VILLAGE OF PHILLIPSBURG, OHIO

PROPERTY MAINTENANCE ORDINANCE

2026 Edition – Harmonized with Zoning Code

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ARTICLE I: GENERAL PROVISIONS

1.01 Purpose and Authority

The Village Council of the Village of Phillipsburg, Ohio, pursuant to authority granted by the Ohio Revised Code Chapters 505 and 715, hereby adopts this Property Maintenance Ordinance to:

(a) Establish minimum property maintenance standards to protect public health, safety, and welfare;

(b) Preserve and enhance property values within the Village;

(c) Prevent deterioration of residential, commercial, and industrial properties;

(d) Eliminate conditions that constitute public nuisances;

(e) Promote code compliance across all property types; and

(f) Provide fair, consistent enforcement procedures.

1.02 Applicability and Relationship to Zoning Code

This Ordinance applies to all properties, structures, and premises within the corporate boundaries of the Village of Phillipsburg, Ohio.

CRITICAL DISTINCTION: This Property Maintenance Ordinance addresses the condition and safety of properties, structures, and uses. The Phillipsburg Zoning Code (adopted 2026) addresses permitted uses, placement, dimensional standards, and land-use decisions.

Where the two ordinances apply to the same property:

(a) Zoning Code controls: Where uses may be located, dimensional requirements, setbacks, heights, lot coverage, permitted uses by district.

(b) Property Maintenance Ordinance controls: The physical condition, safety, and maintenance of buildings, structures, yards, and uses once lawfully placed.

(c) Both must be satisfied: Property owners must comply with BOTH ordinances. Zoning Code permits the "what" and "where"; this ordinance requires the "condition."

Supplementary Zoning Regulations Cross-Reference

Where property maintenance matters involve placement, location, or use of structures or vehicles on a lot (e.g., recreational vehicles, boats, equipment storage, accessory buildings), the Phillipsburg Zoning Code, Article 5 (Supplementary Regulations) controls placement, setback, dimensional, and quantity requirements. This ordinance addresses only the physical condition and safety of such items once placed in compliance with zoning law.

Example:

- Zoning Code determines: "1 RV may be stored in rear yard, minimum 10 ft setback, on stable surface (concrete/asphalt/gravel)"
- Maintenance Ordinance determines: "That RV must be maintained in weatherworthy condition; if inoperable >30 days, it must be removed or enclosed"
- Property owner must comply with both

1.03 Enforcement Authority

The Code Enforcement Officer, appointed by the Village Administrator, is responsible for administration and enforcement of this Ordinance.

Distinction from Zoning Enforcement:

- Code Enforcement Officer: Enforces condition, maintenance, and nuisance standards (this ordinance)
- Zoning Inspector: Enforces land-use, placement, and dimensional standards (Zoning Code, Article 9)

Both officials report to the Village Administrator and coordinate enforcement efforts to avoid duplication or conflicts.

1.04 Severability

If any provision of this Ordinance is held invalid by a court of competent jurisdiction, all other provisions shall remain in full force and effect.

1.05 Responsibilities of Owners and Occupants

(a) The property owner is responsible for compliance with all structural, exterior, and site-related maintenance requirements of this Ordinance, including but not limited to roofs, foundations, exterior walls, structural elements, accessory structures, fences, and permanent site improvements.

(b) Unless otherwise allocated by written lease, the occupant or tenant of a dwelling unit is responsible for routine housekeeping and day-to-day upkeep, including proper storage and disposal of trash and garbage, maintaining interior sanitation, and complying with grass and weed height limits for any yard areas under the occupant’s control.

(c) Nothing in this section shall relieve the property owner of ultimate responsibility for ensuring that the premises comply with all applicable provisions of this Ordinance.

ARTICLE II: DEFINITIONS

For purposes of this Ordinance, the following definitions shall apply. Where a term is not defined herein, it shall be interpreted per the Phillipsburg Zoning Code Article 1.

Boat: Watercraft of all types, including sailboats, motorboats, and personal watercraft, with or without trailer.

Building: Any structure with a roof and walls used for shelter or occupancy of persons or property.

