

**EXTERIOR PROPERTY MAINTENANCE CODE  
FOR  
SHAWNEE TOWNSHIP,  
ALLEN COUNTY, OHIO**

**EST. 2018**

**ARTICLE I**  
**PURPOSE**

**1.01 PURPOSE**

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

- 1) Establishing minimum standards for maintaining residential, commercial and industrial environmental quality to preserve and achieve 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, eliminating hazardous conditions;
- 2) Fixing the responsibilities of owners, operators and occupants of structures and their premises; and
- 3) Providing for administration, enforcement and penalties.

**ARTICLE II**  
**TITLE**

**2.01 TITLE**

This Code shall be known as "The Shawnee Township Exterior Property Maintenance Code," and is herein referred to as above, or as the "Exterior Property Maintenance Code," or, in context, as "this Maintenance 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:

- 1) Words used in the singular shall include the plural, and the plural the singular;
- 2) Words used in the present tense shall include the future tense;
- 3) Words in the masculine gender shall include the feminine and neuter;
- 4) The word "shall" is mandatory and not discretionary;
- 5) The word "may" is permissive;
- 6) The phrase "used for" shall include the phrases "arranged for," "designed for," "intended for," "maintained for," and "occupied for;"
- 7) The work "person" includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual;
- 8) 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.

**Accessory Utility Building:** A subordinate structure, located within a residential zoned parcel, on the same lot as the main building having a stone or non-permanent foundation. An accessory utility building shall have the same meaning as a garden shed, utility shed, or other mobile wooden structure. The use of which is subordinate to the use of the main building, and does not exceed 300 square feet, subject to appeal to the Board of Zoning Appeals.

**Accessory Out Building / Barn:** A subordinate structure, located on a lot within an Agricultural, Commercial, or Industrial zoned parcel, having a permanent foundation or non-permanent flooring. The construction of an Out-Building, is intended for storage of equipment, housing of animals or storage of food or fodder.

**Building Code:** The most current edition of the State of Ohio Building Code, or such other code as may be officially designated by the State of Ohio for the regulation of construction, alteration, addition, repair, removal, demolition, use, location, occupancy, and maintenance of all buildings and structures

**Dead of Dying Vegetation:** Vegetation shall be deemed dead or dying by reasonable standards by the Enforcement Officer unless the property owner can prove otherwise by a certified arborist.

**Exterior Property Areas:** Open space on the premises; on adjoining property under the control of owners or operators of such premises or being used by persons within public areas, such as alleys, parks, streets or other public spaces.

**Exterior Property Maintenance Code:** A code that establishes minimum standards for maintaining residential, commercial, and industrial environmental quality to preserve and achieve 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.

**Fence/Fencing:** A structure requiring a zoning permit; comprised of either wood, masonry, stone or wire mesh used for purposes of aesthetics, security or privacy.

**Garage, Private (Attached / Detached):** An accessory building or portion of a main building designed or used for the parking or temporary storage of motor vehicles owned or used by the occupants of the building to which it is an accessory. Not more than one (1) of such vehicles may be a commercial vehicle not exceeding one ton load limit (Example 3500 series vehicles).

**Inoperable Motor Vehicle:** A vehicle, including but not limited to cars, trucks, buses, trailers, and boats, shall be deemed inoperable vehicle whenever any of the following occur:

- A. The vehicle has remained in same or similar location for a minimum of thirty-(30) days or more;
- A. The vehicle is without a valid current registration and/or license plate;
- B. The vehicle is apparently inoperable;
- C. The vehicle is without fully inflated tires and/or has any type of support under it;
- D. The vehicle has a substantially damaged or missing window, windshield, door, motor, transmission, or other similar major part.

No person shall use any premises in any agricultural, residential, apartment, commercial or industrial district for the purpose of parking or keeping an inoperable motor vehicle except when ancillary to a specifically permitted use in a Commercial District. As used in this section, "keeping an inoperable motor vehicle" means and includes storing, maintaining, collecting, depositing, reserving, allowing to stand, or permitting to remain, one or more inoperable motor vehicles at any place other than in completely enclosed building or garage or suitable fencing and screening material.

