



EXTERIOR PROPERTY MAINTENANCE CODE

COLUMBIA TOWNSHIP
EXTERIOR PROPERTY MAINTENANCE CODE

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ARTICLE I

PURPOSE

1.01 PURPOSE

The purpose of this exterior property maintenance code is to protect the public health, safety and general welfare as it pertains to premises and buildings used for residential, commercial, and industrial purposes. This protection is hereinafter provided by:

- A. Establishing minimum standards for maintaining residential, commercial and industrial property; preserving and achieving the presentable appearance of existing structures and premises; avoiding blighting effects of the substandard maintenance of structures and premises and their negative impact on the value of surrounding properties; and eliminating hazardous conditions;
- B. Establishing the responsibilities of owners, lessees, occupants, and persons or entities having charge of structures and their premises; and
- C. Providing for administration, enforcement, and penalties.

It is the intent of Columbia Township to work with all citizens to further the best interests of the community, through the fair and consistent administration of this Exterior Property Maintenance Code.

ARTICLE II

TITLE

2.01 TITLE

This Code shall be known as "The Columbia Township Exterior Property Maintenance Code" and is herein referred to as above or as the "Exterior Property Maintenance Code" or "this Code."

ARTICLE III

DEFINITIONS

3.01 CONSTRUCTION OF LANGUAGE

For the purpose of this Exterior Property Maintenance Code certain terms or words shall be interpreted as follows:

Words used in the singular shall include the plural, and the plural the singular;

- A. Words used in the present tense shall include the future tense;
- B. Words in the masculine gender shall include the feminine and neuter;
- C. The word "shall" is mandatory and not discretionary;
- D. The word "may" is permissive;
- E. The phrase "used for" shall include the phrases "arranged for," "designed for," "intended for," "maintained for," and "occupied for;"
- F. The word "person" includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual; and
- G. The word "dwelling" includes the word "residence."

3.02 DEFINITIONS

All words used in this Exterior Property Maintenance Code shall have their customary meanings, except those specifically defined in this Section.

- A. **ACCESSORY STRUCTURE**: A structure which is subordinate to and incidental to that of the main building on the same lot.
- B. **BUILDING**: Any permanent or stationary structure having a roof supported by columns or walls.
- C. **BUILDING CODE**: The most current edition of the State of Ohio building code, or such other code as may be officially designated by the Hamilton County Commissioners for the regulation of construction, alteration, addition, repair, removal, demolition, use, location, occupancy, and maintenance of all buildings and structures.
- D. **EXTERIOR PROPERTY AREAS**: The open space on the premises and on adjoining property under the control of owners

or operators of such premises.

E. GARBAGE: The animal or vegetable waste resulting from the handling, preparation, cooking, and consumption of food.

F. DEFACEMENT OF PROPERTY: In addition to its usual and customary meaning of defacing walls or structures with messages or slogans, defacement of property shall also mean any letter, numeral, figure, emblem, graffiti, insignia, picture, outline, character, spectacle, delineation, announcement, word, phrase, diagram, symbol, sketch, inscription or representation, wherein the contents thereof are depicting any sexual activity, diagrams relating to sexual activity or sexual organs, references to criminal activities or groups which promote or are involved in criminal activity, searing or fighting words, defamatory materials about any person, references to relationships, or any marking of any kind whatsoever which results in damage to, defacing of, marring of, or discolor to any sidewalk, street or other township property, or the exterior surface of a wall, fence, door building or other structure, whether publicly or privately owned.

G. JUNK OR INOPERABLE VEHICLE: A vehicle, including but not limited to cars, trucks, busses, trailers, and watercraft, shall be deemed a junk or inoperable vehicle whenever any one of the following occur:

1. The vehicle is without a valid current registration and/or license plate; or
2. The vehicle is apparently abandoned, wrecked, in a state of disrepair, or incapable of being moved under its own power; or
3. The vehicle is without fully inflated tires and/or has any type of support under it; or
4. The vehicle has a substantially damaged or missing window, windshield, door, motor, transmission, or other similar major part; or
5. The vehicle is left on private property without permission of the person having the right to the possession of the property.

H. OWNER: Any person, agent, operator, firm, or corporation having a legal or equitable interest in the property; or recorded in the official records of the state or county as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court or that person or persons

or trust in whose name the general taxes for the last preceding year were paid.

- I. **PREMISES**: A tract, lot, plot, or parcel of land including the grounds, buildings or structures thereon, or easement or public way.
- J. **PUBLIC NUISANCE**: Includes any of the following:
 - 1. The physical condition, or use of any premises regarded as a public nuisance at common law; or
 - 2. Any physical condition, use, or occupancy of any premises or its appurtenances considered an attractive nuisance to children including, but not limited to, junk, inoperable or unlicensed vehicles, abandoned wells, shafts, basements, excavations, abandoned refrigerators, or;
 - 3. Any premises which has improperly working drainage facilities; or
 - 4. Any premises designated as unsafe for human habitation or use, or
 - 5. Any premises, which is capable of being a fire hazard, or is unsafe or unsecured as to endanger life, limb or property; or
 - 6. Any premises which is unsanitary, or which is littered with rubbish or garbage
- K. **PUBLIC PROPERTY**: Shall mean any street, highway or public right-of-way, and any other publicly owned property or facility.
- L. **RUBBISH**: Rubbish is both combustible and non-combustible waste materials, including car parts, motors, and inoperable, broken or abandoned appliances, electronic equipment, and household equipment. The term shall also include rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery, dust, and debris and other similar materials, as well as the residue from the burning of wood, coal, and other combustible materials.
- M. **STRUCTURE**: Anything constructed or erected which requires location on the ground or attachment to something having location on the ground.
- N. **WORKMANLIKE**: Work done in a skillful and well-executed manner that is in good repair and structurally sound.

ARTICLE IV

ADMINISTRATION AND ENFORCEMENT

4.01 APPLICATION OF EXTERIOR PROPERTY MAINTENANCE CODE

The provisions of the Exterior Property Maintenance Code shall apply to all premises and structures within Columbia Township used for residential, commercial, or industrial purposes which are now or may become in the future substandard with respect to structure, maintenance, proper drainage and sanitary conditions, or other similar conditions which otherwise constitute a public nuisance. The existence of such conditions, factors or characteristics adversely affects public health, safety, and the general welfare and leads to the continuation, extension and aggravation of blight and its attendant negative effect on surrounding property values. Therefore, adequate protection of the public requires the establishment and enforcement of these property maintenance standards.

Where, in a specific case, different sections of this code specify different requirements, the most restrictive shall govern.

Except as otherwise specified herein, the owner, lessee, occupant, or person or entity having charge of the property shall be responsible for the maintenance of buildings, structures, and premises.

Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of all applicable Codes and Standards. Nothing in this code shall be construed to cancel, modify, or set aside any provision of any existing Codes.

Repairs, maintenance work, alterations or installations which are caused directly or indirectly by the enforcement of this Code shall be executed and installed in a workmanlike manner and in accordance with the manufacturer's instructions.

4.02 COMPLIANCE REQUIRED

Except as otherwise provided, every portion of a building or premises used or intended to be used for residential, commercial, or

industrial purposes, shall comply with the provisions of this Exterior Property Maintenance Code, irrespective of when such building was constructed, altered or repaired, or premises occupied.

4.03 CONFLICT OF LAWS

In any case where a provision of this Exterior Property Maintenance Code is found to be in conflict with a provision of any zoning, building, fire, safety or health regulation or other regulation, the provision which establishes the higher standard for the promotion and protection of the public health, safety, and general welfare of the people shall prevail.

4.04 EXISTING REMEDIES

Nothing in this Exterior Property Maintenance Code shall be deemed to abolish, impair, or prevent the execution of any existing remedies of Columbia Township or its officers or agents related to the abatement of a public nuisance.

4.05 SEPARABILITY

If any section, subsection, paragraph, sentence, clause or phrase of this Exterior Property Maintenance Code is declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this Exterior Property Maintenance Code, which shall continue in full force and effect. The provisions of this Exterior Property Maintenance Code are hereby declared to be severable.

