

SPECIAL SAFETY COMMITTEE MEETING MINUTES

February 13, 2006

Members of Safety Committee present: Brett Baxter, Ron Stake, Doug Joseph, Donna Shirey. Other members of Council present: Preston Stearns, Antoinette Newman, Council President William L. Hills. Councilman Mel Clemens was absent.

Mr. Baxter: I=d like to call to order, the special Safety Committee meeting here on February 13, 2006, 7 p.m. And the first item is the discussion of the International Property Maintenance Code. We had our first meeting held on 2-6-06. And at tonight=s discussion, replacement of Chapter 1389. And Chet, I guess you=re up for this.

Mr. Hopper: Good evening. First, let me take an opportunity to thank everybody for giving us the opportunity to have the discussion on the Property Maintenance Code. If there=s questions, please feel free to interrupt me. And if I do not have the answer, I will research that and give it to you at the next meeting. I guess if I could, if we could just kind of go through, explain the Property Maintenance Code to you. There are 8 chapters. Chapter 2 is Definitions, Chapter 8 is Reference Standards, which will leave us with 6 chapters to deal with I think. Chapters 3 through 7 are General Specific Requirements Related to Property, Interior And Exterior Buildings On The Property. Chapter 1 is Administration of the Property Maintenance Code. And I think that=s probably where we need to spend most of time, would be in the Administration of it. Some history on how the International Property Maintenance Code became into existence. ICC is a combination of three code groups. There used to be three code organizations throughout the United States. They merged into one code organization which is now ICC, and it=s International Code Council. International Code Council develops and published international codes relating to new construction on residential, commercial properties. They deal with existing buildings. They have Fire Codes, Gas Codes, Property Maintenance Codes. So they have a lot of different codes that they administer, publish, develop, and do reviews on. The nice thing about the International Property Maintenance Code that=s developed through ICC is, it=s a code that is continually updated, goes through a code cycle of approximately every 3 years. Codes are constantly changing. There=s new proposals submitted by Code Officials, industry, design professionals, interested parties. It=s just, that=s all submitted to ICC. There=s a code group that reviews those codes and then submits changes to this. I think that it gives us a broad aspect of what everybody else is doing. So it=s kind of like we=re not doing our own thing any more. We=re kind of doing what everybody else does. The difference between Property Maintenance Code and the other codes that we have adopted within the city, Building Codes, whether it=s residential code, commercial code, those are codes that are in place dealing with new construction, additions, alterations, changes to that building itself. Property Maintenance Code is to deal with the maintenance of those buildings and the property that are in existence. So it gives us a document that says, well it was built to this standard, we=re just going to make sure that it remains at that certain standard. I think the nice thing about it again, that this code will continue to be updated. Hopefully, on a 3 year cycle, we=ll continue to just have updates and make it a better code. So, where do we want to have it go from there?

Mr. Baxter: Well I think first is a point to recognize for Council on how we're doing this, if you will look at the old section, you'll see that Chapter 1389 is completely stricken out. So in essence, what you're editing here and we're looking at in the first chapter here is, additions and changes to this book, correct? The International Property Maintenance Code and not to the existing Reynoldsburg Code.

Mr. Hopper: That's correct. The old ordinance had several chapters that dealt with Housing Code, Property Maintenance, and I felt that it was in the best interest to just strike all of those out and just use the book for most of what we won't enforce property maintenance wise.

Mr. Baxter: Okay, great. Is that something you did throughout here? Because I look at a lot of the striked out areas, it's pretty much the same thing. But there are some sections, and we'll get to those as we move into those areas, that aren't completely stricken out.

Mr. Hopper: Yes.

Mr. Baxter: So we're not throwing it all out. We're just, at this particular topic today, this Chapter, pertains it was completely thrown out and will be rewritten with what you have here.

Mr. Hopper: That's correct.

Mr. Baxter: Okay. And I just think that's something we'll make note of as we go through each of the different areas, to make note that we're making amendments to this book, or making amendments to this book and adding to what's existing.

