

**City of Huber Heights, OH**  
**Enforcement Standard Operating Procedures**  
**Planning & Zoning Department**

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## **1.1 Complaint Procedure**

### **Policy**

The Planning & Zoning Department accepts and investigates complaints from the public concerning property issues in the city. In addition, during the course of their general duties, all City staff is encouraged to report possible zoning or property maintenance violations to the Planning & Zoning Department. The City appreciates all who alert it to possible code violations.

### **Complaint Processing Procedure - City Council Complaints**

- 1) When members of the City Council, Planning Commission, Property Maintenance Review Board and Board of Zoning Appeals alert the Planning & Zoning Department of possible violations the information must be passed to the Code Enforcement Administrator or the Director of Planning & Zoning (if Code Enforcement Administrator is not available) as soon as possible.
- 2) The Code Enforcement Administrator or a Zoning Officer will investigate the situation within one business day.
- 3) When the enforcement effort has begun, if necessary, the Director of Planning & Zoning or the Code Enforcement Administrator will provide a status update to the interested council/board member.

### **Complaint Processing Procedure - Citizen Complaints**

- 1) A complaint can be made in person, over the phone, by e-mail, or by filing a complaint form. Complainant's identity is to be kept anonymous.
- 2) Zoning complaint forms are available in all City offices and on the City's website.
- 3) The information which must be provided on the complaint is:
  - a. Address of property
  - b. Description of complaint
- 4) Once received, a complaint is logged into ZonePro by the Zoning Clerk, assigned to an inspector, and scheduled for inspection not later than the following work day.
- 5) If a written complaint form or e-mail is submitted, the violation number is noted on the complaint (generated by ZonePro) and the form is filed and attached to any other subsequent information which pertains to that particular violation.

### **Referral to other City Departments**

- 1) Zoning Officers and Code Enforcement Administrator will forward all complaints which need to be handled by other City Departments (i.e. an unlicensed vehicle in

the public right-of-way, a Police Department issue) to the proper department within 24 hours of the receipt of the complaint.

**Special Accommodation:**

- 1) Owners of multiple properties in the City may request certain special notification procedures. Special requests will be evaluated by the City's Director of Planning & Zoning and the Code Enforcement Administrator. If the request is deemed to be acceptable by City staff and does not conflict with the notification procedures and timelines delineated in City Code, they will be implemented. It is important to stress that the decision to accept any special notification procedures will be the responsibility and purview of the Director of Planning & Zoning.

## **1.2 Unlicensed/Inoperable Vehicles: Residential and Commercial Districts**

### **Code Type & References: Zoning**

1. Section 1193.02. Off-Street Parking in Residential Districts. No off street parking of inoperative or unlicensed motor vehicles is permitted unless they are totally enclosed within a garage or accessory building.
2. Section 1193.04. Off-Street Parking in Commercial/Office Areas. Vehicles that are unlicensed or inoperative shall not be parked off-street on properties in any Commercial or Office Zoning District and properties being used as commercial and/or office in any industrial zoning district.

### **Policy**

The Zoning Code prohibits the off-street parking of inoperable or unlicensed motor vehicles outside in residential, commercial, and office zoning districts. “Off-street” means on private property (not in the street, across the sidewalk, or other right-of-way). Inoperable or unlicensed vehicles in the street, parked across the sidewalk, or right-of-way are a matter handled by the Police Division.

### **Inspection Procedure**

1. From the public right-of-way or with permission from the property owner, occupant or neighboring properties, the inspector will determine whether the subject vehicle is:
  - a. Parked on private property, if yes, is it:
  - b. Inoperable. Conditions indicating inoperability include:
    - i. Flat tire(s)
    - ii. Missing engine (protruding wires, cables, or engine parts)
    - iii. Vehicle is raised on jack stands/ramps and/or missing tires/axles
    - iv. Vehicle is unable to be started/running and driven (either backed up and forward in driveway or on road)

#### **OR, IS IT:**

- c. Unlicensed. A vehicle is unlicensed if it does not have a license plate or has no or expired annual registration sticker(s).
  - i. If no violation is found, take picture of non-violation and enter information into ZonePro. Close-out the case.
  - ii. If violation does exist, follow enforcement procedure.

### **1.3 Requirement to Park on Hard Surfaces**

#### **Code Type & References: Zoning Code**

1. Section 1185.02 (b): Parking of motor vehicles on a residentially zoned premise shall be on a continuous hard surface, as defined by the term “hard surface driveway” in Code Section 1123.51.

#### **Policy**

The Zoning Code requires that vehicles be parked on a continuous hard surface which must be asphalt or concrete. This requirement prohibits parking vehicles on unimproved areas of yards. This promotes a proper level of property maintenance, orderly storage of vehicles, and the orderly ingress and egress of vehicles onto public rights-of-way from properties within the City.

#### **Inspection Procedure**

1. From the public right-of-way or with permission, from the property or neighboring properties, determine whether any vehicle is visibly parked on a hard surface on private property. (Concrete or asphalt)
  - a. If no violation is found, take picture of non-violation and enter information into ZonePro. Close-out the case.
  - b. If violation does exist, follow enforcement procedure (see SOP section 1.10).

