



VILLAGE OF BRINKHAVEN

Your Municipal Code — Plain Language Guide

A summary of what the Code says and what it means for you.

WHAT THIS DOCUMENT IS

The Municipal Code of Ordinances is Brinkhaven’s set of local laws. This guide summarizes every chapter in plain language so you can understand what the Code says and what it means for you as a resident, property owner, or business operator.

This is a summary, not the law itself. If you need to know the exact legal language, the full Code is available on the Village’s .gov website and from the Mayor.

TITLE I

GENERAL PROVISIONS

The foundation — how the Code works

Chapter 101 — Short Title

This chapter gives the Code its official name: the “Municipal Code of Ordinances.” That’s what you’ll see it called in official documents and on the Village website.

Chapter 102 — Definitions and Construction

This chapter defines the key words used throughout the Code so that terms mean the same thing everywhere they appear. A few important ones:

Village: The Village of Brinkhaven, Knox County, Ohio.

Owner: Anyone who holds legal title to property — including landlords, trustees, and property managers.

Occupant: Anyone who lives in, uses, or controls a property — whether or not they own it.

Premises: The land and any buildings or structures on it.

Structure: Anything built or erected on the ground — buildings, sheds, decks, fences, signs.

Code Enforcement Officer (CEO): The person the Mayor designates to inspect properties and enforce the Code.

It also establishes that “shall” means something is required, and “may” means something is permitted but not required. All enforcement decisions must be based on observable facts, not personal opinion.

Chapter 103 — Supersession of Prior Ordinances

The Code replaces and organizes the scattered, incomplete ordinances Brinkhaven had before. Any old ordinance that conflicts with the Code is superseded. Old ordinances that don’t conflict remain in effect until Council changes them.

Importantly: anything that happened under the old ordinances — violations, penalties, court proceedings — is not erased. Those matters continue under whatever rules applied at the time.

Chapter 104 — Codification of Ordinances

Any new ordinance adopted by Council after this Code takes effect automatically becomes part of the Code. The Mayor or Fiscal Officer can make minor formatting corrections without a new vote — but cannot change what the law actually means without Council action.

Chapter 105 — Scope and Applicability

The Code applies to every person, property, business, and activity within the Village limits. It does not apply to temporary or special ordinances unless specifically stated.

Chapter 106 — Severability

If a court strikes down one part of the Code as invalid, the rest of the Code remains in full force. A problem with one section doesn't take down the whole document.

Chapter 107 — Enforcement Framework

This chapter establishes that the enforcement rules in Title XV govern how the Code is enforced across all chapters. If a condition violates more than one section of the Code, the Village can enforce under any or all of them — but can't charge duplicate penalties for the same condition.

TITLE III

LEGISLATIVE AUTHORITY

How Brinkhaven's government is structured

Chapter 301 — Council Establishment

Village Council is Brinkhaven's legislative body — the lawmakers. Council currently has six members, elected by residents. Council enacts ordinances and resolutions, sets policy, approves the budget, and hears enforcement appeals.

Chapter 303 — Council Meetings, Compensation, and Vacancies

Council meets on the second Monday of each month at 6:00 PM. Special meetings can be called when needed. A majority of Council members constitutes a quorum — the minimum number needed to conduct official business.

Compensation is modest and set by the Code: Mayor receives \$70/month through 2029 (then \$80), Council members receive \$35/month (then \$40), and the Fiscal Officer receives \$500/month. Vacancies are filled as required by Ohio law.

Chapter 305 — Mayor

The Mayor is Brinkhaven's chief executive — the administrator who runs day-to-day Village operations. The Mayor:

- Ensures all ordinances and laws are faithfully followed
- Supervises Village staff and administrative functions
- Can execute contracts and expenditures within appropriated funds
- Can take emergency action for up to 14 days without Council vote — but must report to Council immediately
- Applies for grants and negotiates intergovernmental agreements
- Presides at Council meetings but generally does not vote

Importantly: the Mayor cannot direct or override the Code Enforcement Officer on individual enforcement decisions. That independence is built into the Code by design (see Chapter 307).

If the Mayor is unavailable, the President Pro Tempore of Council serves as Acting Mayor.