Mr. Hopper: Correct. As you can see, in the 3 ring binder, as you go through, the areas where I've highlighted related codes, those are codes that are already in existence in the ordinance. When you go through the amendments in the new Chapter 1389, you will see that there's some places that I put in here that directs you to some of those related codes. Because I felt as I went through the ordinance, there was a lot of good language in our existing ordinance that I didn't want to just completely get rid of. I wanted to keep that in there and use that along with the Property Maintenance Code book.

Mr. Baxter: Okay. Very good. Well, I guess the best place to start is at the beginning, and that's where we're at right now. So what I see here is, you're showing cross references, and 1389.01 adopted. And then some language around that, and you get into some amendments. The amendments are actually things you are making changes to, correct?

Mr. Hopper: That's correct.

Mr. Baxter: So you want to go ahead and begin there and we can hit each one at a time? If you want, some of the things are kind of obvious. Things like insert >City of Reynoldsburg= in 101.1 and 101.3 with the delete of >International Existing Building Codes=. There's some

givens here and you can go ahead and state those if you want. If anybody has any questions, just go ahead and interrupt. But as you get into the meat of this, and I think that will be 103.5, I'm sure we'll run into some more discussions. And I think what I would like to do is, at least for tonight=s agenda, is to hold off on 103.5 and discuss that in our next meeting. Specifically, discuss the fees, the structures, and how they=re going to work. So we=re not bypassing it in essence tonight, but it=ll be on the agenda for next Monday. Any questions or any comments on how we=re going to approach this? (No response).

Mr. Hills: The next meeting will be Tuesday night, not Monday night.

Mr. Baxter: You=re absolutely right. Because of a holiday I assume. So I do take that back. It will be Tuesday night. Thank you.

Mr. Hills: If I could clarify Brett, and I think I=ve just followed what you all are going to do. If you look at the first tab in the black book, and you look at page 1, Chapter, Administration. Those are the two sheets that you=re looking at right now.

Mr. Baxter: That is correct. And just for reference, if you would like to look halfway through this book, the black binder, you=ll see things marked as old. Old stricken out. So if you wish to look at the old language, it exists, and the stricken out language also exists. So you have all three areas to reference. And I think it would be helpful if we would reference them that way if we wish to look back to discuss the old, or old stricken out tabs in the book. Okay. The organizational side of this is done so let=s go ahead and jump into the meat I think. Unless there=s any questions on how we=re doing this? (No response). Great. Let=s go ahead and jump right in feet first. Okay. Chet. From what I can see, the first part of this begins here at 302.4 where you do an insert. Do you want to discuss that, please? Insert 6 inch, improved property.

Mr. Hopper: Yeah. 302.4 in the Property Maintenance Code talks about weeds. And the code asks us to insert height and inches. Basically what I=m doing is, I=m inserting 6 inches in an improved property, 12 inches unimproved. And then I=m directing you to Chapter 543 where it also talks about where we get the height to, where it talks about cutting the grass. The reason that I=m directing people to Chapter 543 is because we go a little bit farther than just talking about weeds. We talk about trimming and pruning trees. Maybe cutting down trees, dangerous trees. And I didn=t want to remove all of that, but I wanted the Code Enforcement Officers especially, to when they=re looking at weeds, they=re not only just looking at the weeds part of it, but we=re looking at trees, shrubs, that type of stuff also. And that directly goes back to what is already in the ordinance.

Mr. Baxter: And if you=re looking for this excerpt, it=s on page 9, Chapter 3, General Requirements in the purple book. The question I have is, you say insert 6 inch improved property, and 12 inch unimproved property. What I don=t see is where you want to throw that at. Is there some specific language within that section you=re talking about? How are we going to

tie the verbiage you see in 302.4, AWeeds@, into what you=re suggesting to include?

Mr. Hopper: In the first sentence, it has in parentheses, AJurisdiction to insert height and inches@.