Code Enforcement Officer: Village official appointed to administer and enforce this Property Maintenance Ordinance.

Dangerous Condition: Any condition that creates a substantial risk of injury to persons or property, including but not limited to structural defects, electrical hazards, fire hazards, and unsanitary conditions.

Deteriorated Condition: A condition characterized by rot, rust, broken windows, missing components, or other damage that materially impairs the structure's weather tightness, structural integrity, or appearance.

Dwelling Unit: A room or group of rooms forming a complete, independent housekeeping unit with sleeping, cooking, and sanitary facilities.

Exterior Property: All portions of a property visible from public or private streets, including yards, grounds, parking areas, and accessory structures.

Equipment: Farm machinery, construction equipment, lawn and garden equipment, and similar items.

Inoperable Vehicle: A vehicle that is not currently registered, licensed, or capable of operating under its own power, or that has been immobilized (wheels removed, engine removed, etc.).

Maintenance: Regular care, cleaning, repair, and upkeep of property, structures, and landscaping to preserve condition and prevent deterioration.

Nuisance: Any condition, use, or activity that endangers public health, safety, or welfare; creates unreasonable odor, noise, or visual blight; or substantially interferes with the peaceful enjoyment of adjacent properties.

Property Owner: Any person, entity, partnership, or corporation holding legal title to real property or having legal responsibility for property management.

Property Maintenance Code Appeals Board: Shall be the Board of Zoning Appeals, which hears appeals of Code Enforcement Officer decisions.

Recreational Vehicle (RV): Motor homes, travel trailers, campers, truck campers, and similar portable structures designed and used for temporary or transient dwelling and vacationing.

Structure: Anything constructed or erected, including buildings, fences, walls, pools, decks, sheds, and similar features.

Substantially Damaged: Damage affecting more than 50% of the assessed value of a structure.

ARTICLE III: PROPERTY MAINTENANCE STANDARDS

3.01 General Property Maintenance

Every property owner shall maintain all properties, structures, and premises in a safe, clean, and sanitary condition.

Minimum standards include:

(a) Structures shall be structurally sound, weather-tight, and free of hazards.

(b) All buildings shall be maintained to prevent water intrusion, decay, and deterioration.

(c) Yards, grounds, and exterior areas shall be maintained free of debris, litter, and hazardous materials.

(d) All parking areas and driveways shall be maintained in safe condition, free of potholes and hazards.

(e) All utilities and electrical systems shall be maintained in safe, working condition.

(f) All exterior surfaces shall be maintained to prevent deterioration and maintain neighborhood aesthetics.

(g) All pools, spas, and water features shall be drained, fenced, or secured if unused.

(h) Properties shall not constitute a public nuisance as defined herein.

3.02 Yards, Grounds, and Landscaping

Property owners shall maintain all yards, grounds, and exterior areas in a neat, orderly condition.

Standards:

(a) Grass and weeds: Grass and vegetation shall not exceed 8 inches in height. Noxious weeds shall be eliminated. Upon issuance of a notice of violation for grass or weed height under this section, the property owner shall have 7 days from the date of notice to cut the grass and weeds and bring the property into compliance, unless a shorter period is specified in the notice due to an imminent health or safety hazard.

(b) Vegetation maintenance: Property owners shall maintain reasonable vegetation, groundcover, or landscaping to prevent soil erosion and maintain neighborhood appearance. Overgrown or dead vegetation shall be trimmed or removed.

(c) Trees and shrubs: Dead trees and tree branches that overhang public property or create hazards shall be removed or trimmed. Trees shall not obstruct street lights or visibility at intersections.

(d) Flower beds and mulch: Landscape beds shall be maintained and edged. Mulch shall be regularly raked and replenished to prevent soil erosion.

(e) Sidewalks and walkways: All sidewalks, walkways, and pedestrian areas shall be kept clear of hazards, vegetation overgrowth, and debris. Trip hazards shall be repaired.

(f) Driveways and parking areas: All driveways and parking areas shall be maintained in safe condition, free of potholes, cracks, and hazards. All surfaces shall be kept clean and free of debris.