Chapter 306 — Fiscal Officer

The Fiscal Officer is the Village's chief financial officer. Their job is to:

- Keep accurate financial records and accounts
- Ensure all spending is properly authorized and appropriated
- Process payments and warrants
- Prepare financial reports for Council
- Cooperate with state auditors

No money leaves the Village without the Fiscal Officer's certification that funds are available and the expenditure is properly authorized. The Fiscal Officer may refuse to process payments that don't comply with the law.

Chapter 307 — Code Enforcement Officer

The Code Enforcement Officer (CEO) is the person designated by the Mayor to inspect properties and enforce the Code. The CEO is a civilian position — not a police officer.

The CEO can:

- Inspect the exterior of properties at reasonable times
- Issue Notices of Violation, Administrative Orders, and Citations
- Initiate enforcement actions
- Coordinate with law enforcement when criminal conduct is involved

The CEO cannot enter the interior of any structure without the owner’s consent or a lawful warrant.

Enforcement independence: The CEO makes enforcement decisions independently. The Mayor and Council members cannot direct or override individual enforcement decisions. This protects the process from political interference.

Chapter 308 — Ethics and Conflicts of Interest

Any Village official who has a conflict of interest in a matter must disclose it before discussion or any vote. A conflict of interest means a personal, financial, or family interest that could affect their judgment.

A disclosed conflict requires recusal — the official steps aside and does not participate in or vote on the matter. The recusal is recorded in the meeting minutes. If enough members recuse that a quorum is lost, the matter is deferred.

Chapter 309 — Purchasing and Procurement

All Village spending must comply with Ohio law on competitive bidding and public contracts. Council controls appropriations. The Mayor can authorize routine purchases within approved budgets. The Fiscal Officer must certify funds are available before any purchase. No purchase can be structured to get around legal requirements or approval thresholds.

TITLE V

ADMINISTRATION

Records and fees

Chapter 501 — Records Retention

The Village must maintain public records and follow a retention schedule that specifies how long different types of records must be kept. Some records are permanent and can never be destroyed. No record can be destroyed if there’s an active lawsuit, audit, or public records request pending.

A Records Commission — consisting of the Mayor, Fiscal Officer, and one Council member — must approve any disposal of public records. All Village records are public records under Ohio law and must be made available for inspection on request, with limited exceptions.

Chapter 503 — Fees and Charges

Council has the authority to adopt a Fee Schedule setting the amounts charged for permits, citations, registrations, public records, and other Village services. The current Fee Schedule is a separate document available from the Fiscal Officer and on the Village website.

TITLE VII

LAND USE AND PROPERTY CONDITIONS*Standards for how property is used and maintained***Chapter 701 — General Use Standards**

This chapter establishes the overall framework for property standards in Brinkhaven. Any lawful residential use is permitted, as long as it complies with the Code. The Code regulates observable conditions and impacts — not what kind of activity you do in the abstract. There is no traditional zoning in Brinkhaven.

Uses or activities that create a public nuisance, unsafe condition, or violation of any Code standard are prohibited.

Chapter 703 — Performance Standards

All uses and activities must comply with the property standards in the Code. This means no use should result in:

- Noise violations (see Chapter 1103)
- Conditions that constitute a public nuisance (see Chapter 1101)
- Smoke, dust, fumes, or odors that affect neighbors
- Traffic or parking that creates a safety hazard
- Outdoor storage conditions that violate Chapter 901

Compliance is always based on observable, documented conditions — not opinions or assumptions.

Chapter 705 — Permits and Administrative Review

A permit from the CEO is required for:

- Building new structures
- Structural additions or significant alterations
- Placing or installing any permanent or temporary structure
- Other activities designated by Council

The CEO reviews permit applications for compliance with the Code and approves or denies based on objective standards. No separate zoning approval, variance, or conditional use approval is required. There is no zoning board in Brinkhaven.

Permit fees are in the Fee Schedule. Minor maintenance and like-for-like repairs generally do not require a permit — when in doubt, ask the CEO before starting.

Chapter 707 — Chronic Nuisance and Repeated Violations

A property becomes a “chronic property” when:

- Three or more violations are documented within 30 days; or
- Five or more violations within 12 months; or
- A violation continues for more than 10 days after a Notice of Violation without being corrected

Chronic properties face escalated enforcement: higher penalties, Village-performed abatement with cost recovery, and potentially injunctive relief through the courts. Each day a violation continues can be a separate offense.