## **1.4 Trash/Junk/Debris**

### **Code Type & References: Property Maintenance Code**

1. Section 1313.05 (c) *Removal of Miscellaneous Debris*: All yards, courts or lots shall be kept free of unsightly materials not appropriate to the area and debris which may cause a fire hazard or may act as a breeding place for vermin or insects. All premises shall be reasonably free from waste paper and other trash and debris.
2. Section 521.08(b): (1) No person shall knowingly or recklessly deposit any garbage, trash, rubbish or other refuse on any vacant lot, public road, street or highway or upon the property of another within the City limits. (2) No person in possession or control of real property shall collect or store any garbage or trash on such property for more than ten days. This section does not apply to any commercially operated trash or refuse operator.

### **Policy**

The City Code requires that properties be free of unsightly materials, debris and trash. This policy is in place to limit conditions that may become a fire hazard, act as breeding areas for vermin or insects or may become a blighting influence on neighboring properties.

### **Inspection Procedure**

1. From the public right-of-way or with permission from the property, occupant or neighboring properties, determine whether any trash or debris is visibly located on the property.
  - a. If no violation is found, take picture of non-violation and enter information into ZonePro. Close-out the case.
  - b. If violation does exist, follow enforcement procedure.

## 1.5 Tall Grass and Weeds

### Code Type and References: General Offense

Chapter 521.10. Duty to Cut Weeds: Remedy by City for Noncompliance. The owner, occupant or any other person or entity having charge of any land, including any areas of easement, within the City shall cut down all grass/weeds more than eight inches in height and shall remove those cuttings from that land.

### Policy

The Code requires the periodic cutting of grass and weeds on properties within the City that exceed 8 inches in height. The periodic cutting of grass and weeds benefits the public welfare by prohibiting the blighting influence of overgrown parcels, promoting property maintenance that helps sustain property values, and reduces the possible infestations of overgrown areas by vermin.

### Inspection Procedure

- 1) Determine whether the subject property has grass/weeds in excess of 8 inches in heights:
- 2) **\*\*EXCEPTION\*\*** - This section shall not apply to real property that meets any one of the following requirements
  - a. Real property lawfully and substantially used for agricultural purposes for profit.
  - b. Real property of more than two acres where a 150 foot wide strip directly adjacent to the boundaries of developed property is provided. However, compliance is not required for the portions of any boundaries of such real property that are adjacent to an undeveloped lot and which are more than 10 feet from the closest point of contact with a developed lot. Real property will be deemed “developed” if a permanent structure, including but not limited to paving, has been erected on the parcel.
  - c. Any real property owned by any governmental entity and used as a park or similar recreational facility or as an educational facility.

### Enforcement Procedure Violation Execution

- 1) Knock on the front door of the property to see if someone responsible for the property is on the premises. If so, explain the tall grass violation and give them a reasonable period of time to cut and remove the violation. Generally, give them 24-48 hours to correct the violation.
- 2) If contact cannot be made on the initial day of inspection, place a tall grass violation sign in the yard so it is perpendicular to the street and visible from the public right-of-way (if possible). Photograph the sign placed in the yard of the property, enter information into Zone Pro.

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- 3) Send Duty to Cut Grass & Weeds Letter granting 5 days from date of letter (next mailing date) to cut and remove grass and weeds.
- 4) Return to the property on the deadline date or the next business day after the deadline date.
- 5) If grass is cut, remove sign, take picture and enter in Zone Pro. (close violation).
- 6) If grass is not cut, enter information into Zone Pro, screen print violation record for grass cutting.
- 7) Forward documentation (screen print and picture(s)) to Code Enforcement Administrator so that mowing contractor can be dispatched to the property, fills out Work Order with date, addresses of properties to be cut and any further specific instructions.
- 8) City's cutter must cut property within five business days from date notified unless adverse weather conditions exist (per City's contract and specifications for mowing). The mowing contractor shall provide before and after pictures of grass to verify compliance, **and return sign**. (close violation). Pictures and mowing invoice from cutter are turned in to Code Enforcement Administrator weekly and makes a copy of the invoice and gives it to the P&Z Admin. Secretary for payment with weekly invoices.
- 9) The P&Z Admin Secretary compiles the following information:
  - a. Citation Letter
  - b. Grass Cutting Assessment Form
  - c. Screen Print of work order from Zone Pro
  - d. Invoice from Cutter
  - e. Two copies are made of all information and one set is forwarded to the Finance Office for invoicing of property owner and/or certification to County Auditor for assessment to property taxes of specific parcel.
- 10) Second copy along with pictures from City's cutter is retained by the Code Enforcement Administrator in yearly grass file.



## **1.6 Recreational Vehicles, Boats, Campers, and Other Similar vehicles: Illegally Parked in Residential Areas**

### **Code Type & References: Zoning**

Section 1193.02. Off-Street Parking in Residential Districts. No off-street parking in any residential zoning district shall be permitted for any trailer, recreational vehicle, boat, inoperative or unlicensed motor vehicle, construction or farm equipment, or any vehicle designed or constructed to provide seating for more than nine (9) people except under specific conditions as detailed herein. “Off-Street Parking” – Parking of a vehicle outside of the public right-of-way; on private property.

