
MINUTES OF SYMMES TOWNSHIP WORK SESSION

OCTOBER 17, 2018

The meeting was called to order at 6:45 p.m. Elected officials present were: Mr. Phil Beck, and Ms. Jodie Leis.

Also present: Kim Lapensee – Administrator, Kevin McDonough – Law Director.

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

Mr. Beck made a motion to approve the Agenda. Ms. Leis seconded the motion. Motion passes.

OLD BUSINESS

Property Maintenance Code. Mr. Beck stated that this is a work session to discuss a marked-up version of the property maintenance code. He would like to be able to issue a clean version to the public prior to the next public hearing for residents to comment on. The Board went page by page.

1. Page 2 – Mr. McDonough stated that we can change the title to the Symmes Township Property Maintenance Code instead of the International Code. Mr. McDonough explained why we ended up with the international code instead of the version we had before.
2. Page 3 – Application of Other Codes. Mr. Beck asked why we need to mention all those other codes as listed in the International Code. Mr. McDonough suggested that we just say “all applicable stated and county codes”. Mr. Beck stated that he wanted to strike it.
3. Page 3 – Referenced Codes and Standards. Mr. Beck asked if we could strike the reference to Chapter 8 since we are not adopting Chapter 8 of the international code. Mr. McDonough stated that we don’t need it.
4. Page 4 – Section 103. Mr. McDonough suggested that we change the heading to “property maintenance inspection” instead of “Department of”.
5. Page 5 – Section 103.5. Mrs. Lapensee suggested that we state that the fees will be by a separate resolution and should not be listed in the code. Mr. Beck suggested that we strike it and list fines under Section 106.
6. Page 5 – Right of Entry. Ms. Leis suggested that we only need to look at the outside. Mr. Beck agreed and suggested that we strike everything after the first sentence.
7. Page 6 – Modifications. Mr. Beck suggested that we add all officials (Code Official, Health Department, Zoning, LSF and Building Inspector) in the second to last sentence so they are all the same and be consistent throughout the entire code. Mr. McDonough suggested that it should be “after consulting with” those particular departments then decisions can be made concerning Modifications.

Residents entered the meeting at this time (7:00 p.m.) to ask questions about a house in Symmes Creek. Mr. Beck asked that they sign the sign in sheet so we could contact them. Mr. Beck stated that based on conversations with the other residents who were here earlier, he will check with the Hamilton County Building Department concerning this application. He stated that he is aware there may have to be a second driveway as required in our code to accommodate the parking based on the use of the house. He stated that he will also ask about the deck on the rear of the house and he will try and find out the occupants of the house (homeless teens vs persons with mental disabilities).

8. Page 7 – Prosecution of Violation. Mr. Beck stated that he is trying to come up with the right verbiage that is not all gloom and doom. He stated that he would like to be able to help certain individuals if they can’t help themselves. Mr. McDonough asked if he was referring to civil or criminal penalties. He stated that if there are no penalties, then what are the incentives. Mr. Beck asked what is a fine going to accomplish and/or fix. Mr.

McDonough stated that he agreed that it doesn't fix the problem, but there has to be fines. Mr. Beck stated that he does not want to make money off the problem. Ms. Leis stated that when we originally started talking, we were hoping to hook the residents up with other agencies that might be able to help them fix the problems if they are unable. Ms. Leis stated that every situation is different. Mrs. Lapensee stated that we should every structure available to us to help fix the issues when they arise. She stated that she does not agree with eliminating fines altogether. Mr. McDonough stated that he recommends a nominal number so that everyone knows that we can fine them. Mrs. Lapensee stated that she would recommend simply writing the homeowner a ticket and then that person has to appear in housing court before the presiding judge. She stated that in this way, the whole process is handled by a judge and the township does not have to get involved in a variance board, etc. Ms. Leis stated that she has worked with the housing court and the judges actually go out of their way to help everyone. Mrs. Lapensee stated that if the court handles the work, then the township does not need to have a fine structure. Mr. McDonough stated that we would need to put language in there that states that if there is a violation then it will be cited to housing court. Mrs. Lapensee stated that we could do it in the same manner as a zoning violation – 21 days to remediate or go to housing court. Mr. Beck stated that we need to add some reasonableness into the formula. The board agreed to strike the first and last sentence and leave in the second sentence but add into the verbiage that they will be cited to Hamilton County Housing court if not done within a reasonable amount of time.