Chapter 709 — Appeals

Anyone harmed by an enforcement decision under Title VII can appeal. Appeals are heard by Village Council. Council’s decision is the final administrative action, subject to court review if the appellant chooses to pursue it. See Title XV for the full appeals procedure.

TITLE IX

PROPERTY MAINTENANCE AND REGULATION

*What property owners are required to maintain***Chapter 901 — Property Maintenance**

This is the core chapter for property owners. Every owner and occupant is required to maintain their property in a clean, safe, sanitary, and structurally sound condition. Here's what that means section by section:

General Condition

Properties must be free from conditions that attract vermin, create fire hazards, or endanger people or neighboring property.

Structures

Buildings, roofs, foundations, windows, doors, stairs, and porches must be kept in good repair and structurally sound.

Outdoor Storage (§ 901.05)

All outdoor storage must be neat, orderly, and safe. Prohibited outdoors:

- Junk, rubbish, refuse, or debris
- Inoperable, dismantled, or unlicensed vehicles or parts
- Broken appliances, furniture, or fixtures
- Scrap materials, tires, or waste

Permitted outdoors when kept neat: firewood, lawn and garden equipment, recreational equipment, building materials for an active project, and items customarily used in residential living.

Fences (§ 901.06)

Height limits: 4 feet in the front yard, 6 feet on the sides and rear. Fences must be entirely on your own property, must not obstruct visibility at intersections, and must not contain barbed or razor wire in residential areas. All fences must be maintained in good repair.

Note on fence timing: If a fence is under construction when the Code takes effect, it will be held to the Code's standards when completed. Starting construction before the Code takes effect does not create a right to a non-compliant fence.

Accessory Structures (§ 901.07)

Sheds, garages, and similar outbuildings must be located in side or rear yards (not the front yard), must not exceed 20 feet in height, and must be maintained in good repair. They may not be used as dwellings.

Temporary Structures and RVs as Dwellings (§ 901.04)

No one may live in a recreational vehicle, tent, camper, or temporary structure as their primary residence.

Exception: if your home is destroyed by fire or disaster, temporary occupancy of an RV on the same property is permitted for up to 30 days, with possible extensions up to 90 days total if you're actively working to restore your home.

Home Occupations (§ 901.11)

You can run a business from your home as long as it stays incidental to residential use. This means:

- No more traffic, parking, or deliveries than a normal residence generates
- No noise, odor, vibration, or glare detectable beyond your property
- No outdoor storage of business equipment or materials
- No regular on-site non-resident employees

Gatherings, meetings, performances, and similar events at your home are permitted for up to 49 people, as long as adequate parking is available and no nuisance conditions result. Remote work, consulting, crafts, and small services are generally fine.

Sidewalks (§ 901.12)

If your property abuts a sidewalk, you are responsible for keeping it safe, level, and passable. A tripping hazard is a violation. Each day a hazardous condition continues after notice is a separate violation.

Address Numbers

Your address number must be displayed visibly from the street.

Chapter 903 — Blighted Properties

A property is “blighted” when its condition constitutes a public nuisance or poses a risk to public health and safety. Blight indicators include structural instability, unsecured or broken openings, accumulation of refuse or junk, overgrown vegetation harboring vermin, infestation, or standing water.

When a property is declared blighted, the owner receives written notice with at least 14 days to correct the conditions. If they don’t, the Village can:

- Issue citations and fines
- Enter the property and perform the abatement itself
- Bill the owner for the cost of abatement and, if unpaid, place a lien on the property

A vacant structure is any structure unoccupied for more than 90 consecutive days. Vacant structures are subject to these provisions.

Chapter 905 — Absentee Landlords

If you own property in Brinkhaven and fall into any of these categories, you are required to register with the Village annually:

- You rent or lease the property to tenants (landlord)
- You don’t live within 30 miles of Brinkhaven for more than 180 days per year (absentee owner)
- Your structure has been vacant for 90 or more consecutive days

Registration is free. You provide your name, mailing address, phone, email, and the property address. You can also designate a Local Agent — someone nearby who can receive notices on your behalf. The Village can serve that agent just as if they served you directly.