(a) Any number of such vehicles may be parked off street in residential zoning districts as long as they are totally within an enclosed garage or accessory building. While parked within an enclosed garage or accessory building, all propane gas valves in such a vehicle shall be in a closed position.

(b) To the extent there is no garage or accessory building on the premises that can accommodate the vehicle(s), such vehicle(s) may be parked outside in an interior side yard or rear yard but not in a corner lot side yard. The intent is to allow the owner of such vehicle(s) an option to park in his garage or in a suitable location as defined herein. Outside parking of the vehicle(s) shall be subject to the conditions set forth below:

- (1) The area coverage of the vehicle(s) in respective zoning districts shall be as follows:
  - A. R-1, R-2 and Agricultural Districts, coverage shall not exceed three and five-tenths percent (3.5%) of the total area of the lot.
  - B. R-3 and R-4 Districts, coverage shall not exceed three and five-tenths percent (3.5%) of the total area of the lot with a maximum of two (2) vehicles permitted.
  - C. All other Residential Districts, one (1) such vehicle may be parked outside.

### **Policy:**

The Zoning Code prohibits the off-street parking of recreational vehicles, trailers, campers, truck caps, boats, and other similar vehicles in residential districts except under certain conditions. This policy helps to preserve the proper character of residential districts, promote property maintenance standards, and protect the public safety and welfare by limiting hazardous conditions created by the improper storage of recreational vehicles, trailers, boats, etc.

### **Inspection Procedure**

1. From the public right-of-way or with permission from the property, occupant or neighboring properties, determine whether the subject vehicle is
  - a. Parked on private property, if yes, is the vehicle
    - i. Parked in front yard (corner lots have two front yards)

**\*\*EXCEPTION\*\***

If the measurements or terrain of the side yard and back yard are such that neither one can accommodate the vehicle, or if there is no reasonable access to side or rear yard that can accommodate the vehicle, such a vehicle may be parked on the driveway in the front yard subject to the conditions listed below. A corner lot is always deemed to have reasonable access to the rear yard, and a fence is not necessarily deemed to prevent reasonable access. The conditions for such driveway parking in the front yard are as follows:

- All of the conditions listed above as being applicable to outside parking in the side or rear yard shall also apply to parking in the front yard driveway.
  - In front yards, the vehicle shall be parked on the designated driveway.
  - No part of the vehicle may be closer than twelve (12) feet to the face of the curb.
  - No part of the vehicle may extend over the public sidewalk.
  - The vehicle may not impair a view of the right-of-way by persons on the right-of-way or about to enter it.
  - The wheels of such vehicle shall be chocked while parked.
    - ii) Unlicensed or have expired tags
    - iii) Being used to conduct a business
    - iv) Permanently connected to any utility service
    - v) Being used as a dwelling
    - vi) Being used for storage
    - vii) Maintained in good repair
    - viii) Parked on a continuous hard surface
    - ix) Maintained in a condition to be transported (For example, wheels shall not be removed, tires shall not be flat, and the vehicle shall not be fixed to the ground.)
- b) If no violation is found, take picture of non-violation and enter information into ZonePro. Close-out the case.
- c) If violation does exist, follow enforcement procedure.

## **1.7: Placement/Site Plan/PUD Inspection Procedure**

### **Policy**

Aside from conducting placement inspections, zoning officers must also verify that other aspects of new construction adhere to standards established by the Zoning Code, the Planning Commission and City Council. Inspection of certain exterior building materials, signage, landscaping, lighting, etc., is a critical function of zoning officers. It ensures the specific conditions of approval placed upon developments are consistently enforced.

### **Inspection Procedure**

- 1) Zoning Officer runs a daily inspection report.
- 2) Obtain approved zoning permit and site plan drawings from Code Enforcement Administrator, Director of Planning & Zoning or Planning Administrative Assistant.
  - a) The zoning permit and approved site plan drawings should provide building setback information, exterior materials information, landscaping plans, lighting plans, etc., as applicable.
- 3) Measure all applicable distances from property lines and verify against permit information:
  - a) Site features to be measured for placement include structures, signage, etc.
  - b) Be sure to measure from the approximate middle of the poured footer or the footer trench (if footer has not been poured).
- 4) Compare approved exterior building materials to those being placed on structures.
- 5) Compare landscaping and lighting to approved plans.
  - a) Note any variations or incomplete work.
- 6) Enter inspection pass/fail information into ZonePro and turn in any applicable paperwork to Code Enforcement Administrator:
  - a) All landscaping inspection results must be reported to the Code Enforcement Administrator since landscaping is a bonded site requirement
  - b) If an inspection fails, discuss it with the Code Enforcement Administrator before communicating the findings to the builder, property owner, etc. Depending upon the nature of the issue, some field adjustments may be allowed.

### **Recommended Actions and Hints**

- 1) If property line limits are not clear, try using a metal detector to locate property pins located at property corners.
- 2) Carry a set of subdivision construction drawings and an engineer's scale.

