Chapter may be removed by the Village without prior notice if located within the public right-of-way.

(B) Signs removed by the Village may be discarded or retained by the Village.

(C) If the identity of the responsible party is known, the Village may provide written notice of the violation and order removal.

### **§ 909.06 Penalties**

Violations shall be enforced in accordance with Title XV (General Penalties and Enforcement) of this Code. Any person aggrieved may appeal in accordance with § 1501.14 of this Code.

### **§ 909.07 Exceptions**

This Chapter does not apply to:

1. Official traffic control devices authorized by governmental agencies;
2. Governmental or emergency signage; or
3. Temporary civic or community event signs specifically authorized by the Village.

## **§ 909.08 Administration of Wayfinding Sign Program**

(A) The Mayor, or the Mayor's designee, shall administer the Village wayfinding sign program established under this Chapter.

(B) The Mayor may adopt reasonable administrative guidelines governing the operation of the program, including but not limited to:

1. Eligibility requirements for businesses, institutions, or destinations to be listed on the official wayfinding sign;
2. Design, size, and formatting standards for individual listings;
3. Procedures for requesting inclusion on the sign;
4. Installation, maintenance, and replacement of wayfinding signage; and
5. Participation fees necessary to offset the cost of fabrication, installation, or maintenance.

(C) The Village may limit the number of listings on any wayfinding sign in order to preserve readability, safety, and visual order.

(D) The Mayor may remove or decline any listing that does not comply with the guidelines adopted under this section or that no longer represents an active destination within or serving the Village.

(E) Administrative guidelines adopted under this section shall be consistent with this Chapter and may be amended from time to time without the need for amendment of this Code.

# TITLE XI — PUBLIC HEALTH, SAFETY, AND WELFARE

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## Chapter 1101 — Public Nuisances

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### § 1101.01 Definition Of Nuisance

#### (A) Nuisance

A nuisance is any act, condition, or failure to act occurring on the premises or involving a structure that unreasonably endangers or interferes with the comfort, health, safety, property, peace, or welfare of the public, or that adversely affects the use and enjoyment of surrounding or nearby premises.

#### (B) Property Owner

“Property Owner” means an Owner as defined in § 102.01, and includes an Occupant or any person having possession or control of the premises or any structure thereon for purposes of compliance and enforcement under this Chapter.

#### (C) Inoperable Motor Vehicle or Motorized Equipment

Any motor vehicle or other motorized machinery or equipment that is incapable of being safely or legally operated for its intended purpose due to mechanical failure, disrepair, missing or defective parts, deterioration, or lack of a required power source, and which is not actively undergoing bona fide repair.

This term includes, but is not limited to:

1. Automobiles, trucks, vans, motorcycles, recreational vehicles, and trailers; and
2. Unused, abandoned, broken-down, or dilapidated machinery or equipment requiring an internal combustion engine or electric motor as its primary source of power, including tractors, construction equipment, industrial machinery, generators, lawn equipment, agricultural equipment, and similar devices.

A motor vehicle or motorized equipment shall be presumed inoperable if one or more of the following conditions exist:

1. It cannot be started or moved under its own power;
2. It lacks essential components such as an engine, motor, transmission, wheels, tracks, or power system;
3. It is visibly dismantled, wrecked, rusted, or deteriorated to the extent that normal operation is not possible; or
4. It has remained unused and stationary on the premises for more than thirty (30) consecutive days without evidence of active repair.

This definition does not include:

1. Vehicles or equipment stored entirely within a fully enclosed structure; or
2. Vehicles or machinery undergoing bona fide, continuous repair completed within a reasonable period of time.

A vehicle or equipment meeting any of the above conditions shall be deemed inoperable regardless of registration status or license plate display.

(D) Junk or Debris

Trash, refuse, scrap materials, discarded goods, appliances, furniture stored outdoors on the premises, tires, or other materials stored in a manner that creates blight, safety hazards, or health concerns.

(E) Weeds or Vegetation

Unmaintained vegetation on the premises exceeding ten (10) inches in height. This term does not include intentional landscaping, including mulch, gravel, decorative stone, wood chips, garden beds, perennial beds, or designed natural plantings.

### **§ 1101.02 Prohibited Conditions**

The following conditions, acts, or failures to act occurring on the premises or involving a structure are declared public nuisances and are prohibited:

(A) Accumulations of Junk, Trash, or Debris

Outdoor accumulation of garbage, refuse, scrap materials, or discarded items on the premises that creates blight or poses health or safety hazards.

(B) Inoperable or Junk Vehicles

Outdoor storage on the premises of an inoperable motor vehicle or motorized equipment for more than fourteen (14) days within any thirty (30) day period is prohibited unless the vehicle or equipment is stored within a fully enclosed structure.

Failure to meet this condition constitutes a violation without further determination of nuisance impact.

Temporary removal of the vehicle or equipment for the purpose of avoiding compliance with this section shall not constitute compliance.