You must register within 30 days of acquiring the property, renting it out, or becoming an absentee owner. Any changes in ownership, contact information, or occupancy status must be reported within 10 days.

Why registration matters: Failure to register is itself a violation, enforceable independently of any property condition issue. If the Village can’t reach you because your contact information is outdated, enforcement still proceeds — and you have no defense based on not receiving notice.

Chapter 907 — Junkyards

Junkyards and salvage yards are prohibited within the Village limits. A junkyard is any place used for storing, collecting, dismantling, or dealing in scrap, used materials, or salvaged vehicles.

Exceptions: temporary storage during an active construction or demolition project (materials must be removed promptly), Village-operated facilities, and licensed repair shops that keep all junk, inoperable vehicles, and salvage materials entirely inside enclosed buildings not visible from the street or neighboring properties.

Chapter 909 — Highway Signage and Wayfinding

Signs are not permitted in public rights-of-way. Off-premises signs (signs directing people to somewhere other than the property the sign is on) are generally prohibited.

The Village operates an official wayfinding sign system. Businesses and organizations that want to be listed on a Village wayfinding sign submit a request. The Mayor administers the program and sets the guidelines.

The Village may remove any unauthorized sign placed in a public right-of-way without advance notice. Temporary signs on private property may be permitted subject to size, number, and duration limits.

TITLE XI

PUBLIC HEALTH, SAFETY, AND WELFARE

*Nuisances, noise, and conditions affecting the community***Chapter 1101 — Public Nuisances**

A nuisance is any condition that unreasonably endangers or interferes with the comfort, health, safety, or welfare of the community, or adversely affects neighboring properties. The following are declared nuisances and are prohibited:

Junk, Trash, and Debris

Outdoor accumulation of garbage, scrap, or discarded items that creates blight or safety hazards.

Inoperable Vehicles

An inoperable vehicle stored outdoors for more than 14 days within any 30-day period is a nuisance. An inoperable vehicle is one that:

- Cannot be started or moved under its own power
- Is missing essential components
- Is visibly dismantled, wrecked, or deteriorated
- Has remained stationary for more than 30 consecutive days without active repair

Exception: vehicles stored entirely inside a fully enclosed structure are exempt. Vehicles undergoing bona fide, active repair may remain outdoors with a written repair notice to the Village — no more than 60 days under a repair extension.

Unsafe or Dilapidated Structures

Structures that are collapsing, deteriorated, unsecured, or otherwise hazardous.

High Grass and Weeds

Vegetation exceeding 10 inches in height. Exception: intentional landscaping — garden beds, perennial beds, native plantings, mulch, gravel, and similar designed areas are not violations.

Noise

Noise between 11:00 PM and 8:00 AM that is plainly audible from an adjacent property or public right-of-way is prohibited. See Chapter 1103 for the full noise regulations.

Odors and Pollution

Offensive odors, uncontrolled smoke, fumes, or unsanitary conditions that interfere with neighboring property use.

Standing Water and Vermin

Standing water or conditions that promote mosquito breeding or harbor rodents.

Obstruction of Streets and Sidewalks

No vehicle, trailer, or object shall obstruct any street, sidewalk, intersection, or public right-of-way in a way that endangers or impedes pedestrian or vehicle movement.

Animals Running at Large

Animals must be kept on your property or under physical control (leash, enclosure). An animal off your property without restraint is a violation. Each incident is a separate offense and can be cited immediately without prior warning.

Chapter 1103 — Noise Control

The noise ordinance applies to all sources of sound: music, amplified devices, instruments, voices, and more. The standard is based on distance at which the sound can be heard:

- On private property between 11:00 PM and 8:00 AM: audible more than 60 feet from the source is a prima facie violation
- In multi-family housing between 11:00 PM and 8:00 AM: audible beyond your own dwelling unit
- On commercial property between 11:00 PM and 8:00 AM: audible more than 100 feet from the source
- On public property or rights-of-way: audible more than 60 feet from the source

Exemptions include: emergency work, Village-authorized public events, normal agricultural operations, and construction done under valid permits at reasonable hours.

Three violations within 30 days escalates to a fourth-degree misdemeanor under Ohio law.