4.06 SAVING CLAUSE

This Exterior Property Maintenance Code shall not affect violations of any other resolution, code, or regulation existing prior to the effective date of this Exterior Property Maintenance Code. Any violation of pre-existing law shall be governed and punishable to the full extent provided in the resolutions, codes, or regulations in effect at the time the violation was committed.

4.07 ENFORCEMENT OFFICIALS

A. **ENFORCEMENT OFFICERS.** The Township Trustees shall assign the duties of administering and enforcing this Code to the Enforcement Officers. The Enforcement Officers may call upon any department, division or contractor of the Township for whatever assistance may be necessary to abate a violation of this Code. These Enforcement Officers shall report to the Township Administrator.

- B. LIABILITY. No officer, agent, or employee of the Township shall be personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his duties under this Code.
- C. INTERPRETATION AUTHORITY. The Township Administrator shall have authority to interpret and implement the provisions of this Code, to secure the intent thereof, and to designate requirements applicable because of local climatic or other conditions.

4.08 INSPECTIONS

The Enforcement Officer is authorized to inspect building exteriors and premises located within Columbia Township for purposes of enforcing the provisions of this Exterior Property Maintenance Code. For the purpose of making such inspections, and upon showing appropriate identification, the Enforcement Officer is hereby authorized to examine and survey at any reasonable hour all residential, commercial, industrial structures, and other premises.

The Enforcement Officer shall keep official records of all activities of the Enforcement Department which relate to this Code. Such records shall be retained in the official records in such manner and for so long as is required by Columbia Township's retention policy.

4.09 NOTICE OF VIOLATION

- A. Courtesy Notice of Violation. A Courtesy Notice of Violation may be issued for the first occurrence of a violation of this Code. The Courtesy Notice of Violation shall be worded so as to sufficiently identify the premises and the nature of the violation. If the Recipient fails to correct the violation in the time allotted in the Courtesy Notice of Violation, then the offender shall be put on notice. The Township shall have the right to forego issuing a Courtesy Notice of Violation and may proceed to issue a Notice of Violation. The issuance of a Courtesy Notice of Violation shall not be a prerequisite to the issuance of a Notice of Violation. There shall be no right of appeal from the issuance of a Courtesy Notice of Violation.
- B. Notice of Violation.
 - 1. Content. Whenever the Enforcement Officer determines that there is a violation of the provisions of this Code, he may give notice of such violation to the person or persons responsible

and order compliance, as hereinafter provided. Such notice and order:

- a. Must be in writing;
 - b. Shall be sent to the person or persons responsible for the violation as well as the person, firm, or corporation listed by the Hamilton County Auditor's Office as owner of the property;
 - c. Must include a description of the property sufficient for identification purposes;
 - d. Must include a statement of the violation or violations determined to exist on the property with specific references to the section or sections of this Code alleged to have been violated;
 - e. Must include a description of the corrective action which must be taken to bring the property into compliance with the provisions of this Code; and
 - f. Must include a deadline by which time the Recipient of the Notice shall be required to take the necessary corrective action required to bring the property into compliance with the provisions of this Code.
 - g. Must state the right of the violator to file an appeal of the Notice with the Maintenance Code Appeals Board within fourteen (14) calendar days of receiving the Notice.
2. Service. A Notice of Violation shall be deemed to be properly served if one (1) or more of the following methods are used:
- a. By personal delivery to the Recipient of the Notice of Violation or by leaving the Notice at the premises with a person of suitable age and discretion; or
 - b. By certified mail deposited in the United States Post Office addressed to the Recipient of the Notice of Violation at his/their last known address, with return receipt requested. If a certified mail envelope is returned with endorsement showing that the envelope is unclaimed, then service shall be sent by ordinary mail and the mailing shall be evidenced by a certificate of mailing which shall be filed by the Enforcement Officer. Service shall be deemed complete when the fact of mailing is entered of record, provided that the ordinary mail envelope is not returned by the postal authorities with an endorsement showing failure of delivery; or
 - c. By posting a copy of the Notice in a conspicuous place on the premises found in violation; or
 - d. By posting a notice in the five public posting boards in the Township.

- e. For a junk or inoperable vehicle, as an addition or alternative to providing service as described above, the Enforcement Official may serve the Notice by attaching it to a conspicuous place on the exterior of the vehicle.
3. Extension of Compliance Deadline. For good cause shown, the Township Administrator may, at his/her sole discretion, extend the deadline previously stated in the Notice of Violation for corrective action to bring a property into compliance. In the event such an extension is granted, the Township Administrator shall notify the Recipient of the extension in the same form and pursuant to the same method of service required by Section 4.09(B) of this Code. Any such notice of extension shall specifically state the revised deadline by which time the person receiving the extension shall be required to take the necessary corrective action required to bring the property into compliance with the provisions of this Code.
4. Civil Remedies. If the Recipient of a Notice of Violation does not comply with the Notice of Violation within the stated period of time, the Board of Trustees may institute an action for injunction, mandamus, or abatement or any other appropriate action or proceeding to enjoin, correct, or abate such violation.

4.10 EXTERIOR PROPERTY MAINTENANCE CODE APPEALS

- A. Appeals Board. To implement the purposes and requirements of this Exterior Property Maintenance Code, there is hereby created the Exterior Property Maintenance Code Appeals Board, hereinafter referred to as the Appeals Board.
 1. Membership of Board. The Appeals Board shall consist of a minimum of three members who are qualified by experience and training to pass on matters pertaining to property maintenance and who are not employees of the Township. The Enforcement Officer shall be an ex-officio member but shall have no vote on any matter before the board. The Appeals Board shall be appointed by the Columbia Township Board of Trustees, and shall serve staggered and overlapping terms.
 2. Alternate Members. The Columbia Township Board of Trustees shall appoint two or more alternate members who shall be called by the board chairman to hear appeals during the absence or disqualification of a member. Alternate members shall possess the qualifications required for board

membership.

3. Chairman. The Appeals Board shall annually select one of its members to serve as chairman.
 4. Secretary. The Appeals Board shall designate a qualified person to serve as secretary to the Appeals Board. The secretary shall file a detailed record of all proceedings in the office of the Township Administrator.
 5. Disqualification of Member. A member shall not hear an appeal in which that member has a personal, professional, or financial interest.
 6. Procedure. The Appeals Board may adopt rules of procedure not inconsistent with this Code. No member of the Appeals Board shall take part in any hearing or determination in which he or she has a personal or financial interest. Three (3) members of the Appeals Board in attendance at any meeting shall constitute a quorum.
 7. Authority. The Appeals Board shall hear all appeals relative to the enforcement of this Code. By a majority vote, the Appeals Board may reverse or affirm, wholly or partly, or may modify the decision appealed from, and shall make such order or determination as in its opinion ought to be made. Failure to secure a majority vote shall be deemed a confirmation of the decision of the Enforcement Officer.
- B. Hearings. Any Recipient of a Notice of Violation which has been issued in connection with the enforcement of any provision of this Exterior Property Maintenance Code, may request and shall be granted a hearing on the matter before the Exterior Property Maintenance Code Appeals Board. The notice of appeal shall be filed in the office of the Enforcement Officer on forms provided by the Township. The appeal shall be filed within fourteen (14) calendar days after the date of the notice and order, revocation, or denial of permit. Upon receipt of such a petition and payment of a fifty dollar (\$50) appeal application fee, the Appeals Board shall set a time and place for the hearing. The Appeals Board shall give the appellant written notice thereof by first class mail postmarked at least ten (10) days prior to such hearing. The hearing shall be held no less than ten (10) days and no more than thirty (30) days from the date the appeal was filed. At such hearing, the appellant shall be given an opportunity to be heard and to show cause why any item appearing on the Notice and order should be modified or

withdrawn. The failure of the appellant or his representative to appear and state his case at such hearing shall have the same effect as if no appeal was filed.

C. Findings. Prior to sustaining any Notice of Violation and compliance order, the Appeals Board shall make the following findings:

1. That a violation exists on the property
2. That appellant was served with a Notice of Violation as provided for in Sections 4.09 and 4.11.
3. That the Notice of Violation stated the specific nature of the violation, the corrective action needed to be taken to abate the violation, and a specific time period within which to abate the violation.
4. That within the time period stipulated in the Notice of Violation, the appellant failed to comply with the Notice of Violation by not abating the violation, and/or by not bringing the use into compliance with the Columbia Township Exterior Property Maintenance Code.
5. That upon expiration of the date required for compliance in the Notice of Violation, the property violated specific provisions of the Columbia Township Exterior Property Maintenance Code and/or conditions imposed by the Appeals Board.