**Junk:** Pursuant to Section 4737.05 (A) of the Ohio Revised Code means old or scrap copper, brass, rope, rags, trash, waste, batteries, paper, rubber, iron, steel, and other old or scrap ferrous or nonferrous materials, but does not include scrap tires as defined in section [3734.01](#) of the Revised Code.

**Junk Motor Vehicle:** In accordance with Ohio Revised Code Section 505.173 (Storage of junk motor vehicles), and notwithstanding sections [4513.60](#) to [4513.65](#) of the Revised Code, the board of township trustees may adopt resolutions as the board considers necessary to regulate the storage of junk motor vehicles on private or public property within the unincorporated area of the township. A "junk motor vehicle" means a motor vehicle that meets all of the following criteria:

- (1) Three model years old, or older;
- (2) Apparently inoperable;
- (3) Extensively damaged, including, but not limited to, any of the following: missing wheels, tires, engine, or transmission.

**Livestock:** Domesticated animals raised in an agricultural setting to produce commodities such as meat, milk, leather, and wool. The term is often used to refer solely to those raised for food, and sometimes only farmed ruminants, such as cattle, swine, and goats.

**Motor Vehicle:** Shall be as defined in Section 4501 (B) of the Ohio Revised Code.

**Noxious Weeds:** Any plant species defined by the Ohio Department of Agriculture as a noxious weed and listed as such by the Department. For the purposes of this regulation, most recent version of this list at the time of application of this regulation shall prevail.

**Nuisance:** Any offensive, annoying, unpleasant, or obnoxious activity or omission which results in such condition(s), that endangers life, health, gives offense to the senses, violates the laws of decency, or unreasonably obstructs, annoys or disturbs the reasonable and comfortable use by another of his property, and includes, but is not limited to, the following:

- (1) A physical condition, or use of any building, structure or premises regarded as public nuisance at common law;
- (2) Any physical condition, use or occupancy of any building, structure premises or its appurtenances considered an attractive nuisance to children, including but not limited to junk motor vehicles, abandoned wells, shaft, basements, excavations, abandoned refrigerators and unsafe fences or structures;
- (3) Any building, structure or premises which have unsanitary sewerage or plumbing facilities;
- (4) Any building, structure or premises which, by occasioning noxious exhalations or noisome or offensive smells, becomes injurious to the health, comfort or property of individuals or the public;
- (5) Any building, structure or premises which are manifestly capable of being a fire hazard, or are manifestly unsafe or insecure as to endanger life, limb or property;
- (6) Any building, structure or premises on which offal, filth, or noisome substances are collected or remain in any place to the damage or prejudice of others or of the public;
- (7) Any building, structure or premises which are unsanitary, or which are littered with rubbish, litter or garbage;
- (8) Any structure or building that is in a state of dilapidation, deterioration, decay or general neglect; faulty construction; overcrowded, open, vacant or abandoned; damaged by fire to the extent as not to provide shelter, in danger of collapse or failure and is dangerous to anyone on or near the premises;
- (9) The unlawful obstruction or impediment of the passage of any watercourse, stream or water, or the unlawful diversion of such watercourse from its natural course or state to the injury or prejudice of others;
- (10) The collection of stagnant water or putrid substances on any premises, or allowing any condition or obstruction that allows stagnant water to collect on private property;
- (11) The maintaining of a junk and / or inoperable motor vehicle; or
- (12) Weeds or grass growing on any premises at a height of eight (8) inches or higher, with exception to ornamental grasses, and landscaping grasses used as soft fencing.

**Owner:** Any person who is the owner of record as shown on the current tax list of the county auditor; the mortgage holder of record, if any, as shown in the mortgage records of the county recorder, and any purchaser under a land contract. "Owner" also means any person who has a freehold or lesser estate in the premises; a mortgagee or vendee in possession; or any person who has charge, care or control of the premises as agent, executor, administrator, assignee, receiver, trustee, guardian or lessee.