Mr. Baxter: And so in that case here where it says, AAll premises and exterior properties shall be maintained free of weeds or plant growth in excess of@, in this case here you=re going to put down, 6 inches improved property, 12 inches unimproved property. And then there would be the period. And that=s your intent then?

Mr. Hopper: That=s correct.

Mr. Baxter: Very good.

Mrs. Frazier: How are you going to reference in ASee 543"?

Mr. Hopper: How am I going to reference?

Mrs. Frazier: Well, don=t you want that to be there?

Mr. Baxter: _____ also See Chapter 543 in your notes.

Mrs. Frazier: I mean, how are they going to know if somebody picks up this purple book?

Mrs. Newman: Well, we go back there to 543?

Mrs. Frazier: No. I mean, once this is done, the way they=re doing it, the book is printed. This is the printed book. And you=ve got, in your notebook, the language he wants in there. How are you going to get it in there? And he=s telling me that every time someone comes in, they want to look at our code that we=ve adopted, they=re going to have to look at that book and this page. And then if it gets changed down the road, there=s going to be a change, we=re just going to have to make sure it=s all kept up to date. It=s not going to be printed in this book. So my questions is, it says >Also See Chapter 543'. Is that language intended to be all in that section? You know, when somebody reads and they see that and they go to the book, then is that language there, does that become part of the book?

Mr. Hopper: I guess my intention was is, I looked at other jurisdictions, and the way they did this is, they adopted the Property Maintenance Code and they made amendments. So in their ordinance, it basically says what I=m doing here, Chapter whatever they have is now Property Maintenance Code of whatever city. And they show the adoption, and then they show the amendments. Some of the city=s chose to make two or three amendments. Some of them chose to make a half a dozen to a dozen amendments. So if I=m doing something wrong, tell me and I=ll try and change it.

Mrs. Frazier: No. And I=m asking you, if I come in and you say, I want to see this code, what

are you going to get me once it=s passed? Are you going to give me this book and these pages with it? Is that it?

Mr. Hopper: Yeah. Those pages will go with...

Mrs. Frazier: Okay. I just want them to understand what we=re doing because it=s different than what we have done. So I want them to know what they=re going to, the language they=re going to see once you=re done with it.

Mr. Hopper: Basically, this book will stay in the office the way it=s kind of presented here. And the Code Enforcement Officers will have Property Maintenance books, plus the amendments and the related codes so that it=s easy reference for them. They=re still going to, we=re still going to have to be in the ordinance. There=s zoning stuff that we=re going to enforce out of the city ordinance that we deal with on a daily basis as far as signs and stuff like that that are not part of property maintenance. This book doesn=t cover 100% of what we do or what we=re going to do. It=s just a piece that makes it a little easier for everybody. It=s more up to date.

Mrs. Newman: Well, it=s strictly maintenance in other words?

Mr. Hopper: Not strictly maintenance, but there=s other stuff in there. But yeah, it=s the maintenance of the property.

Mr. Baxter: When you find a violation, and this is a good one to pick on because 6 inches with the grass and weeds is usually where we see the largest number of complaints, when you submit that complaint to the resident, how is that going to be submitted? Are you going to give them that section of this Maintenance Code? And then the amendments? Or how are they going to be able to, the resident going to be able to come in and say, what is your, what are your rules or your ordinances in this section? We=re going to have to give them this. Or at least that section. Copy it, what no.

Mr. Hopper: Correct.

Mr. Baxter: And then give them the copies that we have as amendments, correct?

Mr. Hopper: If they would ask those questions, sure. But if we would find a violation, we would simply write up the violations as you guys have seen, what we make copies of for everybody, and give them whatever, how many days, 7 days to correct the violation. If they would challenge that then, sure. We would make copies. It=s right here, and it=s also in the ordinance under 543.

Mr. Baxter: So then, is it a general rule then, when you see jurisdiction, to insert height and inches? Are we going to have some type of common knowledge for people to know to go look for the amendment that we may or may not have put in? Or is it in every place where you see that type of notation, we have made a change? And we can make that rule as a standard rule.

