

The O·C·E·O·A Enforcer

The Newsletter of the Ohio Code Enforcement Officials Association

First Quarter, 2006

Annual Meeting and Elections February 16, 2006

The Board of Trustees (the board) and officers will be elected by the membership at the annual meeting of OCEOA. A slate of nominees will be presented at the meeting; however **nominations to the board may be made by the membership before February 1, 2006 and will not be taken from the floor.** Submit nominations for the Board of Trustees by sending them to Don Tate at don.tate@ketteringoh.org or to Don Tate, City of Kettering, 3600 Shroyer Road, Kettering, OH 45429. Please include a short biography for the nominee. If the nominee is someone other than yourself, please receive their permission prior to submission.

The Heartbreak of ED

By Don Tate, President, OCEOA

Does your Property Maintenance Code (PM code) perform the way you would like it to or does it suffer from ED, Enforcement Dysfunction? Fortunately it doesn't take a medical miracle to shape up your PM code to a condition where it will resolve the many problems you confront as a code enforcement official. However, not every problem or complaint is a violation nor should it be. The local elected officials must determine what they want to be a violation and incorporate those conditions in the code.

If your PM code is less than a stellar performer and you are looking to improve it or to change to something new, help is as close as our February 16th meeting. The afternoon session will be a panel discussion comparing and contrasting PM codes including the "off the shelf" IPMC and homegrown codes used by the cities of Columbus and Dayton. The IPMC is the model PM code developed and published by the International Code Council (ICC). OCEOA is a chapter of the ICC. See the sidebar concerning model codes on page 2.

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We've got a few answers!

Mike Farrenkopf from Columbus, Mike Dugan from Dayton and Don Tate from Kettering will make up the panel and collectively bring with them several decades of experience in code enforcement. They will present graphic illustrations and descriptions of various property maintenance scenarios followed by an explanation of how each would apply their code to resolve each perceived problem, complaint or violation. Skipping the obvious problems like peeling paint, they will get down to some of those issues not so easily defined or resolved. Each scenario will then be taken a few steps further by applying a variety of "what ifs", turning a simple problem into one of those that may show a code's real strengths or weaknesses. There will also be an opportunity for attendees to offer their unique code solutions to the problems so bring a copy of your PM code with you.

As we all know, no code is perfect nor are all codes best suited to all communities. Some communities adopt the IPMC "off the shelf" as written while others customize it to better fit their standards. Some borrow codes, either intact or in part, from one or more jurisdictions and make them their own. The really brave ones try to write a code from scratch, but this is a highly complex process. Each method has its pros and cons.

Whether you just want to tweak your code or you are ready for something new, selling the need for those changes to your local lawmakers and legal advisors is another problem. In any case, hopefully they will include the front line code enforcement personnel in that process.

How good is the model code?

I have been using a lightly modified version of the IPMC in the City of Kettering for several years. For the most part, is a pretty solid code. However I believe it falls short in a few areas, especially where it was obviously written for application to a residential property and I am trying to apply

it to a commercial situation. Fortunately, the IPMC has a built in process where it can be amended to resolve any such issues. ICC codes may be amended, based on a three-year cycle. The most recent cycle was completed this past autumn so we are on the front edge of the cycle to improve what will be the 2009 IPMC. OCEOA will be actively involved by conducting such a review process and will be submitting suggested amendments for consideration and inclusion in the next edition.

What can you do when a "violation is not addressed by your code!"

Again, not every perceived violation or complaint is regulated by a jurisdiction's codes. OCEOA is an acronym for Ohio Code Enforcement Officials Association with an emphasis on **code enforcement**. We enforce codes, not what we or others merely think is wrong. If it isn't a violation according to your code, you don't have the authority to do anything except help change your code. In fact, if you attempt to enforce a requirement or condition that is not part of your code (meaning a violation is really not there), then you are acting outside the scope of your duties and you are then subject to personal liability.

This, obviously, is a tricky issue, but if you are asked to enforce a requirement that is not adopted by the applicable jurisdiction or state statute then you

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Please send us your e-mail address, it makes communicating so much faster. Denver.Williams@ci.dayton.oh.us

2006 OCEOA Meeting Dates

- February 16 ·
- May 18 ·
- August 24 ·
- November 16 ·

All meetings will be held at the Midwest Hotel & Conference Center on Sinclair Road in Columbus, Toll Free Phone No. 1-877-609-6086

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CODE ENFORCEMENT OFFICER

The City of Miamisburg is seeking applicants for the part-time position of Code Enforcement Officer. Under the supervision of the Building Inspector, the position is responsible for inspection and enforcement of the City's zoning and property maintenance codes. Applicants must have a minimum of a high school diploma or equivalent; possess a valid Ohio driver's license; the ability to interpret and enforce codes, regulations, and ordinances; strong oral and written communication skills; and basic keyboarding skills. A minimum of one year of experience related to inspection, code enforcement, building inspection, land use, planning, or a related field is highly preferred. Pay range is \$13.74 to \$18.48 per hour. Applications can be obtained at the Miamisburg Civic Center City Administration Office, 10 N. First Street or from the City's website at www.ci.miamisburg.oh.us. The deadline to apply is Friday, January 27, 2006.