1. Repair Extension

A vehicle or motorized equipment that would otherwise be considered an inoperable vehicle may remain outdoors for longer than fourteen (14) days when the Owner submits written notice to the Village stating that the vehicle is undergoing bona fide repair. The written notice shall briefly describe the repair and expected completion date. The vehicle shall not remain outdoors for more than sixty (60) days under a repair extension unless additional extensions are granted by the Code Enforcement Officer.

(C) Unsafe or Dilapidated Structures

Structures that are collapsing, deteriorated, unsecured, structurally unsafe, or otherwise pose a hazard to persons or property.

(D) High Grass, Weeds, or Overgrowth

Vegetation exceeding ten (10) inches in height on the premises is prohibited, except for areas maintained as intentional landscaping as defined in § 1101.01(E).

(E) Noise and Disturbances

Noise occurring on the premises between 11:00 p.m. and 8:00 a.m. that is plainly audible from an adjacent property or public right-of-way is prohibited.

(F) Odors, Smoke, or Pollution

Offensive odors, uncontrolled smoke, fumes, or unsanitary conditions on the premises that interfere with the reasonable enjoyment of neighboring premises.

(G) Stagnant Water or Vermin Conditions

Standing water on the premises or other conditions that promote mosquito breeding or harbor rodents or pests.

(H) Obstruction of Streets, Sidewalks, or Rights-of-Way

No vehicle, trailer, equipment, or object shall obstruct or encroach upon any street, sidewalk, intersection, drainage facility, signage, or public right-of-way so as to impede or endanger pedestrian or vehicular movement.

(I) Animals Running at Large

1. No owner or person having custody or control of any animal shall permit such animal to run at large beyond the boundaries of the owner's premises unless the animal is under physical restraint or effective control.
2. An animal shall be deemed to be "running at large" when it is off the premises of the owner and not secured by leash, enclosure, or other effective means of physical control.
3. The owner or person in control of the animal shall be responsible for preventing the animal from leaving the premises and for taking reasonable measures to prevent recurrence.
4. The presence of an animal off the premises without restraint shall constitute prima facie evidence of a violation of this section.
5. Each occurrence of an animal running at large shall constitute a separate violation. Repeated incidents may be considered a chronic violation under § 1501.09.
6. A violation of this section may be enforced by issuance of an administrative citation pursuant to § 1501.03, without prior warning, upon observation or reliable documentation of the violation.
7. This section is intended to supplement and not conflict with applicable provisions of the Ohio Revised Code. Enforcement may proceed under either or both.

## **§ 1101.03 Abatement Procedures**

### **(A) General Rule**

Violations of this Chapter shall be enforced in accordance with Title XV (General Penalties and Enforcement) of this Code, unless otherwise expressly provided herein.

### **(B) Inspection and Entry**

Upon reasonable notice, the Code Enforcement Officer may enter exterior areas of the premises for inspection and documentation. No interior entry into any structure shall occur without the consent of the Occupant or a lawful warrant.

### **(C) Notice of Violation**

When a violation is found, the Village shall issue a written Notice of Violation stating:

1. The nature of the violation;
2. Required corrective actions on the premises or involving any structure;
3. The deadline for compliance;
4. Potential penalties and abatement actions;
5. Appeal rights.

Notice may be personally served, posted upon the premises, and mailed to the last known address of the Property Owner.

### **(D) Compliance Period**

Unless an immediate danger exists, the Property Owner shall correct the violation within ten (10) calendar days from the date of the Notice of Violation.

Failure to correct within this period constitutes a separate offense for each day the violation continues.

### **(E) Failure to Comply**

Penalties and remedies shall be as provided in Title XV (General Penalties and Enforcement), including assessment against the property and certification to the County Auditor, where authorized by law.

### **(F) Appeals**

Appeals from enforcement actions under this Chapter shall be taken in accordance with § 1501.14 of this Code.

### **(G) Coordination with Other Codes**

Where a nuisance condition also constitutes a violation of Chapter 901 (Property Maintenance) or Chapter 903 (Blighted Properties), the Village may proceed under any applicable chapter; however, duplicate penalties shall not be imposed for the same condition.

### **(H) Relationship to Other Provisions**

The provisions of this Chapter are cumulative of Chapter 901 (Property Maintenance) and other applicable provisions of this Code. Where a condition constitutes both a nuisance and a violation of another Chapter, the Village may proceed under any applicable provision; however, duplicate penalties shall not be imposed for the same condition.

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## Chapter 1103 — Noise Control

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### § 1103.01 Purpose

The purpose of this Chapter is to promote the public health, safety, comfort, and welfare of the residents of the Village by regulating unreasonable, excessive, and disturbing noises, to preserve the peace and quiet of neighborhoods, and to prevent nuisances arising from excessive sound.

This chapter is intended to be enforced in conjunction with Ohio Revised Code § 2917.11 and shall not be construed to limit the authority of the Village or law enforcement to enforce state disorderly conduct and related statutes.