D. Authority of the Appeals Board. Within thirty (30) days of the close of the public hearing, the Appeals Board shall sustain, modify, or withdraw any item appearing on the Notice and order. The appellant shall be notified in writing of such action.

4.11 VIOLATION CITATIONS

The Enforcement Officer is authorized and directed to provide Violation Citations which shall be used for the purposes of giving due notice and summons to the person or persons responsible for violations of this Code.

A. Contents. Violation Citations issued for failure to comply with the Notice of Violation by the deadline established therein, or by the granted deadline extension, if any, must be given in accordance with all of the following:

1. The Violation Citation must be in writing on a form specifically designated as a Violation Citation form;
2. The Violation Citation must include a statement advising the person charged that he/she must answer the Violation Citation within fourteen (14) calendar days after the date on

- which the Violation Citation is served upon him/her;
3. The Violation Citation must include a statement indicating the allowable answers that may be made and that the person will be afforded a court hearing if he/she denies committing the violation;
 4. The Violation Citation must include a statement specifying that the answer must be made in person, or by mail, to the Columbia Township Fiscal Officer;
 5. The Violation Citation must include a statement indicating the amount of the penalty arising from the violation;
 6. The Violation Citation must include a statement advising the person of the violation charged, and the date, time, and place of the violation charged; and
 7. The Violation Citation must include the signature and affirmation of the Hamilton County Sheriff deputy who delivers the Violation Citation.
- B. Payment of Penalty. When a Violation Citation as herein provided is served, the Recipient shall appear at the place or places designated upon such Violation Citation within fourteen (14) calendar days and shall pay the penalty for the violation noted on the Violation Citation. Upon payment of the penalty as provided within the time limit provided herein, no further action will be taken to prosecute the violation noted on the Violation Citation, provided remedial action, if necessary, is taken.
- C. Notice and Future Violation. The Violation Citation, as herein provided, shall be sufficient notice, summons, and legal service thereof for the purpose specified thereon; provided, however, that the use of such Violation Citations shall not prohibit the issuance of either additional Violation Citations or legal notices of violation, in the event such violation is continued or repeated.
- D. Establishment of Penalty Schedule by Township Trustees. The Township Trustees shall adopt by resolution a violation citation penalty schedule.
- E. Additional Penalty. When a Violation Citation has been issued pursuant to this section, an amount established by the Township Trustees is hereby assessed on the violator. Failure to pay the penalty within a period of fourteen (14) calendar days after the date of service of the Violation Citation shall constitute a minor misdemeanor, punishable as provided in Section 4.99 of this resolution. Any unpaid penalty may also be attached to the property taxes for the property in question.

4.12 PROSECUTION

In case any Violation Citation is not promptly complied with, the Enforcement Officer may request the Law Director to institute an appropriate action or proceeding to recover the penalty provided in Section 4.99 of this Code. In addition, the Enforcement Officer, may ask the Law Director to sue the person(s) responsible for the violation for the purpose of ordering him/her to abate such nuisance.

A. Permissible Answers to Violation Citations

1. Permissible Answers to Violation Citation. Any recipient to whom a Violation Citation has been served may answer said Citation in one of the following ways:
 - a. Admit that the Recipient committed the violations charged within the time permitted by this Code;
 - b. Deny that the Recipient committed the violations charged within the time permitted by this Code;
 - c. Implicitly deny the violations charged by failing to file an answer or pay the penalty set forth in the Violation Citation within the time permitted by Section 4.09(B)(1)(f).
2. Admission of Violation. The Recipient may admit to the violations charged by paying the penalty set forth in the Violation Citation as required by Sections 4.12(C) and 4.12(D) of this Code.
3. Admission of Violation(s) Charged in Violation Citations & Payment of Penalty by Hand Delivery. The Recipient may admit to the violations charged in the Violation Citation by paying the penalty(s) set forth in the Violation Citation in person to the Columbia Township Fiscal Officer. Such payments must be hand-delivered within fourteen (14) days of the date that the Violation Citation was served upon the Recipient.
4. Admission of Violation(s) Charged in Violation Citations & Payment of Penalty by Mail. The Recipient may admit to the violations charged in the Violation Citation by paying the penalty(s) set forth in the Violation Citation by mailing the payment, to the Columbia Township Fiscal Officer, 5686 Kenwood Road, Cincinnati, OH 45227. Such admissions/payments must be received by the Township no

later than fourteen (14) days after the date that the Violation Citation was served upon the Recipient.

5. Effect of Admission and Payment of Penalty. The Recipient who admits to the violation(s) charged in a Violation Citation issued against him/her and who pays the penalty set forth in the Citation are in no way absolved from resolving, removing, repairing, or otherwise abating the condition which resulted in the issuance of the Violation Citation. If the Recipient fails to resolve, remove, repair, or otherwise abate that condition, Columbia Township may continue to issue Violation Citations each day it determines that the condition continues to violate the provisions of this Code. Violation Citations issued for such continuing, unresolved violations of this Code need not be preceded by additional Notices of Violation as the initial Notice of Violation shall suffice to notify the Recipient as to the nature of the violation charged. Further, the admission of guilt and payment of the penalties set forth in the Violation Citation shall in no way preclude the Columbia Township Board of Trustees from instituting, by and through its Law Director, appropriate action to enjoin, restrain, correct, or abate a violation, or to prevent illegal occupancy of a building, structure, or premises, or to stop an illegal act, conduct, business, or utilization of the building, structure, or premises.

B. Express Denial of Violations charged in Civil Citation

1. Express Denial of Violations Charged in Violation Citations & Hand Delivery of Denial. The Recipient may deny the violations charged in the Violation Citation by expressly denying the violations in writing and presenting the denial in person to the Columbia Township Fiscal Officer. Such denials must be hand-delivered within fourteen (14) days of the date that the Violation Citation was served upon the Recipient.
2. Express Denial of Violations Charged in Violation Citations & Mailing of Denial. The Recipient may deny the violations charged in the Violation Citation by expressly denying the violations in writing and by mailing the payment to the Columbia Township Fiscal Officer, 5686 Kenwood Road, Cincinnati, OH 45227. Such denials must be received by the Township no later than fourteen (14) days after the date that the Violation Citation was served upon the Recipient.

C. Implicit Denial of Violations Charged in Violation Citation

1. Implicit Denial of Violation(s). The Recipient who fails to either expressly deny the violations charged in the Violation Citation issued against them in the manner and within the time permitted by Section 4.09(B)(1)(f) of this code or who fails to admit the violations charged in the Violation Citation issued against them by paying the penalty(s) set forth in the Violation Citation in the manner and within the time permitted by Section 4.09(B)(1)(f) of this code shall be deemed to have denied the violations charged.

D. Municipal Court Proceedings

1. Referral to Municipal Court. If the Recipient of a Violation Citation denies the violations charged in the Citation within fourteen (14) calendar days after service of the Violation Citation, the Columbia Township Fiscal Officer shall notify the Hamilton County Municipal Court of the denial so that a hearing can be set on the violation.
2. Municipal Court Hearings. Municipal Court hearings are conducted according to the Rules of Civil Procedure and the court determines whether the violation is proven by the Township by a preponderance of the evidence. If the court determines that the violation has been proven, it will order the violator to pay the penalty.
3. Payment of Penalty after Determination of Violation. The Recipient found to have violated the provisions of this Code charged in the Violation Citation must pay the penalty(s) assessed by the court within fourteen (14) calendar days after the judgment. Failure to pay the penalty(s) within this time period will result in the placement of a lien on the property at issue.

E. Appeal Process

1. Appeal. The Recipient who wants to appeal an adverse determination by the Hamilton County Municipal Court may file an appeal with the Court of Appeals within thirty (30) days after the judgment.