9. Page 7 – Violation Penalties. Mr. Beck asked that we strike the last sentence.
10. Page 8 – Transfer of ownership. Mr. Beck stated that he only had one thing – comply to complied in the 5th line down.
11. Page 9 – Structure unfit for human occupancy. Mr. Beck wanted us to add in “after consulting with the Building Department, Zoning Department, Health Department, and LSFDF after code official.
12. Page 10 – Dangerous structures or premises. Mr. Beck suggested that we strike #6 because he does not think that we should make decisions about occupancy. He would prefer that the other county departments make that decision.
13. Page 10 – Dangerous structures or premises. Mr. Beck suggested that we strike a part of the first sentence that deals with attractive nuisances.
14. Page 12 – Imminent Danger. Mr. Beck would like to add in “after consulting with the building, health, fire and zoning departments” after code officials.
15. Page 12 – Temporary safeguards. Mr. Beck would like to add in “after consulting with the building, health, fire and zoning departments” after code officials.
16. Page 12 – Costs of Emergency repairs. Mr. McDonough suggested that we change jurisdiction to Symmes Township.
17. Page 13 – Hearing. Mr. McDonough stated that we can strike hearing because now we will be sending them to housing court.
18. Page 13 – General. Mr. Beck would like to add in “after consulting with the building, health, fire and zoning departments” after code officials. Mr. Beck suggested that we cross out building official and put the code official or court.
19. Page 14 – Means of Appeal. McDonough stated that we can cross this section out because we are now going to issue a ticket to housing court instead of us having to create a variance process.
20. Page 15 – Stop Work Order. Mr. McDonough suggested that we add to Section 112.1 “after consulting with the building, health, fire and zoning departments at the end of the sentence. Mrs. Lapensee stated that she would just cite them to housing court if its unsafe. Mr. Beck stated that he would not want to wait the 21 days to remedy the situation.
21. Page 16 – Failure to comply. The board decided to strike that language because it will be referred to housing court at that point.
22. Page 17 – Terms defined in other codes. Mr. Beck asked if we needed Section 201.3 because it referred to the international codes again. Mr. McDonough stated that we did not need that section.
23. Page 17 – Mr. Beck suggested that we strike the definition of Bathroom and Bedroom because we will not be adopting an inside code.
24. Page 18 – Mr. Beck suggested that we change the definition of exterior property. The Board added “including the exterior part of structures” after premises.