### § 1103.02 Prohibited Noises

#### (A) General Prohibition

No person shall generate or permit sound from any source that exceeds the thresholds established in subsection (B) of this section.

Sound regulated under this section includes, but is not limited to, sound produced by:

1. Radios, phonographs, televisions, tape players, compact disc players, MP3 players, Bluetooth or wireless devices;
2. Loudspeakers, public address systems, or other sound-amplifying devices;
3. Musical or percussion instruments, including drums, pianos, or similar instruments; or
4. Human voice, including yelling, shouting, singing, or similar vocalizations, whether amplified or unamplified.

#### (B) Prima Facie Violations

It shall be prima facie evidence of a violation of this section when sound is generated or permitted to be generated under any of the following circumstances:

1. Private Property  
On private property between the hours of 11:00 p.m. and 8:00 a.m., where the sound is audible more than sixty (60) feet from the source of the sound.
2. Two-Family or Multi-Family Dwellings  
In two-family or multi-family dwellings between the hours of 11:00 p.m. and 8:00 a.m., where the sound is audible beyond the confines of the dwelling unit from which the sound is generated.
3. Commercial Property  
On commercial property between the hours of 11:00 p.m. and 8:00 a.m., where the sound is audible more than one hundred (100) feet from the source of the sound. This provision applies regardless of the number of commercial properties within the Village.

4. Public Property and Rights-of-Way

On a street, road, highway, public property, or in the public right-of-way, where the sound is audible more than sixty (60) feet from its source.

(C) Responsibility of Property Owner or Person in Control

No owner, occupant, tenant, or person in possession or control of any premises, whether such control is exclusive or joint, shall permit a violation of this section to occur on such premises.

(D) Authorized Activities

Persons or activities authorized by ordinance, resolution, contract, motion of Village Council, or activities of a school are exempt from the provisions of subsection (B).

(E) Warning and Alarm Devices

Warning devices, alarms, and signaling devices used for the purpose of alerting persons to unsafe or dangerous conditions, summoning police, fire, or emergency assistance, or signaling emergencies are exempt when used for such purposes.

### **§ 1103.03 Exemptions**

The provisions of this chapter shall not apply to:

(A) Emergency work performed by public utilities, municipal departments, or contracted emergency services when necessary to protect life, property, or public safety.

(B) Authorized public events, including festivals, parades, or community gatherings approved by the Village Council.

(C) Sounds emanating from normal and customary agricultural operations conducted in compliance with applicable state and local laws.

(D) Construction, maintenance, or repair work conducted pursuant to valid permits or in accordance with Village-authorized schedules, provided such activities are conducted in a reasonable manner.

### **§ 1103.04 Penalties And Enforcement**

(A) Enforcement Authority

This chapter may be enforced by the Code Enforcement Officer, law enforcement, or other authorized officials.

(B) Minor Misdemeanor

Except as provided in division (C), a violation of this chapter constitutes a minor misdemeanor, subject to penalties as provided by law and Title XV (General Penalties and Enforcement).

(C) Escalated Penalty for Repeated Violations

Following three (3) violations within a thirty (30) day period, a fourth or subsequent violation shall constitute a misdemeanor of the fourth degree, punishable as provided by Ohio law.

(D) Additional Remedies

The Village may seek injunctive relief, nuisance abatement, or other remedies authorized by law.

(E) Repeal of Inconsistent Provisions

All inconsistent ordinances are repealed to the extent of conflict.

(F) Appeals

Any person aggrieved may appeal in accordance with § 1501.14 of this Code.

**§ 1103.05 Engine Brakes**

(A) Purpose

The purpose of this section is to protect residents from sudden, excessive, and disruptive noise caused by engine compression braking systems, commonly known as “Jake brakes,” which are not necessary for routine vehicle operation within the Village.

(B) Prohibition

No person shall operate or permit the operation of any motor vehicle within the Village limits in a manner that utilizes an engine compression braking system or “Jake brake” that creates excessive or disturbing noise.

(C) Exceptions

This section shall not apply when:

1. The use of engine braking is reasonably necessary to avoid an imminent hazard or accident; or
2. The vehicle is operated by emergency services in the course of official duties.

(D) Prima Facie Violation

The use of an engine compression braking system resulting in loud, explosive, or sharp noise audible from a significant distance shall constitute prima facie evidence of a violation of this section.

(E) Signage

The Village may install signage at appropriate locations stating:

“NO ENGINE BRAKE” or similar language to provide notice; however, the absence of signage shall not preclude enforcement.

(F) Enforcement

Violations of this section shall be enforced in accordance with this Chapter and Title XV (General Penalties and Enforcement).