Jake brakes (engine compression braking) are prohibited within Village limits except to avoid an imminent hazard or during emergency response.

TITLE XIII

STREETS AND PUBLIC INFRASTRUCTURE

Roads, weight limits, and speed

Chapter 1301 — Street Protection

Village streets have a general weight limit of 8 tons gross vehicle weight. Operating a vehicle above this limit without a permit is a violation. The Village may post additional or lower weight limits on specific streets.

Local delivery exception: vehicles up to 12 tons may use restricted streets to make deliveries to properties on that street, using the shortest available route, when no reasonable alternative exists.

Exempt from weight limits: emergency vehicles, public utility and government vehicles, school buses on established routes, Village-authorized waste collection vehicles, and agricultural vehicles with minimal incidental use.

No vehicle may be operated in a manner that causes unreasonable damage to Village streets or public infrastructure.

Chapter 1303 — Recovery of Costs for Street Damage

If you damage a Village street, alley, sidewalk, or other public infrastructure — whether or not you had a permit — you are liable for the full cost of repair. This includes labor, materials, engineering, inspection, and administrative overhead.

The Village will issue a written bill with 30 days to pay. Non-payment can result in a civil lawsuit, a lien on your property, or other lawful collection measures.

Chapter 1305 — Speed Regulations

The speed limit within the Village is 25 miles per hour unless otherwise posted. State Route 62 (Millersburg Road) and other state or county highways are set by the State of Ohio.

Drivers must reduce speed as necessary for road conditions, weather, pedestrian activity, and traffic — regardless of the posted limit. Operating 30 mph or more above the posted limit may constitute reckless operation under state law.

Speed regulations are enforced by law enforcement with jurisdiction in the Village.

TITLE XV

GENERAL PENALTIES AND ENFORCEMENT

How violations are handled and your rights

Chapter 1501 — General Penalties and Enforcement

This chapter governs how all enforcement under the Code works. Unless a specific chapter says otherwise, this is the process:

Step 1 — Notice of Violation

When the CEO identifies a violation, you receive a written Notice of Violation. It describes the problem, tells you what needs to be corrected, gives you a deadline, and explains your appeal rights. The compliance period is reasonable given the nature of the violation.

Step 2 — Administrative Order

If the violation isn't corrected by the deadline, a formal Administrative Order may be issued with specific required actions and a new deadline.

Step 3 — Citation

If the violation still isn't corrected, the CEO may issue an Administrative Citation, which carries a fine. First offense: \$50. Repeat offense: \$100. Each day a violation continues after a citation can be a separate offense.

In emergencies or for ongoing documented violations, citations can be issued without going through the earlier steps.

Abatement

If a violation isn't corrected and the Village performs the work itself (cuts the grass, removes junk, secures a structure), the owner is billed for the actual cost plus a 15% overhead charge. Unpaid abatement costs can be assessed as a lien on the property and collected through the County Auditor.

Emergency Abatement

When a condition poses an immediate and substantial threat to public health or safety, the Village can act immediately without prior notice. Emergency abatement costs are billed and recovered the same way as standard abatement.

YOUR RIGHT TO APPEAL

You can appeal any enforcement decision — a Notice of Violation, Administrative Order, or Citation. Here's how:

- File a written appeal with the Fiscal Officer within 10 days of the notice or citation
- Include your name, contact information, what you're appealing, and why
- Council schedules a hearing within 30 days
- You present your case; the Village presents its evidence
- Council issues a decision, which is the final administrative action of the Village

Filing a timely appeal generally stays (pauses) enforcement while the appeal is pending — except in emergency situations.

Responsibility

Both the owner and the occupant of a property are responsible for compliance. The Village can enforce against either or both.

Notice and Service

Notices can be delivered in person, by certified mail, or posted on the property. If your contact information is outdated, enforcement still proceeds and you cannot use failure to receive notice as a defense. Keep your registration information current.

QUESTIONS? CONTACT THE VILLAGE

Full Code: Available on the Village's .gov website and from the Mayor on request.

Permit questions, home occupation questions, enforcement questions: Contact the Mayor or Code Enforcement Officer.

Registration (absentee landlords and rental property): Contact the Fiscal Officer.

Council meetings: Second Monday of every month, 6:00 PM. Public comment is open.