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- a) If certain property pins have not been set or sidewalks have not been installed, you can always measure the distance from a footer or other feature to manholes, hydrants, etc.
- 3) Only inspect already poured foundations or foundation trenches. Never sign-off on a foundation inspection that is only marked by stakes or pins:
  - a) Exception: New construction, like sheds, that may not have a footer or foundation.
- 4) Never be afraid to ask for assistance. It is better to take two or three people to get the inspection rights than to have one person guess.
- 5) Always examine the drawings for your daily site inspections prior to leaving the office so that most questions can be answered prior to getting on site.
- 6) Conduct periodic drive-thru inspections to note any new construction that warrants inspection. Especially for commercial sites, the site plan inspection process will involve multiple site visits. (One day you might inspect a footer. A week later you may inspect building materials. A month later, you may inspect the landscaping.)

## **1.8 Court Documentation Preparation Procedure**

### **Code Type & References: Zoning**

Section 1125.98. Compliance and Enforcement. If upon the expiration date of the notice of violation the subject violation has not been corrected, the Zoning Inspector, with approval from the Zoning Supervisor, may file the case with the Court. Repeat violations occurring no sooner than 20 days and less than 2 years after the original violation are given less time for correction. Second violations allow the zoning inspector to omit the informal contact (verbal warning) and send a violation notice specifying that the violation shall be corrected within twenty-four hours of receipt. “If the violation is not corrected by the specified compliance date, appropriate action or proceeding shall be instituted in a court of proper jurisdiction.” Third violations allow the zoning inspector to take appropriate action “immediately in a court of proper jurisdiction without notification to the property owner.”

### **Policy**

While not a desired outcome, it is sometimes necessary to seek legal action against property owners to bring the property into compliance with the Code. Zoning Officers should assure that they have assembled and filed the correct paperwork (as explained below).

### **Required Documentation Preparation. *Make sure that required amount of originals and copies of these documents are submitted in this order.***

- 1) Court submittal sheet: 1 copy:
  - a) Specific instructions for preparing the Court Submittal Sheet
  - b) City Submittal Date: fill in the date documents will be taken to court
  - c) Violation Number: fill in Violation Number(s) this case shall reference.
  - d) Defendant: fill in the name of the Defendant to be subpoenaed
  - e) Address: fill in address the Defendant can be located at for subpoena service.
- 2) Case Filing sheet: 1 original and 1 copy:
  - a) Specific instructions for preparing the Case Filing sheet
  - b) Fill in Name and Address of Defendant, same as subpoena service address.
  - c) Fill in Name, address, and date of violation.
  - d) Fill in Violation .
  - e) Fill in Violation Number(s) assigned by Zone Pro.
  - f) Fill in Prior Court Case Numbers if Second or Third Offense.
  - g) Fill in Penalty Specifications, First Offense, Second Offense, Or Third Offense:
    - i) First offense: Minor Misdemeanor

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- ii) Second offense: A Misdemeanor of the Fourth Degree, the court shall impose on the offender a fine of not less than \$250.00, no portion of which may be suspended.
  - iii) Third offense: A misdemeanor of the Third Degree, the court shall impose upon the offender a fine of not less than \$500.00, no portion of which may be suspended.
  - h) Fill in Section of Code that applies to the Violation.
  - i) Fill in the Name of Complainant (Name of Zoning Inspector filing complaint)
  - j) Complainant shall sign sheet in presence Notary and have sheet notarized.
- 3) Pictures: 1 color copy.
  - 4) Violation Screen Print(s): 1 copy.
  - 5) All letters regarding present filing: 1 copy.
  - 6) Any other documentation regarding the case, including PUD agreement, copy of code (if it is too detailed to list on the Case Filing sheet), etc.: 1 copy.
  - 7) Montgomery County Real Estate Screen Print: 1 copy (see Form 1.10.3)

### **Filing**

- 1) Make one copy of all documentation to be submitted to the courts for zoning inspector's file. Place the copy of the documentation in the appropriate case file. Each court case has a corresponding file in the inspectors' office.
- 2) Hand deliver the original filing copy to the Clerk of Courts, Second District Court, Montgomery County.

### **Court Process**

- 1) Once a case is filed, the Clerk of Courts will notify the inspector as to the time and date of all proceedings regarding a particular case. These include:
  - a) Arraignment
  - b) Pre-trial hearing(s)
  - c) Trial
- 2) If a defendant pleads not guilty to a charge filed by the City, the zoning inspector and Zoning Supervisor schedule a pre-trial meeting with the prosecutor assigned the case to go over the matter prior to trial. This is a valuable process because it allows the prosecutor to become more familiar with the case and also better understand the City's expectations in prosecuting the matter.

## **1.9 Presales**

### **Code Type and References: Zoning**

1125.02 (h) Prior to the sale of any real property in this City, the owner or his agent shall schedule an exterior inspection. Upon completion of such inspection, and resolution is reached for any violation, the Zoning Officer shall issue a certificate stating that no exterior zoning and/or property maintenance violations exist upon the date of inspection. If violations are found, no certificate shall be issued until the violations are corrected or the property is otherwise brought into compliance. (Transfer of Responsibility Agreements are one vehicle by which a property can be otherwise brought into compliance.) No person shall sell or receive a commission or fee from the sale of any real property in this City without a valid certificate issued hereunder.

### **Policy:**

The Code requires that all residential structures be inspected prior to the sale of the property and be brought into compliance with applicable City Codes. It is requested that applicant's apply for inspection at least one week prior to closing on the property. Due to the time sensitivity of sale closings, Zoning Officers should consider presale inspections a high priority item. Presale inspections are valid for one year or until the property requires another closing, whichever comes first.