# TITLE XIII — STREETS AND PUBLIC INFRASTRUCTURE

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## Chapter 1301 — Street Protection

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### § 1301.01 Purpose

The purpose of this chapter is to protect Village streets, alleys, and rights-of-way from premature deterioration and damage caused by overweight, oversized, or improperly operated vehicles; to promote public safety; to preserve public infrastructure; and to establish uniform regulations governing the use of Village streets.

This chapter shall be enforced in coordination with the Public Nuisance provisions of Title XI.

### § 1301.02 Definitions

For purposes of this chapter, the following terms shall have the meanings set forth below:

(A) **Gross Vehicle Weight (GVW)**

The total weight of a vehicle or combination of vehicles, including the vehicle, all axles, any towed units, and the full load carried.

(B) **Oversized Vehicle**

Any vehicle or combination of vehicles that exceeds applicable size, width, height, or length limits established by the Ohio Revised Code or by Village regulation, or that requires special routing due to its dimensions.

(C) **Overweight Vehicle**

Any vehicle or combination of vehicles with a gross vehicle weight exceeding the limits established by this chapter or by posted Village signage.

(D) **Public Infrastructure**

Any Village-owned or Village-maintained street, alley, curb, gutter, sidewalk, drainage structure, storm sewer, culvert, bridge, right-of-way, signage, pavement, base, subgrade, or related appurtenance.

(E) **Right-of-Way**

Land dedicated, owned, or used for public street, sidewalk, alley, drainage, or utility purposes.

(F) Responsible Party

Any person, firm, contractor, utility, vehicle owner, vehicle operator, property owner, or other entity that directly or indirectly causes or permits damage to public infrastructure.

### **§ 1301.03 Weight And Use Restrictions**

(A) Applicability

This chapter applies to all Village-owned or Village-maintained streets, alleys, and rights-of-way within the corporate limits of the Village.

This chapter is intended to apply primarily to local and secondary Village streets not designed for sustained heavy truck traffic.

This chapter does not apply to:

1. State highways regulated under the Ohio Revised Code and the Ohio Department of Transportation; or
2. Any roadway or portion thereof specifically exempted by resolution of Village Council.

(B) General Weight Limit

No vehicle or combination of vehicles shall be operated on any Village street if the gross vehicle weight (GVW) exceeds eight (8) tons, unless authorized by permit.

(C) Posted Routes and Special Restrictions

The Village may establish and post additional or lower weight restrictions on specific streets.

(D) Measurement of Weight

Vehicle weight may be determined by portable scales, certified scales, manufacturer specifications, shipping documents, manifests, bills of lading, or other reliable documentation or lawful method reasonably used to determine vehicle weight.

(E) Use Restrictions

No person shall operate any vehicle in a manner that causes or contributes to unreasonable damage, deterioration, or impairment of public infrastructure. Such conditions may constitute a public nuisance under Title XI.

(F) Minimum Necessary Operation

Operation of vehicles on Village streets shall be conducted in a manner that minimizes damage and is limited to the extent reasonably necessary for lawful use.

### **§ 1301.04 Permits And Exemptions**

(A) Permit Required

Except as expressly exempted, operation of overweight or oversized vehicles on Village streets requires a valid Village permit issued pursuant to this Code or as otherwise established by the Village.

(B) Permit Conditions

Permits may include route restrictions, time-of-day limitations, bonding, insurance, indemnification, restoration obligations, and other conditions necessary to protect public infrastructure.

(C) Local Delivery Exception

Vehicles exceeding the general weight limit, but not exceeding twelve (12) tons, may operate on restricted streets when making deliveries or providing services to properties located on such streets, provided that:

1. No reasonable alternate route exists;
2. Travel is limited to the shortest available route necessary to complete the delivery or service; and
3. Operation is limited to the minimum extent necessary to accomplish the delivery or service.

(D) Exempt Vehicles

The following are exempt from weight limits, unless damage occurs:

1. Emergency vehicles engaged in emergency operations;
2. Public utility and government vehicles performing official duties;
3. School buses on established routes;
4. Village-authorized waste collection vehicles;
5. Agricultural vehicles with minimal and incidental use.

(E) Signage

The Village may install signage indicating applicable weight restrictions; however, the absence of signage shall not preclude enforcement where sufficient notice of such restrictions is otherwise established through this Code.

**§ 1301.05 Enforcement**

(A) General Rule

Violations of this Chapter shall be enforced in accordance with Title XV (General Penalties and Enforcement) of this Code, unless otherwise expressly provided herein.

(B) Authority

This Chapter may be enforced by the Code Enforcement Officer, law enforcement, or other authorized officials.

(C) Remedies

In addition to the remedies provided in Title XV (General Penalties and Enforcement), the Village may pursue any lawful remedy to address violations of this Chapter, including, but not limited to:

1. Issuance of citations or initiation of civil or criminal enforcement proceedings;
2. Injunctive relief to prevent or restrain violations;
3. Abatement or correction of unlawful conditions affecting streets or public infrastructure; and
4. Recovery of costs incurred by the Village in repairing or restoring streets, sidewalks, or related public infrastructure damaged in violation of this Chapter, as authorized by law.

