

ORDINANCE NO. 2018-17

AN ORDINANCE PROHIBITING THE STORAGE, COLLECTION, PARKING, LEAVING, DEPOSITING, MAINTAINING, RESERVING, PUTTING ASIDE FOR FUTURE USE, PERMITTING, OR ALLOWING TO REMAIN ON ANY PORCH, BALCONY, ROOF, PATIO OR YARD, OTHER THAN IN A COMPLETELY ENCLOSED BUILDING OR STRUCTURE, CERTAIN MATERIALS INCLUDING BUT NOT LIMITED TO JUNK, RUBBISH, CLUTTER, LITTER, DEBRIS, LUMBER, AND BUILDING MATERIALS, AND UPHOLSTERED FURNITURE, MATTRESSES, MATERIAL AND OTHER SIMILAR PRODUCTS NOT NORMALLY INTENDED, DESIGNED, BUILT OR MANUFACTURED FOR OUTSIDE USE OR UPON ANY PROPERTY SITUATED WITHIN THE VILLAGE OF MOUNT STERLING, OHIO

WHEREAS, the Village council of Mount Sterling, Ohio historically has been progressive and proactive in promoting the general health, safety, welfare, and positive appearance and aesthetic appeal of the Mount Sterling community through enactment of nuisance and abatement ordinances.

WHEREAS, notwithstanding the Village's efforts, certain residential, property owners have continued to engage in activities and conduct that is detrimental and obstructive to the general health, safety, welfare, and positive appearance and aesthetic appeal of Village neighborhoods, and further depreciating the value of surrounding properties.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF MOUNT STERLING, MADISON COUNTY, OHIO AS FOLLOWS:

SECTION I. Title of Ordinance: This Ordinance shall be known as Junk Storage Ordinance.

SECTION II. The Council of the Mount Sterling, hereby adopts following:

No person shall allow the storage, collection, parking, leaving, depositing, maintaining, reserving, putting aside for future use, permitting, or allowing to remain on any porch, balcony, roof, patio or yard, other than in completely enclosed building or structure certain materials including but not limited to junk, rubbish, clutter, litter, debris, lumber and other building materials, and further upholstered furniture, mattresses, materials and other similar products not normally intended, designed, built or manufactured for outside use on any residence or business within Village.

DEFINITIONS:

- (A) Enclosed porch, deck, patio or balcony means a platform located at and attached to or abutting against the entrance to a residential building, completely covered by a roof and enclosed by fully intact glass and/or fully intact screens. Screens are framed wire mesh or framed plastic mesh used to prevent intrusion by insects but permitting airflow.

- (B) Front yard means that part of the property whereby the front of the house or other residential building faces the public street and encompasses that open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest point of the main residential building.
- (C) Open storage means such storage or accumulation that is visible from any public street, alley, or sidewalk, or from any adjacent property.
- (D) Owner means the actual, titled owner, agent or custodian of the property, whether individual or partnership association, corporation or other entity of any other kind as determined from examination of the Madison County Auditor's records.
- (E) Person means any individual, partnership, association, corporation, or entity of any other kind, including any tenant or lessee of any real property.
- (F) Yard means any open, unoccupied space, other than a court, unobstructed from the ground to the sky, on a lot upon which a residential building is situated.

EXCLUSIONS: The provisions of this Ordinance shall not apply to the storage or placement upon any property of the following materials:

- (A) Firewood intended for consumption in a wood-burning stove, furnace or indoor fireplace or outdoor patio fireplace located within or without a building located upon the subject premises, provided that all such firewood shall at all times be stacked and stored in an appropriate place but in no event upon the front porch of any house or other residential structure;
- (B) Lawn, yard, garden, or playground toys, ornaments, equipment or implements;
- (C) Lawn or patio furniture;
- (D) Standing fences;
- (E) Hoses or sprinklers used for watering lawns or gardens;
- (F) Materials used in connection with commercial activities conducted upon the premises where such storage, placement, and accumulation of materials have been expressly authorized by the Village of Mount Sterling; and,
- (G) Construction materials and equipment used for the construction, renovation, or razing of a building located upon the premises for which a current building or razing permit has been issued.

LIABILITY: Whoever violates this section shall for the first offense be fined not less than the expense of the removal of the nuisance nor more than \$150.00 in addition to the expense of remedying the nuisance. Each day that the violation is permitted to exist after a written notice in writing from the Code Enforcement Officer shall constitute a separate

and distinct offense. Further, any violation of this ordinance results in the issuance of a minor misdemeanor citation, carrying a \$150.00 fine.

SECTION VI. That the Clerk of Council, pursuant to O.R.C §731.23, shall cause to be published in a manner required by law, this Ordinance.

SECTION VII. This Ordinance is hereby declared to be an emergency measure and is necessary for the immediate preservation of the public peace, health and safety of the inhabitants of the Village of Mount Sterling. This Ordinance shall be in full force and effect upon the passage and signing by the Mayor.

PASSED:

ATTEST:

Courtney Bricker
Courtney Bricker
Clerk of Council

William Martin
William Martin
Mayor

Submitted to Mayor: 3/9/18

APPROVED:

Mark J. Pitstick
Mark J. Pitstick, Law Director
Approved as to Form

Date of Approval: 3/12/18

I, Courtney Bricker, the Clerk of Council, hereby certify that the foregoing Ordinance No.2018-17 was published in the Madison Messenger for once a week for two consecutive weeks beginning on the day of 18 of March, 2018 and ending on the 25 day of March, 2018.

Courtney Bricker
Courtney Bricker, Clerk of Council