Mr. Hopper: Yeah. Any place that they're asking us to insert what we want to do, that's our opportunity to make it as strict as we want, or as lenient as we'd like.

Mr. Baxter: I think my question moreover is, is it the general rule of thumb that you have, in each of these conditions, created some rule to look back on? So that it could be stated that if you see that in the book, you need to go look for the rule. Does that make sense? I see you kind of winking at me, Sharon. So I'm not quite sure if you're understanding what the question is.

Mrs. Reichard: Actually, I'm not winking. I'm thinking. I'm trying to think of a way that would make this more user friendly. And perhaps if we had, and I'm also thinking about when Mrs. Frazier has to write the legislation, what does it look like? Perhaps if we had a concise list at the end of this, if we have a concise list of all the amendments that we want to include in the purple book, so that...

Mrs. Frazier: He's done that, Sharon. And he's got the list, but to me this book, if it was presented like, when you get the, what's the Building Code books, the three, Ohio Building Code, is that it? What is it called?

Mr. Hopper: Residential Code?

Mrs. Frazier: Whatever they come, they come pre-printed and everything's in there and that's what we go by and we incorporate it by reference. Essentially, we're going to incorporate this book by reference. But when you reference that, you're going to have to go to this notebook to get everything that goes with it. So to me, this should have been presented and then printed with our information in it and then it would have been our book. And then if we have to change it later and they change it and they don't want 6 inches of improved property, they want 7, you just go and you change that section. But as long as you guys are working with it, on the legislation here, it's going to be incorporated by reference, everything that was presented on whatever night they finish it up. But it seems _____.

Mr. Hopper: We've made changes and amendments to the Residential Code in the past. There's stuff in our ordinance that changes the length of a dryer vent in the current Residential Code that we are enforcing, allowing a longer distance than what the Building Code says. And the only place you're going to find that is in our ordinance.

Mrs. Reichard: But if we were to, we do not have the electronic version of this, right?

Mr. Hopper: No.

Mrs. Reichard: If we had it, could we add this verbiage? Because it's very expensive. Which is why you have the booklets versus the electronic version. Is that correct?

Mr. Hopper: Yes.

Mrs. Reichard: But if it makes it easier, and makes it more user friendly, maybe we need to bite the bullet and do something of that nature. That=s something we=ll look into before we have our next meeting.

Mr. Baxter: I would also recommend Sharon, that on each of these, that we do a cross reference back to where you=re talking about, i.e. it says here 302.4, it would be nice to see page 6 on International Code Book, or page 9 or whatever page it=s sitting at so it makes it very simple for you to jump right to and get to.

Mr. Hopper: In the amendments?

Mrs. Reichard: Yes. So in the amendments, it would reference the page number in the book. We can do that.

Mr. Baxter: That just makes it a little bit quicker. I don=t think that=s a whole lot to ask for. And secondly, it does reference it by 302.4. You can find it. It=s not that tough. But to go right to page 6 and say, there it is, that might make it a little easier as well.

Mrs. Reichard: Alright. Good enough.

Mr. Baxter: Okay. I think we got through what I expected to get through by picking on the first one there. And that was, moreover, how can we envision this actually happening. It was more or less a less of a question on, is it 6 or 12 inches being added? Because I think that=s standard of what we have today. Would anybody disagree? But moreover, how is it going to enact itself in this booklet and as part of our ordinance? So to walk away on this Sharon is, you=re going to look at seeing if we can get an electronic version and potentially creating our own booklet. Is that what I heard you state? Does that make sense?

Mrs. Reichard: Well, I would think if we had our, if we had an electronic version, we could actually put it in the ordinance in the ordinance book. So we=ll look into that, and then also work on cross referencing the pages.

Mr. Baxter: Okay. I think that=s something that will go a long way in the future here when we look back and forth.

Okay. The next one we have, if there=s any other questions on the 6 inches or not. 302.7. Again here we see, it says, AAlso see Chapter 1351 of the Code of Ordinances of the City of Reynoldsburg@. What are you trying to do here? Just add that reference into the book?