4.13 ABATEMENT OF NUISANCE BY TOWNSHIP AND COST RECOVERY

- A. The imposition of the penalties herein prescribed shall not

preclude the Law Director from instituting appropriate action to restrain, correct, or abate a violation, or to prevent illegal occupancy of a building, structure or premises, or to stop an illegal act, conduct, business or utilization of the building, structure, or premises.

- B. Should the nuisance not be abated by the expiration of the time stated in the notice or order of the Enforcement Officer or any extensions granted or such additional time as the Exterior Property Maintenance Code Appeals Board may grant, the Enforcement Officer may call on any department, division, or contractor of the Township for whatever assistance may be necessary to abate the aforesaid nuisance or may, by private contract, abate such nuisance and the cost of the contract will be paid for from Township funds. All costs for abating such nuisance shall be recovered in the following manner:
1. The owner(s) shall be billed directly by certified mail deposited with the United States Post Office. In the event the certified mail envelope is returned with endorsement showing that the envelope is unclaimed, then service shall be sent by ordinary mail and the mailing shall be evidenced by a certificate of mailing which shall be filed by the Enforcement Officer.
 2. If the costs are not so recovered within thirty (30) days of receipt of the mailing described in Section 4.13(B)(1), the Township may collect the cost in accordance with the Ohio Revised Code and/or assess the cost to the owner via liens approved by the Township Trustees.

4.14 TRANSFER OF OWNERSHIP

It shall be unlawful for the owner of any building or structure who has received a Notice of Violation to sell, transfer, mortgage, lease or otherwise dispose of the property to another until the provisions of the Notice of Violation have been complied with, or until such owner shall first furnish the grantee, transferee, mortgagee, or lessee a true copy of any Notice of Violation issued by the Enforcement Officer. The owner shall also furnish to the Enforcement Officer a signed and notarized statement from the grantee, transferee, mortgagee, or lessee, acknowledging the receipt of such Notice of Violation and fully accepting the responsibility, without condition, for making the corrections or repairs required by such Notice of Violation.

4.15 ABANDONMENT OF CONSTRUCTION PROJECT

Any building or structure for which a building permit has been issued, and except for circumstances beyond the property owner's control (e.g., labor strikes, inclement weather, etc.), all construction work shall be diligently pursued to completion. Any construction project upon which no substantial work has been undertaken for a period of six (6) months shall be deemed abandoned. Upon any construction project being deemed abandoned, all buildings or structures not completed to the degree such buildings or structures have been indicated on the plans submitted in support of a building permit, and all building materials and construction equipment shall be removed from the site.

4.16 PERIODIC REVIEW

The chairman of the Exterior Property Maintenance Code Appeals Board shall periodically appoint a committee to review the Exterior Property Maintenance Code. This committee shall issue a report to the Board of Trustees of Columbia Township of any proposed amendments or deletions to this Code.

4.99 VIOLATION AND PENALTIES

- A. No person shall violate any provision or fail to conform to any of the requirements of this Exterior Property Maintenance Code or fail to comply with any order made thereunder.
- B. Any person, firm, or corporation who is issued a Violation Citation shall be penalized in the following amounts:
 - 1. In the amount of two hundred fifty dollars (\$250.00) for the first offense;
 - 2. In the amount of five hundred dollars (\$500.00) for the second offense;
 - 3. In the amount of seven hundred fifty dollars (\$750.00) for the third offense; and
 - 4. In the amount of one thousand dollars (\$1,000.00) for each subsequent offense.

From time to time and upon its own motion, the Township Trustees may modify the violation citation penalty schedule.

- C. In addition to the penalty imposed by this Section, Columbia Township will charge an administrative fee for the processing of all Violation Citations paid out to the Columbia Township Fiscal

Officer. The administrative fee shall be twenty-five dollars (\$25.00) for each Citation paid out.

- D. Each time a Violation Citation is issued for the same violation, it shall be deemed a separate offense and each day the offense continues is a separate offense.
- E. In addition to other remedies provided for in this Code, upon expiration of the Notice of Violation the Enforcement Officer may cause the noxious weeds, rank vegetation, trees or bushes to be cut and destroyed and all costs billed to the property owner. If the costs are not so recovered within thirty (30) days of receipt of the mailing described in Section 4.13(B)(1), the Township may collect the cost in accordance with the Ohio Revised Code and/or assess the cost to the owner via liens approved by the Township Trustees.

Upon failure of the owner, lessee, occupant, or person or legal entity having charge of a property to cut and destroy weeds after service of a Notice of Violation, he/she shall be subject to the filing of a Violation Citation in accordance with the provisions of this Code. Nothing in this section shall prevent the Township from utilizing the nuisance provisions pertaining to noxious weeds outlines in the Ohio Revised Code as an alternative to, or in conjunction with, the enforcement provisions outlined in this Code.

- F. The application of the penalty provided in this section shall not prevent the enforced removal of prohibited conditions.

ARTICLE V

RESIDENTIAL EXTERIOR PROPERTY MAINTENANCE STANDARDS

5.01 SCOPE

The provisions of this Code set forth the minimum conditions and the responsibilities of every person and/or legal entity owning, leasing, occupying or having charge of any premises for the maintenance of structures, equipment, and exterior property to preserve and to achieve the presentable appearance of existing structures and premises and to avoid blighting effects of the substandard maintenance of structures and premises, and their negative impact on the value of surrounding properties, and to eliminate hazardous conditions.

5.02 RESPONSIBILITY

Every person and/or legal entity owning, leasing, occupying or having charge of any premises shall keep such premises in compliance with these requirements, except as otherwise provided in this Code. A person shall not occupy as owner-occupant or permit another person to occupy premises which are not in a sanitary and safe condition and which do not comply with the requirements of this Code.

5.03 APPLICATION OF MAINTENANCE STANDARDS

The following standards are applicable to all residential structures, dwelling units, residential portions of mixed use structures and all dwelling units located in commercial buildings.

5.04 STRUCTURAL SOUNDNESS AND MAINTENANCE OF DWELLINGS

- A. General Maintenance. All exterior property and premises shall be maintained in a clean, safe, and sanitary condition. The owner, lessee, occupant, or person or entity having charge of the property shall keep all parts of the exterior property in a clean and sanitary condition. No premises shall be in a condition that constitutes a health hazard, safety hazard, or general nuisance.
- B. Protective Treatment. All exterior surfaces including, but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. All siding and masonry joints as well as those between the building envelope and the perimeter of windows, doors, and skylights shall be maintained weather resistant and water tight. All metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion and all surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.
- C. Foundations. Foundations shall support the building at all points and shall be free of all holes and cracks which admit rodents, water or dampness to the interior of the building or reduce the capability of the foundation to support the building.

- D. Exterior Walls and Surfaces. Exterior walls and other exterior surface materials shall be free of holes, cracks, loose or rotting boards and timbers or any other condition which might admit rodents, rain or dampness to the interior of the dwelling. Except for materials that have been designed or manufactured to remain untreated, all exterior wood, composition or metal surfaces shall be protected from the elements by paint or other protective covering. Surfaces shall be maintained so as to be kept clean and free of flaking, loose or peeling paint or covering. All canopies, signs, awnings, exterior stairways, fire escapes, standpipes, exhaust ducts, porches, balconies, and similar overhanging extensions, where exposed to public view, shall be maintained in good condition and shall not show evidence of ripping, tearing, or deterioration.
- E. Windows, Skylight, Doors and Frames. Windows shall be fully supplied with window glass or an approved substitute which is glazed and is without open cracks or holes, shall have sashes in good condition which fit within frames, be capable of being easily opened and held in position by hardware, and maintained so as to exclude adverse weather elements from entering the structure. Skylights, doors, and frames shall be kept in sound condition, good repair and weather tight.
- F. Exterior Doors. Doors shall be maintained so as to be structurally sound, fit within frames so as to be weatherproof, windproof, and water-proof and be provided with door hinges and door latches which are in good working condition.
- G. Roof. Roof members, covering, and flashing shall be structurally sound and tight so as to prevent the entrance of moisture and be maintained by renewal, repair, waterproofing, or other suitable means.
- H. Gutters and Roof Drains. Rain gutters, downspouts, leaders or other means of water diversion shall be provided to collect/conduct and discharge all water from the roof and maintained so as not to leak or cause dampness in the walls, ceiling, or basements or adversely affect adjacent properties. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions.
- I. Chimneys and Towers. All chimneys, cooling towers, smoke stacks, and similar appurtenances shall be maintained structurally safe and sound, and in good repair. All exposed surfaces of metal or wood shall be protected from the elements