(g) Landscape trees: Where Zoning Code Article 5, Section 5.2 requires landscaping or tree planting, such landscaping shall be established and maintained per zoning requirements.

(h) Nuisance prevention: No brush, junk, garbage, or debris shall be allowed to accumulate in yards. No visible rot, decay, or deterioration shall be permitted.

CROSS-REFERENCE: Zoning Code Article 5.2 specifies the quantity and type of landscaping and tree planting required for new development. This ordinance requires such landscaping, once installed, to be maintained in good condition per these standards.

3.03 Accessory Structures and Fences

All accessory structures, including storage buildings, sheds, gazebos, decks, pools, and fences, shall be maintained in safe, weather-tight, and structurally sound condition.

Standards:

(a) Structural integrity: All accessory structures shall be free of rot, rust, and structural defects. Any leaning, tilting, or unstable structures shall be repaired or removed.

(b) Roofing: Roofs shall be watertight and free of holes, missing shingles, or deterioration.

(c) Exterior surfaces: All painted surfaces shall be maintained. Peeling paint, water stains, and deterioration shall be corrected.

(d) Foundations and posts: Wood posts and foundations shall be maintained free of rot. Concrete shall be free of significant cracking or spalling.

(e) Fences: All fences shall be maintained in safe, upright condition. Leaning, broken, or deteriorated fences shall be repaired or replaced. Unsightly or hazardous fencing shall be removed or rehabilitated.

(f) Pools and water features: All pools and water features shall be properly maintained, drained if unused, and fenced per safety standards. Stagnant water shall not be allowed to accumulate.

(g) Decks and elevated structures: Decks, porches, and elevated structures shall have safe railings, non-slip surfaces, and sound structural supports.

(h) Removal of unsafe structures: If any accessory structure is substantially damaged, unstable, or unsafe, it shall be repaired to code or demolished and removed.

CROSS-REFERENCE: Zoning Code Article 5.1 and 5.6 specify the location, setbacks, maximum height, and permitted uses of accessory structures. This ordinance requires such structures, once in place, to be maintained in safe condition per these standards.

3.04 Recreational Vehicles, Boats, and Equipment

All recreational vehicles, boats, and equipment stored on residential properties shall be maintained in safe, weatherworthy, and operable condition.

Standards:

(a) Operability: All recreational vehicles and boats shall be maintained in operable condition with current registration and licensing.

(b) Inoperable vehicles: Inoperable or deteriorated recreational vehicles may not be stored in an open outdoor location longer than 30 consecutive days. After 30 days, the vehicle must be:

- Removed from the property, OR
- Stored entirely within an enclosed structure (not visible from any public street or adjoining property)

(c) Condition: All stored vehicles shall be maintained in weatherworthy condition free of:

- Broken or missing windows
- Significant body damage or dents
- Missing doors, hatches, or panels
- Visible interior deterioration or debris
- Rust or corrosion affecting structural integrity
- Flat or missing tires (if vehicle is mobile)

(d) Utilities: No recreational vehicle shall have fixed connections to water, sewer, electrical, or other utilities except for routine maintenance purposes. No vehicle shall be occupied as a dwelling unit.

(e) Equipment: Farm machinery, construction equipment, and lawn equipment shall be maintained in safe condition and not allowed to deteriorate or create safety hazards. Equipment not in use for 90+ consecutive days shall be stored in an enclosed structure.

(f) Duration and Placement: See Zoning Code Article 5.7 for storage location, setback, duration, surfacing, and quantity limits. This ordinance enforces the maintenance condition during that storage period.

(g) In addition to the time limits above, any motor vehicle meeting the definition of an inoperable or junk vehicle and stored outdoors in a visible location shall be removed from the premises, placed entirely within an enclosed structure, or otherwise brought into compliance within 10 days after written notice of violation, unless a shorter period is specified due to an immediate safety concern.

CROSS-REFERENCE: Zoning Code Article 5.7 specifies WHERE, HOW MANY, and HOW LONG recreational vehicles may be stored. This ordinance requires that such vehicles, while stored, be maintained in safe condition per these standards.