(D) Penalties

The penalties, classifications of violations, and rules regarding continuing violations shall be as provided in Title XV (General Penalties and Enforcement) of this Code.

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## **Chapter 1303 — Recovery of Costs for Street Damage**

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### **§ 1303.01 LIABILITY FOR DAMAGE**

(A) Any Responsible Party who damages, causes, or contributes to damage to public infrastructure shall be strictly liable for such damage.

(B) Liability exists regardless of:

1. Whether a permit was issued;
2. Whether criminal charges are filed; or
3. Whether the conduct also constitutes a public nuisance.

(C) Damage to public infrastructure is hereby declared a condition subject to nuisance abatement under Title XI, in addition to cost recovery under this chapter.

(D) Operation of a vehicle in violation of this Chapter that results in observable roadway damage shall constitute prima facie evidence that the Responsible Party caused such damage.

### **§ 1303.02 COST RECOVERY**

(A) The Village may repair or cause to be repaired any damaged public infrastructure.

(B) The Responsible Party shall be liable for all costs, including:

1. Labor and materials;
2. Engineering and inspection;
3. Administrative and overhead;
4. Emergency stabilization; and
5. Restoration to pre-damage condition.

(C) Cost recovery is cumulative and in addition to penalties under Title XV (General Penalties and Enforcement).

### **§ 1303.03 COLLECTION PROCEDURES**

(A) Notice and Billing

The Village shall issue written notice describing damage and costs.

(B) Payment Deadline

Payment shall be due within thirty (30) days.

(C) Failure to Pay

Failure to pay may result in:

1. Civil action;
2. Assessment or certification as permitted by law;
3. Setoff, lien, or other lawful collection methods.

(D) Permit and Nuisance Coordination

Unpaid damage costs may constitute grounds for denial, suspension, or revocation of Village permits and may be enforced as a public nuisance.

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## **Chapter 1305 — Speed Regulations**

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### **§ 1305.01 Purpose**

The purpose of this Chapter is to promote the safety of residents, pedestrians, bicyclists, and motorists within the Village of Brinkhaven by establishing enforceable speed regulations on streets and highways within the Village and by providing for the orderly enforcement of traffic laws consistent with the laws of the State of Ohio.

### **§ 1305.02 Speed Limits Within the Village**

(A) Except where otherwise established by law or posted by authorized traffic control devices, the maximum lawful speed within the Village shall be twenty-five (25) miles per hour.

(B) The speed limit on State Route 62 (Millersburg Road) and any other state or county highway shall be as established by the State of Ohio or other lawful authority.

(C) Nothing in this Chapter shall be construed to alter or supersede any speed limit established by the State of Ohio unless such change is lawfully approved and properly posted.

### **§ 1305.03 Duty to Operate at Reasonable and Proper Speed**

(A) No person shall operate a vehicle at a speed greater than is reasonable or proper having due regard for:

1. The amount and character of traffic upon the roadway;
2. The surface and width of the roadway;
3. Weather conditions;
4. Pedestrian activity; and
5. Any other conditions affecting the safety of persons or property.

(B) A driver shall reduce speed as necessary to avoid endangering persons, property, or public safety.

### **§ 1305.04 Prima Facie Speed Violation**

(A) Operation of a vehicle at a speed exceeding the lawful speed limit established by law or by authorized traffic control devices shall constitute prima facie evidence that the speed is neither reasonable nor lawful.

(B) Evidence that a vehicle exceeded the posted speed limit may be sufficient to establish a violation.

(C) Nothing in this section shall prevent enforcement of any other applicable traffic offense.

### **§ 1305.05 Excessive Speed**

Operation of a vehicle at a speed thirty (30) miles per hour or more above the posted speed limit may constitute reckless operation or another offense under applicable state law and may be charged accordingly.

### **§ 1305.06 Consistency with State Traffic Law**

The provisions of this Chapter shall be interpreted and enforced in a manner consistent with the traffic laws of the State of Ohio. Where a Village ordinance parallels a state traffic offense, such ordinance shall be construed as a substantially equivalent municipal offense unless otherwise expressly provided.

### **§ 1305.07 Enforcement**

This Chapter may be enforced by:

1. Any law enforcement officer with jurisdiction within the Village; or
2. Officers acting pursuant to mutual aid agreements or other lawful authority.

### **§ 1305.08 Penalties**

Violations of this Chapter shall be subject to penalties as provided by law and, where applicable, Title XV (General Penalties and Enforcement).

# TITLE XV— GENERAL PENALTIES AND ENFORCEMENT

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## Chapter 1501 — General Penalties and Enforcement

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### § 1501.01 General Penalty; Applicability

#### (A) Purpose

This Chapter establishes uniform enforcement procedures, classifications, penalties, and remedies for violations of the Codified Ordinances of the Village and ensures consistent application of enforcement authority as permitted by the Ohio Revised Code.