25. Page 19 – Mr. Beck suggested that we strike the definition of Housekeeping Unit because we will not be adopting an inside code. He also suggested that we insert the word “any” after upon public streets for.
26. Page 20 – Mr. Beck suggested that we strike Rooming House, Rooming Unit and Sleeping Unit because we will not be adopting an inside code. Mr. Beck also asked if we need to leave in Strict Liability Offense. Mr. McDonough suggested that we leave it in because we will need it for court and we do not want to have to prove culpability. Mr. McDonough questioned if we would need to define a list of offenses. He is going to check whether or not we would need that.
27. Page 21 – Mr. Beck suggested that we strike Toilet room because we will not be adopting an inside code.
28. Page 22 – Mr. Beck stated that he would like to see the regulations in the front of the code instead of the last chapter. The Board agreed to flip Chapter 3 to Chapter 1. There was a question on whether we should leave in “occupants of a dwelling unit”. Mr. Beck suggested that we only hold the owner responsible. Mr. McDonough suggested that the owner may or may not live in town and you might not be able to get them to housing court. The Board decided to leave it in because there are houses that are rented or leased and the occupant should be responsible as well as the owner. Mr. Beck suggested that we add in “fences installed” after trees planted under 302.2.1 drainage swales.
29. Page 23 – Weeds. The Board decided that the weeds or plant growth can’t be any taller than 8”. Mr. Beck stated that the second sentence that deals with noxious weeds should be taken out. Mrs. Lapensee stated that she wanted us to have the ability to send a notice to have people trim their landscaping back and maintain it. Mr. McDonough stated that plant growth would cover the landscaping. Mr. Beck suggested that we only deal with grass. Ms. Leis stated that we should address landscaping. The Board agreed to add in another section dealing with landscaping material. Mrs. Lapensee stated that we should expedite our nuisance resolution so that we have the ability to go in and cut the weeds when necessary instead of continuing to bring it back to the board. The Board suggested that Mrs. Lapensee check with other jurisdictions to see what their language is dealing with landscaping.
30. Page 23 – Motor Vehicles. Mr. McDonough suggested that we change inoperative to inoperable. Mr. Beck stated that motor vehicles can’t be within view of the front, sides or rear yards of the property.
31. Page 23 – Defacement of property. Ms. Leis asked if the “L” painted on players driveways are considered graffiti? Mr. McDonough stated that we do not define graffiti.
32. Page 25 – Unsafe Conditions. Mr. Beck suggested that we remove International and replace with Hamilton County Building Code. Mr. Beck asked if we can eliminate #3. He stated that its very subjective. The Board agreed to strike it. Mr. Beck stated that “are not property anchored” is redundant from the above sentence in #7. Mr. Beck asked if we have any trash chutes in the township. Mrs. Lapensee stated that we may someday.
33. Page 26 – Premises Identification. Mr. Beck wanted to strike the address part on the house because it came up in a previous public hearing.
34. Page 27 – Decorative Features, Overhand Extensions, Stairway, decks, porches and balconies, and Chimneys and towers. Mr. Beck stated that all these sections are already mentioned in earlier sections #10, page 25, #11 page 25, #12 page 26 and #13 page 26. Mr. Beck stated that we need to eliminate insect screens because he does not want to enforce that.
35. Page 28 – Doors, Windows and Basement hatchways. Mr. Beck suggested that we delete those. He stated that the most important thing is that they have a door lock. He stated that room units and housekeeping units should be taken out.
36. Page 28/29/30 – Interior Structure. Mr. Beck stated that the interior section should be taken out. The Board agreed.
37. Page 30/31 – Component Serviceability. Mr. Beck stated that this is just too much detail and he stated that it should all be taken out. The Board agreed.
38. Page 31 – Handrails and Guardrails. Mr. Beck stated that we don’t need to regulate handrails. He would like to strike it. The Board agreed.
39. Page 32 – Rubbish and Garbage. Mr. Beck added the verbiage that refrigerators shall not be in view. Ms. Leis stated that they should be property disposed of and not stored on premises. Mrs. Lapensee suggested that we cross off the last part of the sentence to say “Refrigerators and similar equipment not in operation shall be property disposed of”.

40. Page 32 – Garbage Facilities. Mr. Beck stated that we don't need to regulate incinerators or mechanical food waste grinders because they are interior. He suggested that we strike 308.3.1. Mr. Beck suggested that we add "or rubbish" to containers after garbage and in Placement of containers after garbage and burning of trash.
41. Page 33 – Pest Elimination. Mr. Beck stated that we already cover Pest Elimination in section 302.5 page 23 under rodent harborage. Mr. McDonough wanted to make sure we covered insect infestation under rodent harborage (add to page 23) to cover insects.
42. Page 33 – Graffiti. Mr. Beck stated that we already cover graffiti under 302.9 pages 23-24.
43. Page 35 – Storage of Motor Vehicles, Commercial Vehicles, Trailers, Boats and Recreational Vehicles. Mr. Beck suggested that we should strike the first sentence of section 311.1.1. Mr. Beck stated that "an extended period of time" can't be defined. Mr. Beck suggested that we add "that can be within view from the front, sides, or rear of the property" to the end of the second sentence.
44. Page 35 – Motor Vehicles 311.1.2. Ms. Leis stated that we should add "that" instead of or after driveway and add exit after enter, then strike the remaining sentence after driveways.

Mrs. Lapensee asked when they wanted to schedule the public hearing for the revised version 8? Ms. Leis stated that we should decide that at our next meeting. Mr. Beck agreed.

Mr. Beck made a motion to table the Room Reservation Form. Ms. Leis seconded the motion. Motion passes.

Mr. Beck made a motion to table the Park Fees. Ms. Leis seconded the motion. Motion passes.

NEW BUSINESS

None.

Mr. Beck made a motion to adjourn the meeting. Ms. Leis seconded the motion and the roll call vote was as follows: Mr. Beck - 'aye'; Ms. Leis - 'aye'.

Meeting adjourned at 9:49 p.m.

Approved:

Philip Beck, Board Vice-President

Carol Sims, Fiscal Officer