Enforcement Division of Duties:

- Zoning Inspector: Enforces placement, setback, surfacing, quantity, and dimensional compliance (Zoning Code Article 5.7)
- Code Enforcement Officer: Enforces condition, maintenance, and inoperability standards (this ordinance Section 3.04)

3.05 Building Exteriors and Entrances

All building exteriors and entrances shall be maintained in a condition that preserves neighborhood aesthetics and property values.

Standards:

(a) Exterior walls: All exterior walls shall be maintained in a neat condition with no visible rot, rust, peeling paint, or deterioration. All siding shall be intact and properly secured.

(b) Roofs: All roofs shall be watertight and free of holes, missing shingles, leaks, or deterioration. Gutters and downspouts shall be functional and unobstructed.

(c) Doors and windows: All doors and windows shall be in operable condition, properly sealed, and in good repair. Broken windows, missing panes, or boarded-up windows shall be repaired or replaced promptly. Doors shall close securely.

(d) Entryways: All main entrances and entrances used by the public shall be well-maintained, properly lit, and free of hazards.

(e) Paint and stain: Painted or stained exterior surfaces shall be maintained and repaint/restain shall occur when deterioration becomes visible.

(f) Screening and trim: Screens, storm windows, and trim shall be maintained in good condition.

(g) Occupancy: All buildings shall be maintained in a condition suitable for the use permitted by the Zoning Code. Vacant buildings shall be secured and maintained to prevent deterioration.

3.06 Prohibited Conditions

The following conditions are prohibited on all properties:

(a) Open dumping: No open dumping of garbage, refuse, or hazardous materials is permitted.

(b) Junk vehicles: No inoperable, dismantled, or junked vehicles allowed except as temporary work vehicles on active construction sites (maximum 6 months).

(c) Visible debris: No trash, garbage, scrap materials, or debris visible from public streets except during collection day is permitted. Upon issuance of a notice of violation for trash, garbage, or debris under this section, the property owner or occupant shall have 5 to 7 days from the date of notice, as specified in the notice based on the severity of the condition, to remove such materials and bring the property into compliance.

(d) Abandoned structures: No buildings may be left vacant, boarded-up, or abandoned in a deteriorated condition for more than 60 days.

(e) Stagnant water: No stagnant water, sewage, or hazardous liquids allowed to accumulate on property.

(f) Noxious odors: No conditions creating noxious odors, including but not limited to decomposing waste, sewage backup, or chemical releases.

(g) Fire hazards: No flammable materials, propane tanks, or combustibles stored improperly or in close proximity to structures.

(h) Unsafe structures: No structures may remain standing if substantially damaged, leaning, or creating safety hazards.

(i) Dead animals: No dead animals permitted to remain on property; must be properly disposed of per health department standards.

CROSS-REFERENCE: Zoning Code Article 5.5 specifies that all outdoor storage, equipment, and utilities must be screened from public view. This ordinance enforces screening standards and prohibits visible storage that creates visual blight or nuisance conditions.

3.07 Health and Safety Hazards

Property owners shall immediately address any health or safety hazard on their property.

Hazards include:

(a) Structural hazards: Cracked foundations, leaning walls, sagging roofs, unstable floors.

(b) Electrical hazards: Exposed wiring, overloaded outlets, damaged electrical panels, non-functioning breakers.

(c) Fire hazards: Blocked exits, non-functional smoke/CO detectors, unsafe chimneys, improper heating systems.

(d) Water hazards: Stagnant water, sewage backup, flooded basements, water intrusion into structures.

(e) Pest infestations: Evidence of rodents, insects, or other pests requiring pest control.

(f) Mold and moisture: Visible mold, moisture damage, or conditions conducive to mold growth.

(g) Chemical storage: Improper storage of pesticides, fuels, paints, or hazardous chemicals.

(h) Falling hazards: Dead branches overhanging property, loose roof materials, or debris at risk of falling.