#### (B) Applicability

Unless a provision of this Code expressly provides otherwise, the enforcement procedures, classifications of violations, penalties, and remedies set forth in this Chapter shall govern the enforcement of all provisions of this Code.

#### (C) Classification of Violations

##### (1) Minor Misdemeanor (Default)

Unless otherwise expressly stated, a violation of this Code shall constitute a minor misdemeanor.

##### (2) Misdemeanors of Higher Degree

Village Council may classify specific violations as misdemeanors of the first, second, third, or fourth degree when the prohibited conduct presents a greater risk to the public health, safety, or welfare.

##### (3) Civil Violations

Village Council may designate certain violations as civil infractions enforceable through civil penalties or fines where authorized by state law.

### § 1501.02 Administrative Orders

#### (A) Authority to Issue Orders

When the Code Enforcement Officer or other authorized official determines that a violation of this Code exists, the Officer may issue a written administrative order requiring correction of the violation.

(B) Contents of Order

An administrative order shall:

1. Identify the property or location of the violation;
2. Describe the nature of the violation;
3. Specify the corrective action required;
4. Provide a reasonable time for compliance; and
5. Inform the recipient of the right to appeal as provided in this Code.

(C) Service

Administrative orders shall be served in accordance with § 1501.13 (Notice and Service).

(D) Compliance Period

The time for compliance shall be reasonable in light of the nature of the violation and any risk to public health or safety.

Shorter compliance periods may be imposed where conditions present an immediate or significant risk.

(E) Effect of Noncompliance

Failure to comply with an administrative order within the time specified shall constitute a separate violation and may result in issuance of a citation, abatement, or other enforcement action.

(F) No Prerequisite to Enforcement

The issuance of an administrative order shall not be required before the Village pursues any other enforcement action authorized by this Code or by law.

**§ 1501.03 Administrative Citations**

(A) Authority to Issue Citations

If a violation continues after the time specified in an administrative order, or where immediate enforcement is warranted, the Code Enforcement Officer or other authorized official may issue an administrative citation. A citation may be issued in addition to or in lieu of an administrative order.

(B) Contents of Citation

A citation shall include:

1. The date and location of the violation;
2. The section of the Code violated;
3. A description of the violation;
4. The penalty or fine, if applicable; and
5. Information regarding appeal rights or required response.

(C) Service

Citations shall be served in accordance with § 1501.13 (Notice and Service).

(D) Separate Violations

Each day a violation continues after service of an administrative order or citation may constitute a separate violation.

(E) Immediate Citations Permitted

A citation may be issued without prior administrative order when:

1. The violation presents an immediate threat to public health or safety;
2. The violation is ongoing and previously documented; or
3. The violation involves failure to comply with registration or administrative requirements.

#### **§ 1501.04 Civil Remedies**

(A) In addition to criminal enforcement, the Village may pursue any civil remedy authorized by law, including but not limited to:

1. Injunctive relief;
2. Declaratory judgment;
3. Civil actions for damages or cost recovery;
4. Nuisance abatement;
5. Assessment of costs where authorized; and
6. Collection of civil fines or penalties.

(B) Civil enforcement may proceed independently of, or in conjunction with, criminal enforcement.

(C) The availability of civil remedies shall not depend upon the filing or outcome of criminal charges.

#### **§ 1501.05 Cumulative Remedies**

(A) The remedies and penalties provided in this Chapter are cumulative to the extent permitted by law.

(B) The imposition of any penalty under this Chapter shall not:

1. Prevent the Village from pursuing any other remedy authorized by law;
2. Limit the Village's authority to abate nuisances;
3. Limit cost recovery for damage to public or private property; or
4. Preclude enforcement under any other applicable provision of this Code.

(C) Compliance with one enforcement action shall not relieve a violator from liability for other violations or from responsibility to correct unlawful conditions.

#### **§ 1501.06 Coordination of Enforcement**

Where the same condition or conduct constitutes a violation of more than one provision of this Code, the Village may proceed under any one or more applicable provisions; however, duplicate penalties for the same condition shall not be imposed.

Nothing in this section shall limit the Village's authority to seek any lawful civil, criminal, or equitable relief, including nuisance abatement and cost recovery.

#### **§ 1501.07 Recovery of Enforcement Costs**

(A) The Village may recover the costs of enforcement incurred in connection with the investigation, inspection, abatement, or correction of violations of this Code where authorized by law.

- (B) Such costs may include administrative expenses, inspection costs, contractor services, legal expenses, and other reasonable costs associated with enforcement.
- (C) Where authorized by law, the Village may assess such costs against the property on which the violation occurred and certify such costs to the County Auditor for collection as a lien upon the property.