and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

- J. Porches and Decks. Every porch or deck shall be so constructed and maintained so as to be free of missing, defective, rotting or deteriorated foundations, supports, floors, other members, and steps thereto, and kept in sound condition and in good repair.
- K. Basement. Basement or cellar hatchways shall be so constructed and maintained as to prevent the entrance of rodents, rain, and surface drainage into the dwelling.
- L. Decorative Features. All cornices, entablatures, bell courses, corbels, terra cotta trim, wall facings, and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.
- M. Structural member. Any structural member of a structure which has become deteriorated or damaged to the extent that it does not serve the purpose as originally intended shall be renewed, restored, repaired, or replaced as is necessary to serve the purpose as originally intended.
- N. Overhang extensions. All overhang extensions including, but not limited to, canopies, marquees, signs, awnings, fire escapes, standpipes and exhaust ducts shall be maintained in good repair and be properly anchored so as to be kept in a sound condition. When required, all exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.
- O. Sidewalks and driveways. All sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair, and maintained free from hazardous conditions.
- P. Building Security. Doors, windows or hatchways for dwelling units shall be provided with devices designed to provide security for the occupants and property within.

5.05 PAINT AND COATING MATERIALS

All paint and other coating materials shall be free of dangerous substances banned from general use by authorized federal, state, county, or local regulatory agencies for health and safety reasons.

5.06 EXTERIOR PROPERTY AND STRUCTURE EXTERIORS

All buildings and the exterior of all premises shall be properly maintained to achieve a presentable appearance and to avoid blighting effects and hazardous conditions.

- A. Exterior Space. The exterior open space around each dwelling shall be maintained or so improved so as to provide for:
 - 1. The immediate diversion of water away from buildings and proper drainage of the premises;
 - 2. Grass, plantings or other suitable ground cover to prevent soil erosion which is or may become detrimental to the structures, premises use or adjacent premises and structures;
 - 3. Sidewalks, walkways, parking areas, and driveways of a concrete, asphalt, pavers or similar surface which are of sound construction and properly maintained; and
 - 4. Exterior steps which are of sound construction and properly maintained free of hazardous conditions.

- B. Yards. All yards, courts, and lots shall be graded and kept free of overgrown grasses, debris and other materials which may cause a fire, health, safety hazard, or general unsightliness.

- C. Hazards. Hazards and unsanitary conditions shall be eliminated.

- D. Occupancy. No temporary buildings, trailers, recreational vehicles, tents, or garages shall be used temporarily or permanently as a residence in the course of construction.

- E. Storage. Except as provided for in other regulations of the Township, all outdoor storage of any kind shall be prohibited.

- F. Grading. All premises shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of water thereon, or within any structure located thereon.

- G. Drainage. All portions of all premises shall be so graded that there is no pooling of water or recurrent entrance of water into any part of any building except when such pooling or retention of water is part of a plan approved by the County Engineer. All condensate and waste cooling water shall be appropriately discharged into an approved drainage system.

- H. Drainage Swales. Swales are to be maintained by the owners of the parcels on which they are located, and at no time will anyone plant shrubs and/or trees, or discharge, empty, or place any material, fill or waste into any swale so as to divert or impede drainage flow.
- I. Fences and Walls. All fences, retaining walls, or similar structures shall be anchored firmly in the ground, shall be constructed in a workmanlike manner and maintained in that same manner so that such approved fences, retaining walls, or similar structures shall always be in a state of good structural repair. If any fence, retaining wall, or similar structure is found not to be in a state of good structural repair, it shall be removed, replaced, or repaired as required. Except when constructed of materials that have been designed or manufactured to remain untreated, all fences shall be treated periodically with paint or chemicals so as to retard deterioration.
- J. Commercial Vehicle. No commercial vehicle with a gross vehicle weight rated in excess of 10,000 pounds, based on manufacturer's federal identification decal or serial number, or any commercial vehicle more than seven (7) feet in height, may be parked on any residential property, except for commercial vehicles making service calls or vehicles being used to move personal goods to or from a subject property.
- K. Furniture. No furniture intended for indoor use may be stored outside, unless it is in a completely enclosed porch or patio room.
- L. Off Street Parking. Parking and/or storing of any vehicle on a lawn or dirt surface shall be prohibited. On all tracts in residential districts, all open off-street parking areas shall be graded and surfaced with bituminous concrete (asphalt), Portland cement concrete, brick, cobble-stone or similar hard surface. Tracts with nonconforming gravel driveways may have gravel parking areas, but in no case shall a landscaped area (i.e., neither paved nor graveled) be used as an open off-street parking area.
- M. Trailers and Recreational Vehicles. If a licensed and operable trailer, utility trailer, watercraft, camping or recreational equipment is parked or stored outside a garage, it shall be parked or stored to the rear of a line which is an extension of the rear wall of the house. On a corner lot; however, the camping or recreational equipment may not be stored on any side of the house toward a street. All camping or recreational equipment

shall cover no more than 400 square feet of yard area, with a maximum of two (2) pieces of camping or recreational equipment permitted. The vehicles must be registered to a resident of the respective property. RV's and Utility Trailers may be parked for purposes of loading and unloading for forty-eight (48) hours.

- N. Street Numbers. Each structure to which a street number has been assigned shall have such number displayed in a position easily observed and readable from the public right-of-way. All numbers shall be in Arabic numerals at least four (4) inches high and one-half (½) inch stroke and of a color contrasting to the background.
- O. Rodent harborage. All structures and exterior property shall be kept free from rodent harborage and infestation. Where rodents are found, they shall be promptly exterminated by approved processes which will not be injurious to human health. After extermination, proper precautions shall be taken to eliminate rodent harborage and prevent re-infestation.
- P. Sanitation. All exterior property and premises shall be maintained in a clean, safe, and sanitary condition. The owner, lessee, occupant, or person or entity having charge of the premises shall keep that part of the exterior property which such person or entity occupies or controls in a clean and sanitary condition.

5.07 VEGETATION

- A. No person or entity owning, leasing, occupying or having charge of land within the Township shall fail to keep such property free and clear of all noxious (brush, briars, burrs, vines, Russian thistle, Canadian thistle, common thistle, wild lettuce, wild mustard, wild parsnip, ragweed, ironweed, et. al.) weeds and rank vegetation or fail to cut all such weeds and vegetation on land owned or in his or her possession whenever such weeds or vegetation have grown to a height of eight (8) inches or more.
- B. In addition to the requirement of paragraph "A" hereof, no person shall permit any grass or weeds to grow to a height of eight (8) inches or more on any section of public right-of-way, including an easement area, contiguous to his or her property and on his or her property side of any pavement traveled by motor vehicles.

- C. No person owning, leasing, operating, occupying or having charge of land within the Township shall permit trees, bushes, shrubs, or other growth to overhang or block any part of a sidewalk or unpaved but traveled portion of a street for a height of seven (7) feet above the surface, or any part of a paved street for a height of fourteen (14) feet above the surface.
- D. All plant materials, especially trees and shrubs, afflicted with decay, disease, insect infestation, or otherwise considered dangerous to other plant material shall be removed or appropriately treated. All sound plant materials, especially trees and shrubs, shall be properly maintained and not evidence signs of neglect.

5.08 STAIRWAYS

All exterior stairways on all residential premises shall:

- A. Be maintained free of holes, grooves, and cracks which constitute a safety hazard;
- B. Be maintained free of rotted or deteriorated supports;
- C. Have treads of uniform width and risers of uniform height; and
- D. Stairway handrails and/or railings shall be firmly fastened and maintained in good condition. Where the absence of handrails and/or railings create a hazardous condition, the Enforcement Officer may require their installation in accordance with the provisions of the Hamilton County Building Code.

5.09 ACCESSORY STRUCTURES

All structures accessory to the dwellings, including detached garages, shall be structurally sound, neatly maintained, and in good repair or they shall be razed to grade level and debris removed from the premises.