ARTICLE IV: VIOLATIONS, NOTICE, AND ENFORCEMENT

4.01 Violation Detection

Violations of this Ordinance may be discovered through:

(a) Code Enforcement Officer inspection or patrol.

(b) Public complaint (written or verbal).

(c) Photographs or evidence of dangerous/deteriorated conditions.

(d) Referral from other village officials.

(e) Property maintenance audit or systematic inspection program.

4.02 Notice of Violation

Upon discovery of a violation, the Code Enforcement Officer shall provide written notice to the property owner or occupant by one or more of the following methods:

Notice Methods:

(a) Certified mail: Mailed to property owner at address on tax records.

(b) Hand delivery: Personally delivered to property owner or occupant.

(c) Posted notice: Posted conspicuously on property if owner cannot be located.

(d) Email: If property owner has provided email address.

Notice Content:

The notice shall include:

(a) Property address and legal description.

(b) Specific violation(s) identified, with reference to ordinance section(s).

(c) Cure period (deadline by which violation must be corrected).

(d) Detailed description of required corrective action.

(e) Photographs of violation (if applicable).

(f) Code Enforcement Officer contact information.

(g) Right to appeal to Property Maintenance Code Appeals Board (BZA) within 20 days.

(h) Consequences of failure to cure (daily fines, enforcement action, liens, etc.).

4.03 Cure Periods

Property owners shall be allowed a reasonable cure period from date of notice to correct violations.

Cure Period by Violation Severity:

Violation Category	Cure Period	Examples
Minor	30 days	Tall grass, minor landscaping, minor paint, dead shrub removal
Moderate	30-60 days	Roof repair, exterior painting, fence repair, accumulated debris removal
Serious	15-30 days	Unsafe structure, health/safety hazard, inoperable vehicle >30 days
Emergency	24-48 hours	Imminent danger to public, structural collapse risk, hazardous material

Notwithstanding the general cure periods in the table above, violations involving grass and weed height under Section 3.02(a) shall carry a default cure period of 7 days, and violations involving trash, garbage, and debris under Section 3.06(c) shall carry a cure period of 5 to 7 days, as specified in the notice of violation.

These shorter cure periods are intended for high-turnover nuisance conditions and do not apply to structural, roofing, or similar repair items.

Cure Period Extensions:

(a) Property owner may request 30-day extension if:

- Emergency circumstances exist (illness, injury, hardship)
- Professional services required (contractor, plumber, electrician)
- Materials or parts on order
- Work in progress

(b) Request must be made in writing before cure period expires.

(c) Code Enforcement Officer may grant reasonable extension with evidence of progress.

(d) Extensions do not apply to emergency violations.

4.04 Compliance Options During Cure Period

Property owner may respond to notice by:

(a) Curing the violation: Correcting the condition and requesting inspection before deadline.

(b) Requesting variance: If condition cannot be corrected due to financial hardship or physical impossibility, requesting variance consideration if allowed by law.

(c) Requesting extension: If reasonable cause exists, requesting additional time to cure.

(d) Appealing determination: If owner disputes violation finding, appealing to Code Enforcement Appeals Board (BZA).

(e) Providing compliance plan: If violation requires phased correction, submitting plan for approval.

4.05 Inspection and Certificate of Compliance

Upon notice that violation has been cured, Code Enforcement Officer shall inspect property within 10 business days.

(a) Inspection result: Officer verifies correction is complete and compliant with ordinance.

(b) Certificate of Compliance: If violation cured, officer issues certificate confirming compliance.

(c) Continued violation: If violation persists, notice is re-issued with new cure period (if applicable).

4.06 Failure to Cure

If violation is not cured within specified cure period (or any approved extension), the following enforcement actions shall be taken:

4.06.1 First Violation

(a) Final notice: Certified letter stating violation uncured; enforcement action imminent.

(b) Daily fine: $50-150 per day of violation (depending on severity).

(c) Deadline: Violation must be cured within 15 days of final notice or escalated enforcement begins.

4.06.2 Continued Violation (No Cure After Final Notice)

(a) Increased daily fine: $100-300 per day (escalated rate for continued non-compliance).