### **Intake Procedure:**

1. Applications are available on the City's website and at the front receptionist desk.
2. Application is filled out completely and submitted with \$40.00 application fee to the P&Z Admin Secretary.
3. P&Z Admin Secretary follows this procedure to transfer the information from the application.
  - a. The presales are done on a first come, first serve basis. It is important to try and get the presale inspection done prior to their closing date.
  - b. Write all permit numbers and types obtained for property next to the corresponding item on the Presale Application.
  - c. Log presale into ZonePro under the housing tab. Use 'Waiting on Inspect' as reason. Log in the assigned inspector's initials. Give packet to inspector.

### **Inspection Procedure:**

- 1) Inspector knocks on door of home to alert occupant to his/her presence on the property. If no one answers, continue to conduct the inspection.
- 2) Review and note all applicable Zoning and Property Maintenance violations

### **Outtake Procedure:**

- 1) Save all pictures in Zone Pro as well as printing and attaching to application.
- 2) Enter all information in Zone Pro under the Housing tab as to results of inspection and performs these actions if no violations are found:
  - a. Locate address in Zone Pro.
  - b. Go to the notes section.
  - c. Go to the housing section and locate the presale that was originally logged. Change the ‘Waiting on Inspect’ caption to ‘Approved’.
  - d. Enter the date of inspection and the inspector’s initials.
  - e. Print the Presale and adhere gold crest to certificate. Contact applicant and notify them to pick up certificate.
  - f. Copy the certificate. Attach the copy to the packet.
  - g. The original certificate should be placed in an envelope with the property address, name and phone number written on it. Give this envelope to the Secretary/Receptionist. File completed packet
- 3) If violations are present on the property:
  - a. Go to the housing section and locate the presale that was originally logged. Change the ‘Waiting on Inspect’ caption to ‘Problems See Notes’
  - b. Enter the date of inspection and the inspector’s initials.
  - c. In the notes section, type all problems listed by the inspector.
  - d. Contact the applicant and notify them of all problems.
  - e. File packet in the P&Z Admin. Secretary presale inspections file.
  - f. When a property is noncompliant, the P&Z Admin. Secretary will contact the applicant and explain the options for resolving the violations. The options are as follows:
    - i) Structure without zoning certificate – properly placed: A zoning certificate will need to be applied and paid for by applicant/agent before inspection can be released.
    - ii) Structure without zoning certificate – improperly placed: Options include moving of structure (i.e., storage shed) or application to the Board of Zoning Appeals for variance. If the latter option is chosen, a Transfer of Responsibility would have to be signed by the new owner before inspection certificate could be released.
    - iii) Other problems (i.e., peeling paint or bare wood, broken or cracked windows, and safety issues) can be repaired and scheduled for re-inspection.



- iv) The responsibility of repair can be transferred to the buyer. The buyer signs a statement which states they are taking responsibility and will make the repairs in the time period assigned (see section 5 herein).
- 4) Re-Inspection – When the applicant calls to notify the City that they have made repairs and are ready to have the property re-inspected. The P&Z Admin. Secretary will do the following:
- a. Always try to assign to the inspector who preformed the original inspection. (unless there is some sort of scheduling conflict)
  - b. Once inspection is completed (if the property has been brought into compliance), note compliance in ZonePro.
  - c. Go to the notes section in ZonePro and list all permits that apply.
  - d. Go to the housing section and find the previous inspection. Change the ‘Problems See Notes’ caption to ‘Approved’. Enter the date of inspection and the inspector’s initials.
  - e. Print the Presale certificate and adhere gold crest to certificate. Contact applicant and notify them to pick up certificate.
  - f. Copy the certificate. Attach the copy to the packet. Permits must be removed from the packet and will need to be filed. The original certificate should be placed in an envelope with the property address, name and phone number written on it. Give this envelope to Receptionist. File the packet in the Inspector’s office.
- 5) Transfer of Responsibility: When the realtor or the owner calls to notify the City that the buyer has agreed to take the responsibility of any violation(s). The Zoning Clerk will note the buyer’s first and last name and do the following:
- a. Go to the notes section in ZonePro and list all permits for the property. Also type ‘See attached Transfer of Responsibility’. Go to the housing section and find the previous inspection. Change the ‘Problems See Notes’ caption to ‘Trans of Resp’. Enter the date of inspection and the inspector’s initials.
  - b. Print the Presale certificate and adhere gold crest to certificate.
  - c. Next, a transfer of responsibility must be typed for the property. These are Word documents that can be copied and modified for each property and are located in the Zoning Forms folder on the U: drive and must be printed on letterhead and signed by a city official. The buyer must sign the transfer. Another city employee must witness the signature.
  - d. Make a copy of the Transfer and the Presale Certificate. Keep the original transfer and a copy of the Presale Certificate. The buyer gets a copy of the transfer as well as a copy of the pictures so they are certain which problems must be corrected. The original Presale certificate goes with the buyer. File the packet in the “to be re-inspected” file for a re-inspection.