5.10 WASTE RECEPTACLES

- A. Accumulation, Dumping, Storing, and/or Burying of Rubbish or Garbage. All exterior property and premises, and the interior of every structure, carport, deck, and patio shall be free from any accumulation, dumping, storing, and/or burying of rubbish and/or garbage including, but not limited to tires, combustible and noncombustible waste materials, abandoned construction materials and debris, paper, rags, cartons, boxes, excelsior, rubber, leather, tin cans, metals, mineral matter, glass, crockery and dust, animal and vegetable waste, residue from burned

materials, inoperable and broken appliances and household equipment, and other similar materials.

- B. Disposal of Rubbish/Garbage. Every owner, lessee, occupant, or person or entity having charge of any structure shall dispose of rubbish/garbage in a clean and sanitary manner by placing such rubbish/garbage in approved containers.
- C. Rubbish/Garbage Storage Containers. The owner of occupied premises shall supply approved covered containers for rubbish/garbage. The owner, lessee, occupant, or person or entity having charge of the premises shall be responsible for the removal of rubbish/garbage.
- D. Placement of Rubbish/Garbage Containers. All approved residential rubbish/garbage containers shall be placed at the curb or authorized alley location for pick-up unless prior arrangements have been made with the township and collector for pickup at another location. No such rubbish/garbage container shall be placed at the curb earlier than 24 hours preceding the pickup and all containers shall be removed within 24 hours after the pickup. When not at the curb for pickup, all rubbish/garbage receptacles shall either be in an enclosed building or placed behind the front building line.
 - 1. Multi-Family Dwelling Units. All multi-family dwelling units utilizing a dumpster for waste removal must locate the dumpster to the rear of the structure. If a multi-family unit does not use a dumpster, residents must follow the same requirements as defined in Section 5.10(D).
 - 2. Bundling of Waste. If waste is of such nature that it cannot be put in the regulation containers, it shall be placed in a manner as specified by the Township.
 - 3. Report of Collection Failures. Every owner, lessee, occupant, or person or entity having charge of the property is required to maintain surveillance over the garbage and rubbish (waste) storage, handling and collection on his premises. Any missed pickup must be reported to the township offices no later than one business day after the scheduled pickup.

5.11 JUNK OR INOPERABLE VEHICLE

- A. Storage of Junk or Inoperable Vehicle on Private Property. No junk, inoperable, or unlicensed vehicle shall be located on any residential property, except when stored within a completely

enclosed building.

- B. Parking of Junk or Inoperable Vehicle on Public Property. No junk or inoperable vehicle shall be located on any public property for a period in excess of twenty-four hours.
- C. Impounding of Junk or Inoperable Vehicle. In addition to other remedies provided by law, the Enforcement Officer may order into storage any vehicle maintained in violation of any provision of this resolution. Prior to removal of any junk or inoperable vehicle, the Enforcement Officer shall photograph the junk or inoperable vehicle and record the make, model and serial number when available. The place of storage shall be designated by the Enforcement Officer.
- D. Disposition of Junk or Inoperable Vehicles Ordered Into Storage. Any junk or inoperable vehicle ordered into storage that remains unclaimed for a period of thirty (30) days may be disposed of at a vehicle salvage dealer or scrap metal processing facility owned by or under contract with the Township for the disposal of such vehicles, or may be sold by the Township or licensed auctioneer at a public auction, after giving notice thereof by advertisement, published once a week for two successive weeks in a newspaper of general circulation in the Township. Any monies accruing from the disposition of an unclaimed vehicle that are in excess of the expenses resulting from the removal and storage of the vehicle shall be credited to the General Fund of the Township.
- E. Towing and Storage Charge; Recovery of Impounded Vehicle. Upon proving ownership, the owner of any junk or inoperable vehicle ordered into storage pursuant to this resolution may reclaim it upon payment of all expenses or charges incurred in its removal.

5.12 DEFACEMENT OF PROPERTY

- A. Prohibited Conduct.
 - 1. No person shall inscribe, draw or otherwise place or cause to be placed, anything defacing the surface of any building, structure, wall, or surface of other property, including, but not limited to, sidewalks, walls, buildings, fences and signs, that are publicly or privately owned.
 - 2. No parent or legal guardian shall knowingly permit any minor child in his or her custody to violate this section.

3. The parent or legal guardian of a minor defendant who resides with such parent or legal guardian at the time of the offense may be held liable for any penalty or condition of restitution or reparation imposed by a court upon a minor for violations of this section, provided that such minor has not paid such penalty or made restitution or reparation within the time ordered by the court, and further provided that such parent or legal guardian was served with the original summons or with notice of any subsequent proceedings arising therefrom.

B. Removal.

1. It shall be the duty of the owner, lessee, occupant, or person or entity having charge of any property or structure upon which anything defacing it is placed or made, to remove, eradicate, or eliminate such defacement.

C. Removal by the Township.

1. If the owner, lessee, occupant, or person or entity having charge of private property fails to remove anything defacing the property and does not comply with the notices to remove such defacement within the timeframe specified by the Enforcement Officer, the Township shall remove or abate the item or thing defacing the owner's property and may employ the necessary labor to perform such task. All costs for removing or abating such defacement shall be recovered in the following manner:
 - a. The owner(s) shall be billed directly by certified mail deposited with the United States Post Office. In the event the certified mail envelope is returned with endorsement showing that the envelope is unclaimed, then service shall be sent by ordinary mail and the mailing shall be evidenced by a certificate of mailing which shall be filed by the Enforcement Officer.
 - b. If the costs are not so recovered within thirty (30) days of receipt of the mailing described in Section 4.13(B)(1), the Township may collect the cost in accordance with the Ohio Revised Code and/or assess the cost to the owner via liens approved by the Township Trustees.

ARTICLE VI

COMMERCIAL AND INDUSTRIAL EXTERIOR PROPERTY MAINTENANCE STANDARDS

6.01 SCOPE

The provisions of this Code set forth shall govern the minimum conditions and the responsibilities of every owner, lessee, occupant, or person or entity having charge of any commercial premises for maintenance of commercial and industrial structures, equipment and exterior property to preserve and achieve the presentable appearance of existing structures and premises, to avoid blighting effects of the substandard maintenance of such structures and premises and their negative impact on the value of surrounding properties, and to eliminate hazardous conditions.

6.02 RESPONSIBILITY

Every owner, lessee, occupant, or person or entity having charge of any commercial premises shall maintain all occupied and unoccupied structures, exterior property, and vacant land in compliance with these requirements, except as otherwise provided for in this Code. A person shall not occupy as owner-occupant or permit another person to occupy premises which are not in a sanitary and safe condition and which do not comply with the requirements of this Code.

6.03 GENERAL PROVISIONS

Every commercial structure, commercial unit, mixed use structure, industrial structure, and industrial use which is devoted to commercial use shall meet all of the provisions and requirements of the official zoning code, building code, fire code and health ordinance applicable to the structure and its intended and present use. Where this Code requires the provision of a particular facility or equipment, or where it sets a structural or installation standard, such related parts of every commercial or industrial structure and commercial or industrial unit shall be maintained to the minimum standard provided for in the applicable section of this Code or to the minimum standard provided for in the above codes, whichever standard is higher.

6.04 STRUCTURAL SOUNDNESS AND MAINTENANCE OF COMMERCIAL AND INDUSTRIAL STRUCTURES

Every foundation, floor, wall, ceiling, and roof of every commercial

and industrial structure shall be so constructed and maintained and be kept in good repair and in safe condition so as to make all occupied rooms and other interior areas weather-tight, water-tight, rodent proof, and so as to be fit for human use and so as to not adversely affect the neighborhood in which they are located. Good repair, maintenance, and safe condition shall include but is not limited to the following:

- A. General Maintenance. All exterior property and premises shall be maintained in a clean, safe, and sanitary condition. The owner, lessee, occupant, or person or entity having charge of the property shall keep all parts of the exterior property in a clean and sanitary condition. No premises shall be in a condition that constitutes a health hazard, safety hazard, or general nuisance.
- B. Protective Treatment. All exterior surfaces including, but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. All siding and masonry joints as well as those between the building envelope and the perimeter of windows, doors, and skylights shall be maintained weather resistant and water tight. All metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion and all surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.
- C. Foundations. Foundations shall support the building at all points and shall be free of all holes and cracks as to prevent rodents, water or dampness to the interior of the building or and any conditions tending to reduce the capability of the foundation to support the building.
- D. Exterior Walls and Surfaces. Exterior walls and other exterior surface materials shall be free of holes, cracks, loose or rotting boards and timbers or any other condition as to prevent rodents, rain, or dampness to the interior of the dwelling. All canopies, marquees, signs, awnings, exterior stairways, fire escapes, standpipes, exhaust ducts, porches, balconies, and similar overhanging extensions, and their supporting structures where exposed to public view, shall be maintained in good condition and shall not show evidence of ripping, tearing, or deterioration.