Mr. Hopper: That=s correct. Just kind of putting people back into, the biggest thing that I looked at when I reference 1351, AFences and Walls@, we have a unique description of what a fence is. It can be hedges, so many feet. It can be trees, so many feet in length. It could be brick. And I

just wanted to make sure that I was directing people back to this chapter so that they could see, not only there are permits required, fees are required for a fence, but there are definitions in here as what a fence is by our ordinance.

Mr. Baxter: Okay. So in this case here, you're actually keeping what we had that was already good in our ordinance, and linking it back to the book.

Mr. Hopper: That's correct.

Mr. Baxter: That's the first reference of doing that here so far.

Mr. Hopper: We have an ordinance against barbed wire fencing, electric charged fences.

Mr. Baxter: I'm glad you said that because I had someone ask me this week if they could have an electric fence.

Mr. Hopper: No. To me, that's a lot of good language that I would like to make sure that, whoever is enforcing this code, looks into that also when they're looking at fences and those types of accessory structures.

Mr. Baxter: Okay. Great.

Mrs. Frazier: Mr. Baxter. If I might on that, Chet, on your others you have brackets in there, or parentheses that say, like the jurisdiction to insert the height and inches. On that paragraph there, you don't have any reference. So how would they know to look at your amended list?

Mr. Hopper: I guess that would be something that's up to the Building Official, or Code Enforcement Officers to again, have these pages to make sure they reference and they look back at those other sections. I could leave that out of there. We still have this in our ordinance. What I'm trying to do is, just make sure that we're not just getting used to just looking at this book as what we enforce. But there's other things in our ordinance that we can look at.

Mr. Hills: Mr. Baxter, if I could help. I think Mrs. Frazier, I see certainly what you're talking about. And you would wonder, and it goes back, electronic version would be easy. At the end of that sentence where, and shall be maintained structurally sound and in good repair, it would be parentheses, See Also Chapter 1351, Reynoldsburg Code.

Mr. Hopper: Right.

Mr. Hills: Because I think that's what you're trying to tell the user of this book, is that there is also the Reynoldsburg Code. I don't know, unless you put up a big sign in there that says, for every section here, check to see if there's an amendment section. But I think we're going to see more and more of these, if you go down to the next one, 302.8. It's talking about operative

motor vehicles and we want to add in about how you can't park on anything but concrete or asphalt. So you're in essence, going to enforce everything in the International Property Maintenance Code. And overlapped into some additional ordinances that are already in the books.

Mr. Hopper: That's correct. That's my intention. To me I think that would cover a lot more stuff that we want to enforce as Code Enforcement Officials and how we want the city to look and present ourselves, I guess.

Mr. Hills: In that next section we're saying, we don't just want your car in an operative condition if it's going to sit on the street. But we also want to be sure that it's not parked in the grass or on gravel.

Mr. Hopper: Right. That's one of our bigger complaints that we get, is that back when I first started here, we were enforcing the ordinance, and we were over enforcing the ordinance because we were getting vehicles out of the back yards, and the side yards. And the ordinance clearly says, front yard. As you can see, I'm getting rid of that word >front=. But I'm taking it one step further and saying, if you choose to park the vehicle somewhere other than your driveway, it's got to be on an improved surface. It's got to be concrete, asphalt, something that's the hard surface so that it's not that they can't do it, they've got to do it this way.

Mr. Baxter: Well that brings up an interesting question. Because if you have somebody who wishes to challenge that, is there a vehicle within our code that gives them the opportunity to do so?

Mr. Hopper: There's an appeals board.

Mr. Baxter: An appeals board that they have to go through.

Mr. Hopper: Yes. And that's part of the administration part of it, that there is an appeal process. We're in the process right now of changing our violation report. We're getting rid of all the code sections because we have a lot more code sections that we're going to be able to enforce. But we're also stating on there that they have an opportunity to appeal. They can be subject to fines, reinspection fees, be cited into court. So we're making it so that once we cite them with something, they have most of that information right there in front of them.