### **1.10 Generally Applicable Enforcement Procedures for Verified Violations:**

1. Attempt to contact the property owner or an occupant at least 18 years of age and explain the nature of the violation. It is appropriate to suggest ways to correct the violation. (It is not appropriate to communicate with a minor regarding a violation since it is important that someone having apparent authority over a property directly receives all communications so that the issue may be resolved quickly.)
2. Regardless if contact is made with property owner or other person at property at least 18 years of age, issue a Warning Letter as detailed in Section 1125.98 (a) of the Zoning Code with a picture of the violation. The Warning Letter gives the property owner seven days to correct the violation from date of mailing. Enter all information regarding the violation and actions taken into ZonePro.
3. After seven day deadline has elapsed, inspector returns to re-inspect the violation. If violation has been corrected, enter applicable information into ZonePro and close-out the case. If the violation still exists, take pictures of the violation and generate and issue a Notice of Zoning Violation to the property owner. Enter all information regarding the violation and actions taken into ZonePro. Notice of Zoning Violation letter grants ten days from date of mailing to correct the violation.
4. After the ten day deadline, inspector returns to re-inspect violation. If violation has been abated, enter applicable information into ZonePro and close-out the case. If violation is not corrected, a picture of the violation is taken, and all information regarding the violation and actions taken is entered into ZonePro. With the authorization of the Code Enforcement Administrator, a court case is filed.
5. Court Action: See Procedure Regarding the Filing of Court Cases
6. After Court Action: If owner of violation was found guilty in court and 20 days have passed, re-inspect. If violation of same nature still exists, take pictures, enter in ZonePro, and continue to court again. If violation no longer exists, take pictures, enter into ZonePro, and close-out the case.
7. Repeat Violators:
  - a. For the second violation of the same general character occurring not sooner than twenty (20) days and not later than two (2) years after the first violation, the informal contact (verbal warning) may be omitted and a violation notice specifying that the violation shall be corrected within twenty-four hours of receipt of said violation notice may be sent. If the violation is not corrected by the specified compliance date, appropriate action or proceeding shall be instituted in a court of proper jurisdiction.

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- b. For the third violation of the same general character occurring not sooner than twenty (20) days after the second violation and not later than two (2) years after the first violation, appropriate action or proceeding may be instituted immediately in a court of proper jurisdiction without notification to the property owner.
- c. In any case- If a complaint is made on a property and a violation of same nature has occurred again within twenty-four (24) months, picture is taken and noted into ZonePro, and court documents are filed.

8. Violation Procedure Schedule:

<b>Imminent Danger</b>	<b>Grass</b>	<b>Trash or Litter</b>	<b>All Others</b>
Unsecured Property, Likely Collapse, or Severe Violation	Grass Letter- 5 days	Trash Abatement Letter- 10 days	Warning Letter- 7 days
Refer to Code Enforcement Administrator	Refer to Code Enforcement Administrator	Refer to Code Enforcement Administrator	Notice of Violation- 10-180 days
Forward to Contractor for Abatement	Forward to Contractor for Cutting	Forward to Contractor for Removal	Proceed to PMRB or Court

\* Deviations from the above schedule shall be approved by the Code Enforcement Administrator or Director of Planning and Zoning as deemed appropriate.

### **1.11 F.A.Q./Helpful Hints**

- 1) It is often a good practice to make an attempt to knock on the door of the property where a violation exists and attempt to speak to the resident about the issue. This can lead to more timely correction of the violation. When speaking with a property owner or occupant, it is helpful to also inform the individual you are speaking to that a warning letter will be forthcoming in the mail for documentation and record keeping purposes. Explain that the letter will merely detail the violation already discussed and should not be interpreted by the property owner/resident that an additional violation exists.
- 2) If a reported violation is located in an area not visible from the public right-of-way, it is sometimes advisable to knock on the door of a neighbor and request permission to enter their property to better view the violation. Often time, a neighbor that reports a complaint is more than happy to allow an inspector to enter their property to get a proper view of the violation.
- 3) If there is doubt about whether a violation exists or not, take pictures of the possible violation and discuss the case with your supervisor. It is better to get a second opinion than to issue an unsubstantiated violation notice or to incorrectly close-out a case.
- 4) At times, residents or delinquent juveniles will remove grass signs from a subject property. When this happens, place a new sign on the subject property if the 5-day window to cut the tall grass and weeds has not expired.
- 5) Vehicles illegally parked across the sidewalk, or in the right-of-way are a criminal matter handled by the Police Division. In these cases, notify your supervisor or call the Police Division's non-emergency number at 233-2080, also note this in ZonePro.
- 6) Zoning staff members have the discretion to extend a deadline for correcting a violation beyond the minimum 10 days up to period not to exceed 180 days. The decision to extend the deadline to correct a violation requires the exercise of careful discretion since every case and request for an extension is unique. Although there is no way to formulate a comprehensive decision procedure for granting an extension, some basic guidelines should be followed.
  - a) If extensions are requested by property owner or occupant, Zoning Officer should document the reasons.
  - b) Prior to granting an extension, the Zoning Officer will review the situation with the Code Enforcement Administrator to determine whether an extension is warranted.
  - c) Any extensions are to be communicated to the property owner or occupant and logged in ZonePro.
  - d) Points to consider before granting an extension:
    - i) Pursuing legal action is often a time consuming process. Consider whether granting an extension will be more likely to bring about the timely correction of the violation as opposed to pursuing court action.