- E. Windows, Skylight, Doors and Frames. Windows shall be fully supplied with window glass or an approved substitute which is glazed and is without open cracks or holes, shall have sashes in good condition which fit within frames, be capable of being easily opened and held in position by hardware, and maintained so as to exclude adverse weather elements from entering the structure. Skylights, doors, and frames shall be kept in sound condition, good repair and weather tight.
- F. Exterior Doors. Doors shall be maintained so as to be structurally sound, fit within frames so as to be weatherproof, windproof, and water-proof and have hinges and latches which are in good working condition.
- G. Roof. Roof members, covering, and flashing shall be structurally sound and tight so as to prevent the entrance of moisture and be maintained by renewal, repair, waterproofing or other suitable means.
- H. Gutters and Roof Drains. Rain gutters, downspouts, leaders, or other means of water diversion shall be provided to collect/conduct, and discharge all water from the roof and maintained so as not to leak or cause dampness in the walls, ceiling, or basements or adversely affect adjacent properties. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions.
- I. Chimneys and Towers. All chimneys, cooling towers, smoke stacks, and similar appurtenances shall be maintained structurally safe and sound, and in good repair. All exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials such as paint or similar surface treatment.
- J. Porches, Decks, and Docks. Every porch, deck, or dock shall be constructed and maintained so as to be free of missing, defective, rotting or deteriorated foundations, supports, floors, other members, including steps, and kept in sound condition and in good repair.
- K. Exterior Surfaces. Except for materials that have been designed or manufactured to remain untreated, all exterior wood, composition, or metal surfaces shall be protected from the elements by paint or other protective covering. Surfaces shall be maintained so as to be kept clean and free of flaking, loose, or peeling paint or covering.

- L. Basement. Basement or cellar hatchways shall be so constructed and maintained as to prevent the entrance of rodents, rain, and surface drainage into the dwelling.
- M. Decorative Features. All cornices, entablatures, bell courses, corbels, terra cotta trim, wall facings, and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.
- N. Structural member. Any structural member of a structure which has become deteriorated or damaged to the extent that it does not serve the purpose as originally intended shall be renewed, restored, repaired, or replaced as is necessary to serve the purpose as originally intended.
- O. Overhang extensions. All overhang extensions including, but not limited to canopies, marquees, signs, awnings, fire escapes, standpipes and exhaust ducts shall be maintained in good repair and be properly anchored so as to be kept in a sound condition. When required, all exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.
- P. Sidewalks and driveways. All sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair and maintained free from hazardous conditions.
- Q. Building Security. Doors, windows, or hatchways for dwelling units shall be provided with devices designed to provide security for the occupants and property within.

6.05 PAINT AND COATING MATERIALS

All paint and other coating materials shall be free of dangerous substances banned from general use by authorized federal, state, county, or local regulatory agencies for health and safety reasons.

6.06 EXTERIOR PROPERTY AND STRUCTURE EXTERIORS

All buildings and the exterior of all premises shall be properly maintained to achieve a presentable appearance and to avoid blighting effects and hazardous conditions.

A. Exterior Space. The exterior open space around each structure shall be maintained or improved so as to provide for:

1. The immediate diversion of water away from buildings and proper drainage of the lot;
2. Grass, plantings, or other suitable ground cover to prevent soil erosion which is or may become detrimental to the structures, lot use or adjacent lots and structures; and
3. Sidewalks, walkways, parking areas, driveways and exterior steps which are of a permanently hard, dust free surface of sound construction, and properly maintained.

B. Buffer and Screening Requirements. When commercial or industrial property is being developed, and it abuts property zoned or used for residential purposes, a six-foot tall buffer shall be constructed of an appropriate mounding, fencing, or vegetative material, along the entire length of any abutting side or rear yard. Screen plantings shall have a minimum height of five feet and should be of such size, species, and spacing as can reasonably be expected to produce an opaque six-foot screen within three (3) years.

C. Vegetative Ground Cover Required. All green areas shall be graded and seeded with an all-season, well maintained vegetative ground cover.

D. Fences and Walls. All fences, retaining walls, or similar structures shall be anchored firmly in the ground, shall be constructed in a workmanlike manner and maintained in that same manner so that such approved fences, retaining walls, or similar structures shall always be in the state of good structural repair. If any fence, retaining wall, or similar structure is found not to be in the state of good structural repair, it shall be removed, replaced, or repaired, as required. Except when constructed of materials that have been designed or manufactured to remain untreated, all fences shall be treated periodically with paint or chemicals so as to retard deterioration.

Fences and/or walls shall be constructed of wood, iron, decorative aluminum, stone, brick, or decorative block. Retaining walls shall be constructed of stone, decorative wall systems, brick, or wood.

E. Yards. All yards, courts, and lots shall be kept free of noxious weeds, overgrown grasses, debris, and other materials which may cause a fire, health, safety hazard, or general unsightliness.

- F. Hazards. Hazards and unsanitary conditions shall be eliminated.
- G. Occupancy. No temporary buildings, trailers, recreational vehicles, tents, or garages shall be used temporarily or permanently as a residence during the course of construction.
- H. Grading. All premises shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of water thereon, or within any structure located thereon.
- I. Drainage. All portions of all premises shall be so graded that there is no pooling of water or recurrent entrance of water into any part of any building except where such pooling or retention of water is part of a plan approved by the County Engineer. All condensate and waste cooling water shall be appropriately discharged into an approved drainage system.
- J. Drainage Swales. Swales are to be maintained by the owners of the parcels on which they are located, and at no time will anyone plant trees and/or shrubs or discharge, empty, or place any material fill or waste into any swale so as to impede or divert drainage flow.
- K. Traffic Markings. All traffic markings such as directional arrows, lane division lines, parking space lines, or stop signs, etc., shall be maintained so as to be clearly visible and easily recognized.
- L. Conduct of Business.
1. All storage of trash and garbage containers and/or dumpsters shall be screened from view in a manner approved by the Enforcement Officer. All enclosures shall be maintained in good condition.
 2. All storage of materials, goods or products, including inoperable vehicles, shall be within a completely enclosed building except those businesses permitted or conditionally permitted to do so under the terms of the Hamilton County Zoning Resolution to conduct business or maintain outdoor storage of materials, goods, or products out-of-doors.
- M. Exterior Light Fixtures. Exterior lighting fixtures over steps, paths, walkways, courts, drives and parking lots shall be neatly maintained in operable condition and lighted for sufficient periods of time before and after business hours to provide for

pedestrian and employee safety and properly aimed so as not to shine on adjacent properties (per local zoning regulation).

- N. Driveways and Walkways. All driveways, walkways, stairs, parking spaces, and similar areas shall be kept in a proper state of repair, and maintained free from hazardous conditions.
- O. Rodent Harborage. All structures and exterior property shall be kept free from rodent harborage and infestation. Where rodents are found, they shall be promptly exterminated by approved processes which will not be injurious to human health. After extermination, proper precautions shall be taken to eliminate rodent harborage and prevent re-infestation.
- P. Mosquito Infestation. All structures and exterior property shall be kept free of the accumulation of stagnant water by any means, which may yield the potential for serving as a breeding ground for mosquitoes.