Mr. Baxter: Okay. Good. Any questions on that? Well, I'm sure we'll get into that a little later. But I knew as we jumped into this Chet, that we were going to run into all these types of situations. And I think the best answer so far we ran into, and I agree with you President Hills is, it sounds like we're going to have to get the electronic version if we want to make this a Reynoldsburg International Code Maintenance. Okay. Moving on, the next one here is 302.8, insert AAll motor vehicles on trailers shall be parked kept only on the improved hard surface and concrete or asphalt@. This is where President Hills was discussing also, just a moment ago, also

see Section 351.18, the Code of Ordinances of the City of Reynoldsburg. This is a great point that he=s making is that in here, there=s nowhere really to let the reader know they need to go look for that additional piece. So that would allow you to do that.

Mr. Hopper: That=s correct. But if we just adopted the Property Maintenance Code as a book, and we didn=t, maybe that=s the way we ought to do it is, not make all the amendments. Make the changes in the ordinance that we want to make, they=re still going to have to go find those other items. I don=t know that there=s an easy way to do that.

Mr. Hills: You=re taking an international code and you=re Reynoldsburging it.

Mr. Hopper: That=s correct. Sort of.

Mr. Hills: You=re not taking away from the code. You=re taking our existing code and supplementing a greater enforcement code with the international code.

Mr. Hopper: Right. Part of the pieces that I=m pointing, this was for our enforcement, Code Enforcement Officers. This referencing back to the other code sections was just so that myself, or any of the inspectors, or the Code Enforcement Officers could look at some of the other sections. We can take and adopt this book as it is with a few minor changes where we have to insert and be done with it and have maybe two amendments. I just again, was trying to make sure that our Code Enforcement Officers are looking at other things besides just this book.

Mr. Baxter: Well my biggest concern is, and I don=t want to make the same mistake that President Hills did, turn this into a Reynoldsburg version. I=m not going to go to Reynoldsburg eyes. But if we do that, then that leaves us in trouble in 2006 when they do this again. And we=ll be back again having to re-word this and go through all those exercises again. I do agree with you Chet. I think this should be left alone as is. Maybe in the format which we present it would be a better idea. So that you have this in a book just like you gave it to us. Here this is inside cover, and then all the amendments are attached to it. And that might make it a little easier for someone to say, yeah, 302 right there. Okay. 302.7 and I need to go here. And then have the ordinance for the City of Reynoldsburg also inside it so they can go refer to them. Because I know your Code Enforcement Officers know how to do it. I=m more concerned about our citizens being able to open this up and look to see what it is.

Mr. Hopper: Well, this three ring binder won=t go away. It=s something that I=ll have in my office. My intentions are to make copies for the Code Enforcement Officers to have in their trucks. And they still have to go back to the big three inch ordinance book for some issues. So I don=t think you can completely get away from ever going back to the ordinance because we=d have a three inch Property Maintenance Code book if we did that.

Mr. Baxter: Well, I just have questions from a legality standpoint of not having the verbiage here. And our first example here, we spoke about the 6 inch improved property and this was talking

about the weeds. How do we enforce it? And is it enforceable? And would Mr. Underwood agree to it that a section that can state inside the book, A jurisdiction to insert height and inches@. And then we insert not just the height and inches but also a qualifier to improved property and unimproved property. Since you can see it specifically intends to have a number put in there and we added more than that. So I=d be really concerned about us adding verbiage to existing phrases when they=re asking for one thing and we=re including something else. That=s the one concern I have. Any comments on that?

Mr. Hills: The comment I=d have is this would be a good time to think about that until next week.

Mr. Baxter: I think that=s a great question. Are we at that time yet, President Hills? We most certainly are. And with that I think that=s something we can take away and talk about later.

And at 7:32, I will go ahead and close out this meeting. We=ll then meet again Tuesday at 7:00.

- - -Nancy C. Frazier, Clerk of Council
(Transcribed - Susie Smith)