(b) Notice to abate: If violation not cured within 30 days of final notice, Village shall provide notice of abatement.

(c) Abatement: Village may hire contractor to correct violation at property owner's expense.

(d) Cost recovery: All abatement costs, plus 15% administrative fee, shall be added to property owner's tax bill and become a lien against property.

4.06.3 Serious/Repeated Violations

(a) Enhanced fines: Fines increased by additional 50% for repeated violations (2+ violations within 3 years).

(b) Municipal court prosecution: Violation may be prosecuted as misdemeanor.

(c) Injunction: Village may seek civil injunction to compel correction or removal of hazardous structure.

(d) Tax lien: Unpaid fines may become tax lien filed with County Auditor; subject to tax foreclosure.

4.07 Emergency Violations

For violations creating imminent danger to public safety or health:

(a) Immediate action: Code Enforcement Officer may issue cease-use order or order immediate correction.

(b) 24-48 hour deadline: Property owner must immediately address hazard or vacate property.

(c) Emergency abatement: Village may immediately correct hazard and bill property owner.

(d) No cure period: Emergency violations do not qualify for standard cure period.

(e) Examples: Structural collapse, electrical fire hazard, sewage backup, hazardous material release.

4.08 Appeals Process

Property owner may appeal Code Enforcement Officer determination to the Property Maintenance Code Appeals Board, which shall be the Village's Board of Zoning Appeals (BZA).

Appeal Procedure:

(a) Filing: Appeal must be filed in writing within 20 days of notice of violation.

(b) Appeal fee: $75-200 (covers hearing and decision).

(c) BZA hearing: Board shall hold quasi-judicial hearing within 30 days of appeal.

(d) Applicant appearance: Property owner may appear and present evidence; witnesses permitted.

(e) Decision: BZA shall issue written decision sustaining, modifying, or overturning Code Enforcement Officer determination.

(f) Further appeal: BZA decision may be appealed to Ohio Court of Common Pleas within 30 days per ORC 2506.04.

Cure period suspended during appeal process: Violation cure deadline is suspended from date of appeal filing until date of BZA decision.

4.09 Enforcement Record and Public Inspection

All violations, notices, enforcement actions, and decisions shall be maintained in a violations log kept on file at Village Hall.

(a) Public records: Log shall be available for public inspection per Ohio Public Records Act.

(b) Records retention: Records maintained for 7 years (current + 6 prior years).

(c) Property report: Property owner may request report of violations on their property at any time.

4.10 Coordination with Zoning Enforcement

Code Enforcement Officer shall coordinate with Zoning Inspector to ensure no duplication or conflicts in enforcement.

Coordination requirements:

(a) Code Enforcement: Maintains list of properties with maintenance violations.

(b) Zoning Inspector: Maintains list of properties with zoning (land-use) violations.

(c) Shared information: Both officials exchange information to coordinate compliance letters and timelines.

(d) Unified enforcement: Where possible, both types of violations addressed in single notice and compliance action.

(e) Reporting: Both officials report monthly to Village Administrator on enforcement activity.

ARTICLE V: PENALTIES AND REMEDIES

5.01 Fine Schedule

Violation Type	Severity	Daily Fine	Total Fine Cap
Grass/weed overgrowth	Minor	$50	$1,500
Landscaping neglect	Minor	$50	$1,500
Debris accumulation	Minor	$75	$2,250
Paint deterioration	Minor	$50	$1,500
Fence/deck damage	Moderate	$100	$3,000
Roof damage/leak	Moderate	$100	$3,000
Equipment storage deterioration	Moderate	$75	$2,250
RV/boat inoperability (>30 days)	Moderate	$100	$3,000
Inoperable vehicle	Moderate	$100	$3,000
Structural damage	Serious	$200	$6,000

Violation Type	Severity	Daily Fine	Total Fine Cap
Health/safety hazard	Serious	$300	$9,000
Unsafe structure	Serious	$300	$9,000
Abandoned building	Serious	$300	$9,000

5.02 Escalating Penalties

(a) First violation: Fine at standard rate per schedule above.

(b) Continued violation: After cure period expired, fine increased to 150% of standard rate.