### **§ 1501.08 Emergency Abatement Authority**

#### **(A) Finding of Emergency**

Whenever the Code Enforcement Officer determines that a condition on the premises or involving a structure presents an immediate and substantial threat to public health or safety, the Village may order or undertake immediate abatement of such condition without prior notice or hearing to the extent reasonably necessary to eliminate the threat.

#### **(B) Scope of Action**

Emergency abatement may include, but is not limited to:

1. securing or vacating structures;
2. removal of hazardous conditions or materials;
3. cutting or removal of dangerous vegetation; or
4. any other action reasonably necessary to protect persons or property.

#### **(C) Cost Recovery**

The costs incurred by the Village in performing emergency abatement may be recovered in the same manner as other abatement costs under this Title, including assessment against the property and certification to the County Auditor for collection as a lien where authorized by law.

#### **(D) Subsequent Process**

The exercise of emergency abatement authority under this section shall not preclude the Village from pursuing any other enforcement action, penalty, or remedy authorized by this Code or by law.

### **§ 1501.09 Chronic or Repeat Violations**

#### **(A) Declaration of Chronic Violation**

When a person or property has been cited or found responsible for three (3) or more violations of this Code within any twelve (12) month period, the Village may declare the condition or conduct a chronic violation.

#### **(B) Enhanced Enforcement Measures**

Upon a declaration of a chronic violation, the Village may take additional enforcement measures permitted by law, including but not limited to:

1. Increased inspection or monitoring of the property or activity;
2. Initiation of civil enforcement actions;
3. Nuisance abatement proceedings;
4. Injunctive relief in a court of competent jurisdiction; or
5. Any other remedy authorized by this Code or by state law.

#### **(C) Additional Remedies**

The declaration of a chronic violation shall not create a separate offense but may be considered by the Village and by a court in determining appropriate remedies or penalties authorized by law.

(D) Non-Exclusive Authority

The provisions of this section shall not limit the Village's authority to enforce this Code through any other lawful remedy or enforcement mechanism.

The Village may require a compliance plan, increased inspection frequency, or other administrative conditions reasonably related to achieving compliance.

Where a property qualifies as a chronic property under Chapter 707, enforcement may proceed under either or both provisions; however, duplicate penalties shall not be imposed for the same condition.

**§ 1501.10 No Exclusive Remedy**

- (A) The remedies and enforcement mechanisms provided in this Code are not exclusive and may be used individually or in combination as permitted by law.
- (B) The failure of the Village to pursue any particular remedy or enforcement action shall not be deemed a waiver of the Village's authority to enforce this Code or to pursue any other remedy authorized by law.

**§ 1501.11 Responsibility of Owners and Occupants**

Unless otherwise expressly provided, **both the owner and any occupant of property** within the Village shall be responsible for compliance with the provisions of this Code applicable to such property.

The Village may enforce this Code against the owner, the occupant, or both, as appropriate to secure compliance.

**§ 1501.12 Authority to Enforce State Law**

Nothing in this Code shall be construed to limit the authority of authorized officials to enforce applicable provisions of the Ohio Revised Code within the jurisdiction of the Village.

Where conduct constitutes a violation of both state law and a Village ordinance, enforcement may proceed under either or both, as permitted by law.

**§ 1501.13 Notice And Service**

1. Any notice, order, citation, or other enforcement document required by this Code may be served by one or more of the following methods reasonably calculated to provide actual notice:
2. Personal delivery;
3. Certified or regular mail to the last known address;
4. Posting in a conspicuous location on the premises;
5. Electronic communication where contact information has been provided; or
6. Any combination of the above.

(B) Service Deemed Complete

Service shall be deemed complete:

1. Upon personal delivery;
2. Upon deposit in the United States mail;
3. Upon posting on the premises; or
4. Upon transmission by electronic means.

(C) No Requirement of Actual Receipt

Failure of any person to receive notice shall not affect the validity of any enforcement action, provided that the Village has made service in accordance with this section.

(D) Reliance on Provided Contact Information

The Village may rely upon the most recent contact information provided by the Owner or Responsible Party.

Failure to update such information as required by this Code shall not invalidate service or enforcement proceedings.

(E) Posting as Sufficient Notice

Posting of a notice on the premises shall constitute sufficient notice to the Owner, Occupant, and any other person having an interest in the property for purposes of this Code.

(F) Supplemental Nature of Service Methods

The methods of service set forth in this section are cumulative. Use of one method shall not preclude the use of additional methods.

(G) When practicable, the Village shall utilize at least one method of service reasonably expected to provide actual notice, such as personal delivery or mail, in addition to posting. Failure to achieve actual notice shall not invalidate service where the Village has acted reasonably under the circumstances.

## § 1501.14 Appeals

(A) Right to Appeal

Any person aggrieved by an administrative order, notice of violation, administrative citation, or other final enforcement action issued under this Code may appeal such action in accordance with this section.