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- ii) For certain violations, like yard waste/debris, it may be appropriate to extend the deadline to correct a violation until a change of season/weather.
- iii) Be cognizant about the amount of work that will be needed to correct a violation. Certain violations requiring extensive work are appropriate candidates for extensions. (i.e. demolition of a building, extensive repair of a dwelling, etc.)
- iv) Golden Rule: If you were issued a violation, how much time would be reasonable to give you to correct the violation?

## **1.12 Commercial Property Enforcement and Improvement Program**

### **Purpose**

The City of Huber Heights wishes to prevent blighting conditions and health and safety problems that may exist on commercial properties in the City. To this end, the Planning and Development Dept. is establishing a Commercial Properties Enforcement and Improvement Program. This program will be accomplished in three steps, conducting a violations survey of commercial properties, compelling or abating existent Code violations on these properties, and monitoring properties for continued compliance.

### **Commercial Property Survey**

The City will be inspected in regions in accordance with the map at the end of this document. In the spring, each region, beginning with Region 1 and ending with Region 14, will be inspected over a 4-6 week period. All commercial properties will be surveyed for Code violations. Violations will be addressed in accordance with the following priority list. Violations not listed will be addressed in the category of violation deemed appropriate by Planning and Development Staff.

**Urgent:** Violations that can result in escalating severity, danger, and/or immediate blighting influence on the City

Examples: Grass/Weeds in Excess of 8”  
Graffiti  
Trash or Significant Litter  
Unsecure or Unsafe Structures

**Priority:** Violations that can result in adverse effects on health, safety, and welfare in the long-term.

Examples: Parking Violations (Unlicensed, inoperable, or parked in grass)  
Parking Lot Damage (Significant, i.e. pot holes, extensive cracking)  
Property Maintenance (Significant, i.e. broken windows, deteriorated exterior surfaces, etc.)  
Illegal Temporary Signage  
Illegal, Obnoxious Uses  
Sidewalk Obstructions

**Minor:** Violations that can be easily corrected or deemed to be reasonably compliant depending on the situation.

Examples: No Unit Address Posted  
Property Maintenance (i.e. minor chipping of paint, slightly inadequate landscaping)  
Parking Lot Damage (Minor Cracks and Wear)  
Minor Litter of Debris