(c) Repeat violations: For 2+ violations within 3-year period, fine increased to 200% of standard rate.

(d) Criminal prosecution: Violation persisting 90+ days may be prosecuted as misdemeanor with potential jail time (per ORC 715.44).

5.03 Abatement and Cost Recovery

If property owner fails to cure violation within specified timeframe, Village may abate (correct) the condition:

(a) Notice of intent: Code Enforcement Officer provides notice of intent to abate with 10-day notice period.

(b) Abatement: Village hires contractor to correct violation.

(c) Cost: All costs of abatement, materials, labor, and equipment.

(d) Administrative fee: Additional 15% administrative fee added to abatement cost.

(e) Payment method: Costs added to property owner's property tax bill and become tax lien.

(f) Tax foreclosure: If costs remain unpaid, property subject to tax foreclosure per County Auditor procedures.

5.04 Liens and Tax Foreclosure

Unpaid fines and abatement costs shall become a lien against the property.

(a) Tax lien: Code Enforcement Officer files lien with Hamilton County Auditor.

(b) Priority: Lien has priority equal to property taxes.

(c) Foreclosure: After 2 years of non-payment, County Auditor may commence tax foreclosure.

(d) Notice: Property owner provided notice of lien and foreclosure process.

(e) Redemption: Property owner may redeem property by paying all costs, fines, and penalties plus interest at rate specified by law.

5.05 Municipal Court Prosecution

For violations not cured within specified period, Village may prosecute violation as misdemeanor in Municipal Court.

(a) Charge: Violation of Property Maintenance Ordinance constitutes misdemeanor.

(b) Penalty: Fine up to $250 per day of violation; jail time up to 30 days.

(c) Court hearing: Property owner has right to judicial hearing and appeal.

(d) Conviction: If convicted, fine and abatement costs both assessed.

5.06 Civil Remedies

In addition to administrative penalties, Village may seek civil remedies in court.

(a) Injunction: Village may seek court order requiring property owner to cure condition or cease use.

(b) Specific performance: Court may order specific corrective actions (removal, repair, remediation).

(c) Attorney fees: Village may recover reasonable attorney fees and court costs in successful action.

(d) Nuisance abatement: Court may order property secured, boarded, or demolished if hazard severe.

5.07 Nuisance Abatement

Conditions determined to constitute public nuisance per Section 3.06 may be abated immediately without standard notice/cure procedures.

(a) Imminent danger: If condition creates imminent risk to public health or safety, Village may immediately abate.

(b) Emergency abatement: Code Enforcement Officer may order immediate action (vacate, board, demolish).

(c) Cost assessment: All emergency abatement costs charged to property owner per Section 5.03.

(d) Liability: Village shall not be liable for property damage incurred during emergency abatement.

5.08 Waiver of Defenses

Property owner's failure to receive notice, or claim of ignorance of violation, shall not be defense to enforcement action.

(a) Visible violation: If violation visible from public property, owner charged with knowledge.

(b) Constructive notice: Notice mailed to property address per tax records constitutes valid notice.

(c) Occupant liability: Occupants of property also responsible for code compliance.

5.09 Effect on Property Value and Insurance

Property owner shall be advised that code violations may:

(a) Reduce property value and marketability.

(b) Void or increase insurance premiums.

(c) Trigger insurance claims denial.

(d) Result in forced sale in tax foreclosure.

ARTICLE VI: SPECIAL PROCEDURES

6.01 Vacant Property Registry

Properties remaining vacant for 60+ consecutive days shall be registered on Village's Vacant Property Registry.

Registration triggers:

(a) Enhanced inspection frequency (quarterly minimum).

(b) Security requirements (boarded windows, locked doors, fencing).

(c) Utility management (gas/electric shut-off if unsafe).

(d) Maintenance requirements (grass cut, debris removed monthly).

(e) $100/month registration fee charged to property owner.

6.02 Structural Damage Assessment

For structures with substantial damage (>50% assessed value), Code Enforcement Officer shall order:

(a) Professional engineering assessment within 30 days.