6.07 VEGETATION

- A. No person or entity owning, leasing, occupying, or having charge of land within the Township shall fail to keep such property free and clear of all noxious (brush, briars, burrs, vines, Russian thistle, Canadian thistle, common thistle, wild lettuce, wild mustard, wild parsnip, ragweed, ironweed, et. al.) weeds and rank vegetation or fail to cut all such weeds and vegetation on land owned or in his or her possession whenever such weeds or vegetation have grown to a height of eight (8) inches or more.
- B. In addition to the requirement of paragraph "A" hereof, no person shall permit any grass or weeds to grow to a height of eight (8) inches or more on any section of public right-of-way, including an easement area, contiguous to his or her property and on his or her property side of any pavement traveled by vehicles.
- C. No person or entity owning, leasing, occupying, or having charge of land within the Township shall permit trees, bushes, shrubs, or other growth to overhang or block any part of a sidewalk or unpaved but traveled portion of a street for a height of seven (7) feet above the surface, or any part of a paved street for a height of fourteen (14) feet above the surface.
- D. All plant materials, especially trees and shrubs, afflicted with decay, disease, insect infestation, or otherwise considered dangerous to other plant material shall be removed or

appropriately treated. All sound plant materials, especially trees and shrubs, shall be properly maintained and not be neglected.

6.08 STAIRWAYS

All exterior stairways on all commercial and industrial premises shall:

- A. Be maintained free of holes, grooves, and cracks which constitute a safety hazard;
- B. Be maintained free of rotted or deteriorated supports;
- C. Have treads of uniform width and risers of uniform height; and
- D. Stairway handrails and/or railings shall be firmly fastened and maintained in good condition. Where the absence of handrails and/or railings create a hazardous condition, the Enforcement Officer may require their installation in accordance with the provisions of the Hamilton County Building Code.

6.09 ACCESSORY STRUCTURES

All accessory structures, including signs and detached storage buildings, shall be structurally sound, neatly maintained, and in good repair or shall be razed to grade level and debris removed from the premises.

6.10 VEHICLES

Parking and/or storing of any vehicle on a lawn or dirt surface shall be prohibited. Except as provided for in other regulations, no inoperable vehicle shall be parked, kept or stored on any premises (pervious and/or impervious) in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. Painting of vehicles is prohibited unless conducted inside an approved spray booth. Semi-tractors and/or trailers, vehicles over one-ton capacity (16,000 lbs. Gross Vehicle Weight Rating), or any equipment customarily used for commercial or industrial purposes shall not be stored on any premises.

A vehicle of any type is permitted to undergo major overhaul, including body work, provided that such work is performed inside a structure or similarly enclosed area designed and approved for such purposes.

6.11 COMMERCIAL VEHICLE

No commercial or industrial vehicle over one (1) ton rated capacity and more than seven (7) feet in height, and not owned by or associated with an existing business on a subject property, may be parked on any commercial lot, except for commercial vehicles making service calls or deliveries to or from a subject property.

6.12 JUNK OR INOPERABLE VEHICLE

A. Storage of Junk or Inoperable Vehicle on Private Property. No junk, inoperable, or unlicensed vehicle shall be located on any commercial or industrial property, except when stored within a completely enclosed building or in a manner in conformance with the Hamilton County Zoning Resolution.

B. Parking of Junk or Inoperable Vehicle on Public Property. No junk or inoperable vehicle shall be located on any public property for a period in excess of twenty-four hours.

C. Impounding of Junk or Inoperable Vehicle. In addition to other remedies provided by law, the Enforcement Officer may order into storage any vehicle maintained in violation of any provision of this resolution. Prior to removal of any junk or inoperable vehicle, the Enforcement Officer shall photograph the junk or inoperable vehicle and record the make, model and serial number when available. The place of storage shall be designated by the Enforcement Officer.

D. Disposition of Junk or Inoperable Vehicles Ordered Into Storage. Any junk or inoperable vehicle ordered into storage that remains unclaimed for a period of thirty (30) days may be disposed of at a vehicle salvage dealer or scrap metal processing facility owned by or under contract with the Township for the disposal of such vehicles, or may be sold by the Township or licensed auctioneer at a public auction, after giving notice thereof by advertisement, published once a week for two successive weeks in a newspaper of general circulation in the Township. Any monies accruing from the disposition of an unclaimed vehicle that are in excess of the expenses resulting from the removal and storage of the vehicle shall be credited to the General Fund of the Township.

E. Towing and Storage Charge; Recovery of Impounded Vehicle. Upon proof of ownership, the owner of any junk or inoperable vehicle ordered into storage pursuant to this resolution may reclaim it upon payment of all expenses or charges incurred in

its removal.

6.13 DEFACEMENT OF PROPERTY

A. Prohibited Conduct.

1. No person shall inscribe, draw or otherwise place or cause to be placed, anything defacing the surface of any building, structure, wall or surface of other property, including, but not limited to sidewalks, walls, buildings, fences and signs, that are publicly or privately owned.
2. No parent or legal guardian shall knowingly permit any minor child in his or her custody to violate this section.
3. The parent or legal guardian of a minor defendant who resides with such parent or legal guardian at the time of the offense may be held liable for any penalty or condition of restitution or reparation imposed by a court upon a minor for violations of this section, provided that such minor has not paid such penalty or made restitution or reparation within the time ordered by the court, and further provided that such parent or legal guardian was served with the original summons or with notice of any subsequent proceedings arising therefrom.

B. Removal.

1. It shall be the duty of the owner, lessee, occupant, or person or entity having charge of any property or structure upon which anything defacing it is placed or made, to remove, eradicate or eliminate such defacement.

C. Removal by the Township.

1. If the owner, lessee, occupant, or person or entity having charge of private property fails to remove anything defacing the property and does not comply with the notices to remove such defacement within the timeframe specified by the Enforcement Officer, the Township shall remove or abate the item or thing defacing the owner's property and may employ the necessary labor to perform such task. All costs for removing or abating such defacement shall be recovered in the following manner:
 - a. The owner(s) shall be billed directly by certified mail deposited with the United States Post Office. In the event

the certified mail envelope is returned with endorsement showing that the envelope is unclaimed, then service shall be sent by ordinary mail and the mailing shall be evidenced by a certificate of mailing which shall be filed by the Enforcement Officer.

- b. If the costs are not so recovered within thirty (30) days of receipt of the mailing described in Section 4.13(B)(1), the Township may collect the cost in accordance with the Ohio Revised Code and/or assess the cost to the owner via liens approved the Township Trustees.

6.14 RUBBISH AND GARBAGE

- A. Accumulation, Dumping, Storing, and/or Burying of Rubbish or Garbage. All exterior property and premises, and the interior of every commercial or industrial structure, carport, deck, and patio shall be free from any accumulation, dumping, storing, and/or burying of rubbish and/or garbage, including, but not limited to tires, combustible and noncombustible waste materials, abandoned construction materials and debris, paper, rags, cartons, boxes, excelsior, rubber, leather, tin cans, metals, mineral matter, glass, crockery and dust, animal and vegetable waste, residue from burned materials, inoperable and broken appliances and business equipment, and other similar materials.
- B. Disposal of Rubbish/Garbage. Every owner, lessee, occupant, or person or entity having charge of a commercial or industrial structure shall dispose of rubbish/garbage in a clean and sanitary manner by placing such rubbish/garbage in approved containers.
- C. Rubbish/Garbage Storage Containers. The owner of occupied commercial or industrial premises shall supply approved covered containers for rubbish/garbage, and the owner, lessee, occupant, or person or entity having charge of the premises shall be responsible for the removal of rubbish/garbage.
- D. Container and/or Dumpster Enclosures. All storage of trash and garbage containers and/or dumpsters shall be effectively screened from view within an enclosure as approved by the Township. All enclosures shall be maintained in good condition.

6.15 SIGNAGE

- A. Prohibited and Obsolete Signs. All prohibited and obsolete signs as defined by the Hamilton County Zoning Resolution and signs with expired zoning permits shall be removed or replaced pursuant to the applicable sections of the Zoning Resolution or enforced consistent with the procedures of this Code.
- B. Sign Maintenance. All signage and incidental landscaping and/or lighting shall be maintained in good condition and shall not show evidence of deterioration. Neither lighting nor signage shall be permitted to be posted on trees or utility poles.
- C. Visibility Triangles. All signage shall be located outside of all visibility triangles at intersections and ingress/egress points, and shall not be located in such a manner as to constitute a traffic or safety hazard.