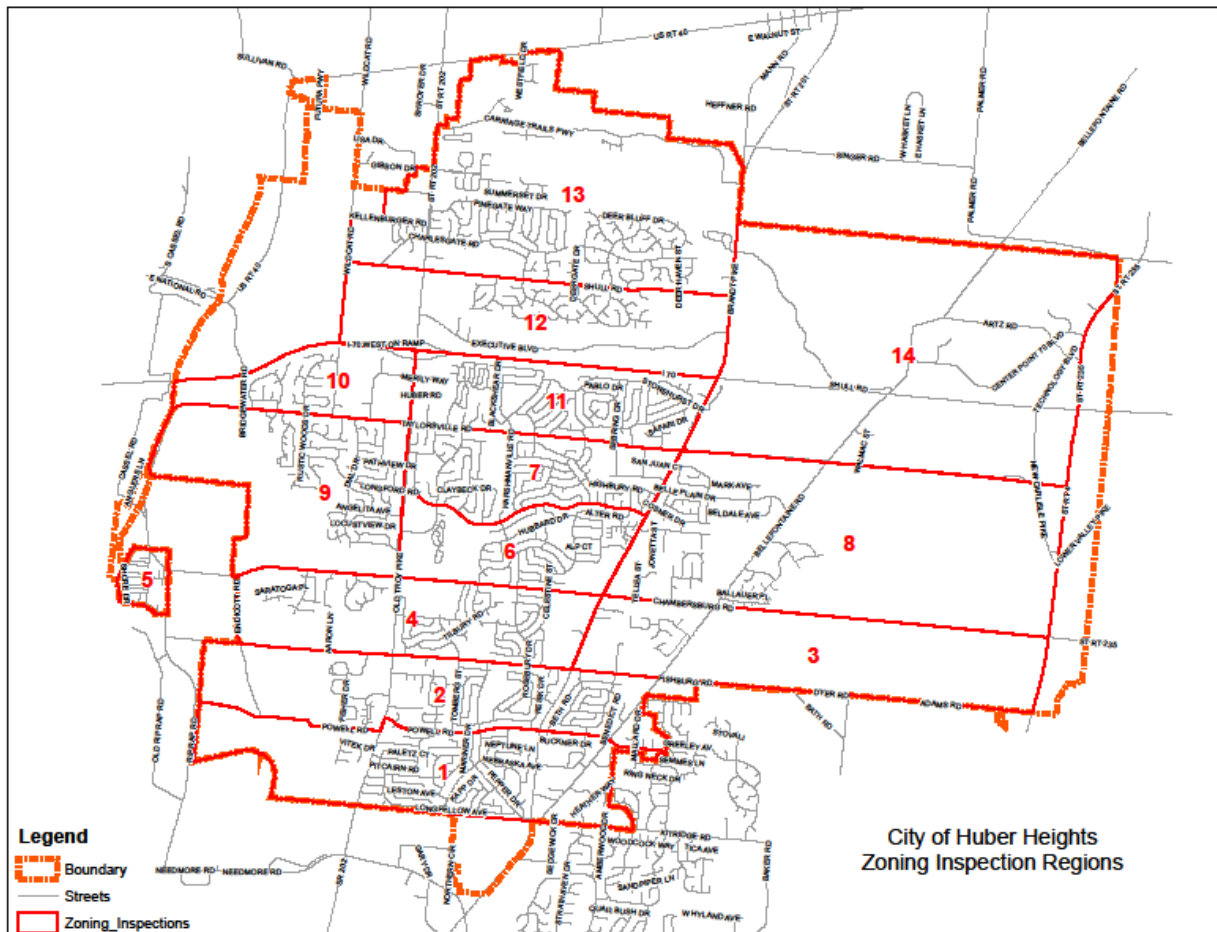
### Violation Correction

Whenever possible, inspectors will attempt to resolve violations on commercial properties informally either by speaking to a business owner in person or via phone as appropriate. In cases where the violations cannot be resolved informally, violations will be addressed through the formal violation process of notifying the owner in writing or as specified by Code. When violations are not voluntarily corrected after the appropriate notifications, Zoning will further pursue correction by filing court proceedings, abating violations with approval of the Property Maintenance Review Board, or abating violations administratively as appropriate. Unsecured structures shall be boarded pursuant to municipal authority to abate an immediate danger to health, safety, or welfare.

### Continued Observation

Properties identified as foreclosed, abandoned, or occupied properties with severe or persistent violations will be periodically inspected for Code compliance. Further violations will be abated through the process specified in City Code.

### Zoning Inspection Regions Map



### **1.13 Foreclosed & Abandoned Residential Property Nuisance Mitigation Program**

#### **Purpose**

The City of Huber Heights wishes to prevent blighting conditions and health and safety problems that may result from vacancy and/or neglect of foreclosed or abandoned residential properties. To this end, the Planning and Development Dept. is establishing a Foreclosed and Abandoned Properties Nuisance Mitigation Program. This program will be accomplished in three steps, identification of abandoned and foreclosed properties, abatement of existent Code violations on these properties, and observation of these properties for continued compliance.

#### **Identification**

For the purpose of this work plan, foreclosed and abandoned properties shall be defined as follows. A foreclosed property shall be any property in which foreclosure proceedings have been initiated in a court of proper jurisdiction. An abandoned property shall be any unoccupied property wherein the City is unable to contact the owner of record through reasonable efforts and on which a Code violation exists.

The Department will identify these properties by taking the following actions:

1. Review Extended Disconnects of Water Service

Properties on which water service has been disconnected for an extended period of time are more likely to be foreclosed or abandoned properties. These identified properties will be inspected and if abandoned or foreclosed will be documented and monitored.

2. Systematic Street by Street Inspection

As a supplement to water service disconnects, staff will systematically inspect the City street by street. Typical indicators of foreclosure or abandonment are signs of poor maintenance such as overgrown shrubs and grass and posted notices of property status on windows and doors. Foreclosed and abandoned properties identified through inspection will be documented and monitored.

The City will be inspected in regions in accordance with the map at the end of this document. In the spring, each region, beginning with Region 1 and ending with Region 14, will be inspected over a 4-6 week period. As inspectors look for foreclosed and abandoned properties, staff will be observant for Code violations on occupied properties, as well. Inspections of City sections will continue until all sections have been inspected. Violations will be addressed in accordance with the following priority list. Violations not listed will be addressed in the category of violation deemed appropriate by Planning and Development Staff.



**Urgent:** Violations that can result in escalating severity, danger, and/or immediate blighting influence on the City

Examples: Grass/Weeds in Excess of 8”  
Graffiti  
Trash or Significant Litter  
Unsecure or Unsafe Structures

**Priority:** Violations that can result in adverse effects on health, safety, and welfare in the long-term.

Examples: Parking Violations (Unlicensed, inoperable, or parked in grass)  
Parking Area Damage (Significant, i.e. pot holes, extensive cracking)  
Property Maintenance (Significant, i.e. broken windows, deteriorated exterior surfaces, etc.)  
Illegal, Obnoxious Uses  
Sidewalk Obstructions

**Minor:** Violations that can be easily corrected or deemed to be reasonably compliant depending on the situation.

Examples: No Unit Address Posted  
Property Maintenance (i.e. minor chipping of paint, slightly inadequate landscaping)  
Parking Area Damage (Minor Cracks and Wear)  
Minor Litter of Debris

### **Nuisance Abatement**

Code violations on foreclosed and abandoned properties will be addressed with priority by the Planning and Zoning Department. Zoning Officers will ensure all violations are documented and that the structure is secure. Violations will be abated by the means specified in the applicable City Code. Unsecured structures shall be boarded pursuant to municipal authority to abate an immediate danger to health, safety, or welfare.

### **Continued Observation**

Properties identified as foreclosed, abandoned, or occupied properties with severe or persistent violations will be periodically inspected for Code compliance. Further violations will be abated through the process specified in City Code.

### Zoning Inspection Regions Map