(B) Filing of Appeal

1. An appeal shall be filed in writing with the Fiscal Officer or other designated Village official.
2. The appeal shall include:
  - a. The name and contact information of the appellant;
  - b. Identification of the property or matter at issue;
  - c. A copy of the order, notice, or citation being appealed; and
  - d. A brief statement of the grounds for the appeal.
3. An appeal shall be considered filed upon receipt by the Village.

(C) Deadline for Appeal

An appeal must be filed within **ten (10) days** after the date of issuance or service of the order, notice, citation, or action being appealed.

Failure to file a timely appeal shall constitute a waiver of the right to administrative review.

For enforcement actions involving temporary-occupancy extensions under § 901.04(E), the ten (10) day period for filing an appeal shall run from the date of denial of an extension or from the expiration of an extension period, whichever applies.

(D) Effect of Appeal; Stay of Enforcement

1. Except as provided in division (D)(2), the timely filing of an appeal shall stay enforcement of the contested order or citation until a final administrative decision is issued.
2. No stay shall apply where:
  - a. The violation constitutes an immediate threat to public health or safety;
  - b. Emergency action has been taken or is authorized under this Code; or
  - c. A stay would result in ongoing or worsening harm to persons, property, or the public.
3. The Village may continue to take any action necessary to address emergency conditions notwithstanding the filing of an appeal.

(E) Scheduling and Hearing

1. Upon receipt of a timely appeal, the Village shall schedule the matter for hearing before Village Council.
2. The hearing shall be held within a reasonable time, not to exceed thirty (30) days, unless continued for good cause.
3. The appellant shall be provided reasonable notice of the date, time, and place of the hearing.
4. The hearing may be conducted in a manner consistent with the orderly administration of Council proceedings and applicable law.

(F) Hearing Procedure

1. The appellant shall have the opportunity to present evidence, testimony, and argument.
2. The Village may present evidence supporting the enforcement action.
3. Council may consider:
  - a. The administrative record;
  - b. Testimony of the Code Enforcement Officer or other officials;
  - c. Any relevant documents or evidence; and
  - d. Any other information reasonably related to the matter.
  - e. Formal rules of evidence shall not apply, but proceedings shall be conducted in a fair and orderly manner.
  - f. The Fiscal Officer shall prepare and maintain the record of proceedings in written or digital form sufficient to permit judicial review, including all documents, exhibits, and minutes or audio recordings of the hearing.
  - g. The appellant shall have the opportunity to respond to evidence presented by the Village.

Village Council shall act in a quasi-judicial capacity when hearing appeals under this section. Council members shall base their decision solely on the record and evidence presented and shall avoid ex parte communications regarding the matter under appeal.

The hearing shall be based on the administrative record; however, Council may consider additional evidence admitted into the record in accordance with subsection (G).

The Village shall maintain a record of the proceedings sufficient to permit judicial review.

No member of Village Council shall participate in the consideration or decision of an appeal if the member has a conflict of interest, has participated in the underlying enforcement action, or has personal knowledge of disputed facts outside the administrative record.

(G) Standard of Review

The Village shall present evidence supporting the administrative decision. The decision shall be presumed valid; however, the appellant shall bear the burden of demonstrating, by a preponderance of the evidence, that the decision is erroneous based on the record and applicable provisions of this Code.

Village Council shall review the administrative decision based on the administrative record, together with any additional evidence the Council determines is necessary for a fair determination.

The administrative record shall include the order, notice, or citation, any supporting documentation, all materials relied upon by the Code Enforcement Officer, and any other materials considered in making the determination whether or not expressly referenced in the order.

Council may affirm, modify, or reverse the decision, or may remand the matter for further action, if the decision is:

1. Contrary to law;
2. Not supported by reliable, probative, and substantial evidence; or
3. Arbitrary or capricious.

(H) Decision

1. Village Council shall issue a decision within a reasonable time following the hearing.
2. The decision shall constitute the final administrative action of the Village.
3. The decision may be issued in writing or entered into the official minutes of Council.

(I) Effect of Final Decision

1. Upon issuance of the final administrative decision, any stayed enforcement action shall proceed in accordance with that decision.
2. The decision shall be subject to judicial review as provided by law.

(J) No Exclusive Remedy

The appeal procedure provided in this section is in addition to, and not in limitation of, any other rights or remedies available under this Code or applicable law.

## **§ 1501.15 Enforcement Sequence and Relationship of Remedies**

(A) Enforcement actions under this Code are intended to proceed in a flexible but structured manner, generally as follows:

Identification of violation and, where appropriate, issuance of an administrative order providing an opportunity to correct;

1. Issuance of an administrative citation or initiation of civil enforcement where noncompliance continues or immediate enforcement is warranted;
2. Criminal enforcement for violations classified as misdemeanors or where authorized by law.

(B) The Village may proceed directly to any level of enforcement when conditions warrant, including where violations are ongoing, repeated, or pose a threat to public health or safety.

(C) Civil, administrative, and criminal remedies are cumulative but shall be applied in a manner that avoids duplicative penalties for the same violation.