Equal Opportunity Employer

are being asked to perform an illegal act that could result in a civil rights violation and may not fall under the police power granted by the Ohio constitution. You can't enforce something that one person, whether they are in an official position or not, just thinks up or thinks should be a violation. The very general premises should be "we don't make the rules, we just enforce them!"

Model Codes: The IPMC is considered a model code because it is commonly used and accepted internationally by code enforcement officials and the courts. This acceptance is because committees and individuals involved in property maintenance code enforcement have developed, modified and improved it following a formal code development process.

Send us your local news articles for print!

You can now download the meeting registration form and copies of the Enforcer by typing **meetings.oceoa.org** where you would normally enter a URL address. Notice you do **not** need to include a www, doing so will prevent you from reaching the files. Need help? Call 937-333-3916.

OCEOA Members Assist with Katrina Disaster

Jim Tillotson and Bill Mazur, with the City of Fairborn, will be our first speakers at the February meeting. They will tell us about the fine work they did in Louisiana to assist with the disaster recovery from Hurricane Katrina..

Bill has worked as the commercial and residential building inspector and has also performed all residential plan reviews. Bill is a past president of the Miami Valley Building Officials Council and is currently on the Board of Directors.

Jim has been with Fairborn's Building Inspection Department since 1995 and received his ICC certification as a Property Maintenance & Housing Inspector in 1996. He is currently working on his certification as a Residential Building Inspector through ICC.

The Enforcer is published by the Ohio Code Enforcement Officials Association. Submissions to this publication are welcome and may be made to Denver Williams, City of Dayton, 371 W. Second Street, Room 324, Dayton, Ohio 45402 or faxed to 937-333-4294 or via e-mail at Denver.Williams@ci.dayton.oh.us

Visit our website at www.oceoa.org

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City of Dayton

PACE First Annual Member Appreciation Dinner

On December 9, 2005 PACE held its first annual member appreciation banquet at the Fairfield Community Arts Center, Fairfield, Ohio. Mr. Garry Day, a law enforcement specialist, was the special speaker for the evening. He recently returned to Ohio after spending the past year helping to create police departments in Iraq. He had fascinating stories and wonderful slides. Mr. Steven Driehaus, Ohio State Representative and Minority Whip, presented the Code Official of the Year awards to the recipients. OCEOA would like to extend our heart felt congratulations to honorees.



Property Maintenance Official of the Year: Christopher Westfall, City of Oxford



Sanitarian Official of the Year: Carla Ealy, City of Middletown



Zoning Official of the Year: Janette Matala, City of Fairfield



Ohio Code Enforcement Officials Association

Thursday, February 16th, 2006

Midwest Hotel and Conference Center

Sinclair Road, Near I-71 at Morse Road

Northern Columbus, Ohio See the map on back

- Spotlight & General Announcements
- Disaster Relief – OCEOA Members Connection
- Sign Codes and the First Amendment
- Panel Discussion – What Code do You Rely on ?

- 8:30 Registration, Pastries, Beverages
- 9:30 “Spotlight, Election Nominations and General Announcements”
- 10:00 Disaster Relief - How some OCEOA Members Assisted in the Clean-up
 Jim Tillotson & Bill Mazur, City of Fairborn
- 11:00 Sign Codes and the First Amendment
 Tom Keating, Law Director, City of Sharonville
- 12:00 Lunch (Included in the registration fee)
- 12:45 Elections and Installation of Officers
- 1:00 Panel Discussion – Comparison of ICCPMC and Home Grown Codes
 Mike Farrenkopf (Columbus), **Mike Dugan** (Dayton), **Don Tate** (Kettering)
- 3:00 Adjourn



Fax: 937-333-4294 E-mail: Denver.Williams@ci.dayton.oh.us

OCEOA Meeting Registration for Thursday, February 16, 2006

- Member Meeting Rate \$25.00
- \$45.00: Member Meeting and Renewal

The \$45 includes your membership renewal through 1-31-2007

- Non-Member Meeting Rate \$45.00

The \$45 rate includes a membership through 1-31-2007. Non-members must complete the application form on the back.

This registration form shall serve as your invoice. No additional invoices will be issued by OCEOA.

- My registration payment is enclosed.
- My payment is being mailed separately.
- I will bring my payment to the meeting.

Name: _____

Address: _____

Phone: _____

Email: _____

Please submit your reservation by fax, mail, e-mail or phone by Monday, Feb. 13, 2005.

Make checks payable to **OCEOA**
(Fed. ID# 31-1348985)

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