(b) Repair plan or demolition decision within 60 days.

(c) Owner responsible for all assessment costs.

(d) Unsafe structures demolished at owner expense if not repaired.

6.03 Hazardous Material Removal

For properties with hazardous materials (lead paint, asbestos, mold, etc.):

(a) Owner responsible for professional remediation per EPA/state standards.

(b) Code Enforcement Officer may require certification of removal.

(c) Hazardous cleanup costs assessed against property owner.

(d) Village may hire remediation contractor and recover costs per Section 5.03.

ARTICLE VII: EFFECTIVE DATE AND AMENDMENTS

7.01 Effective Date

This Ordinance is effective [DATE], replacing any prior Property Maintenance Code.

7.02 Amendment Process

This Ordinance may be amended by Village Council following procedures in ORC Chapter 505:

(a) Notice of proposed amendment published 10+ days prior to public hearing.

(b) Public hearing before Village Council.

(c) Council first and second reading.

(d) Effective 30 days after adoption.

7.03 Relationship to Future Zoning Code Changes

If Zoning Code is amended after adoption of this Ordinance, any references to specific Zoning Code sections shall be automatically updated to refer to the corresponding sections in the amended Zoning Code.

APPENDIX A: VIOLATION NOTICE TEMPLATE

VILLAGE OF PHILLIPSBURG, OHIO
CODE ENFORCEMENT NOTICE OF VIOLATION

Date of Notice: [DATE]
Property Address: [ADDRESS]
Property Owner: [NAME]
Mailing Address: [ADDRESS]

VIOLATION DESCRIPTION:

The following violations of the Village of Phillipsburg Property Maintenance Ordinance have been identified on your property:

1. Violation: [Description]
   Ordinance Section: [Article, Section]
   Specific Finding: [Details]
   Required Action: [What must be corrected]

2. [Additional violations as needed]

CURE PERIOD:

You are required to correct this violation by: [DATE – 30/60 days from notice]

CONSEQUENCES OF FAILURE TO CURE:

If you do not correct this violation by the deadline:

- Daily fines of $[amount] shall be assessed
- Village may hire a contractor to correct the condition
- All costs, plus 15% administrative fee, will be added to your property tax bill
- Unpaid costs become a lien against your property
- The property may be subject to tax foreclosure
- Criminal prosecution may be filed

YOUR RIGHTS:

You may:

- Cure the violation before the deadline
- Request a 30-day extension (with documented cause)
- Appeal this notice to the Board of Zoning Appeals within 20 days
- Request variance consideration if condition cannot be cured

To appeal, contact:
[Contact information]

INSPECTOR INFORMATION:

[Name]
Code Enforcement Officer
[Phone]
[Email]

Attachments: Photographs of violation

CROSS-REFERENCE ALIGNMENT WITH ZONING CODE

This Property Maintenance Ordinance references the following Zoning Code (2026) sections:

Maintenance Ordinance Section	Topic	Cross-Reference to Zoning Code
1.02	RV/Boat/Equipment Storage	Zoning Code Article 5.7 (Recreational Vehicles, Boats, Equipment)
3.02	Landscaping Maintenance	Zoning Code Article 5.2 (Tree Canopy & Landscaping)
3.03	Accessory Structures	Zoning Code Article 5.1, 5.6 (Accessory Structures)
3.04	RV/Boat Condition	Zoning Code Article 5.7 (Condition & Maintenance Standards)
3.06	Outdoor Storage Screening	Zoning Code Article 5.5 (Outdoor Storage/Screening)
3.06	Prohibited Conditions	Zoning Code Article 2.3 (Conflict and Division of Responsibility)
4.10	Zoning/Maintenance Coordination	Zoning Code Article 9 (Administration and Enforcement)

ADOPTION CERTIFICATE

Adopted by Village Council: [DATE]

Effective Date: [DATE]

Council President: _____

Village Administrator: _____

Code Enforcement Officer: _____

END OF PROPERTY MAINTENANCE ORDINANCE

PREPARED: January 29, 2026 by John Ritter (Council Member)
STATUS: Ready for Council Consideration