**Premises:** Premises shall include lands and all things of a permanent nature which may be appurtenant thereto.

**Public Way:** An alley, avenue, boulevard, bridge, channel, ditch, easement, express- way, freeway, highway, land, parkway, right-of-way, road, sidewalk, street, subway, tunnel, viaduct, walkway, bicycle path, or other ways in which the general public or a public entity have a right, or which are dedicated, whether improved or not.

**Rubbish:** Rubbish includes both combustible and non-combustible waste materials, car parts, motors, and abandoned appliances. 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 similar materials, as well as residue from the burning of wood, coal, and other combustible materials.

**Solid Waste:** In accordance with Ohio Revised Code, Section 3734.01; Unwanted residual solid or semisolid material as results from industrial, commercial, agricultural, and community operations, excluding earth or material from construction, mining, or demolition operations, or other waste materials of the type that normally would be included in demolition debris, nontoxic fly ash and bottom ash, including at least ash that results from the combustion of coal and ash that results from the combustion of coal in combination with scrap tires where scrap tires comprise not more than fifty per cent of heat input in any month, spent nontoxic foundry sand, nontoxic, nonhazardous, unwanted fired and unfired, glazed and unglazed, structural products made from shale and clay products, and slag and other substances that are not harmful or inimical to public health, and includes, but is not limited to, garbage, scrap tires, combustible and noncombustible material, street dirt, and debris. "Solid wastes" does not include any material that is an infectious waste or a hazardous waste.

**Structure:** Anything constructed, the use of which requires permanent location on the ground, or attachment to something having a permanent location on the ground. Without limitation on the foregoing, a structure shall include building, shelters, fences, walls, billboards, platforms, towers, advertising signs, and pergolas.

**Trailer:** Shall include and be defined by RC Sections 4501.01 (M), (N), and (P).

**Uncontrolled Vegetation:** Refers to grass, weeds and other uncontrolled vegetation that has exceeded permitted height requirements within a designated zoned district. Uncontrolled grass exceeding height limitations, weeds promulgating about the structure and perimeter and other uncontrolled vegetation such as briars, poison ivies, nuisance feral trees, and other related species are subject to control and management in accordance with Ohio Revised Code Section 505.87.

**Yard Waste Materials:** Shall mean leaves, grass clippings, brush, garden waste, tree trunks, Christmas/holiday trees, tree trimmings, pruning's and/or other similar vegetative matter, but does not include dirt, rocks, treated lumber or wood, or tree stumps.

**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 Shawnee Township used for human habitation, commercial purposes, 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, morals and 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 properly maintenance standards.

**4.02 COMPLIANCE REQUIRED**

Every portion of a structure 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 has been constructed, altered or repaired, or premises occupied, except as hereinafter provided.

**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, health, or other regulation, the provision of which establishes a higher standard for the promotion and protection of the safety and health, the conflicting provision shall prevail.

**4.04 EXISTING REMEDIES**

Nothing in this Exterior Property Maintenance Code shall be interpreted to abolish, impair, or prevent the execution of any existing remedies of Shawnee 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 portions shall continue in full force and effect, and to this end 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, ordinance, code or regulation existing prior to the effective date of this Exterior Property Maintenance Code, and any violation of such shall be governed and shall continue to be punishable to the full extent of the law under the provisions of those ordinances, codes or regulations in effect at the time the violation was committed.

**4.07 ENFORCEMENT OFFICERS**

A. Enforcement Officers. The Township Trustees shall assign the duties of administering and enforcing this External Maintenance Property Code to an Enforcement Officer. The Zoning Inspector shall fulfil the duties as the Enforcement Officer as outlined in this External Maintenance Property Code document. The Enforcement Officer may call upon any department, division or contractor of the Township for whatever assistance may be necessary to abate a violation of this Exterior Property Maintenance Code.

B. Liability. No officer, agent or employee of Shawnee 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 duties under this Code.

#### **4.08 ENFORCEMENT ACTION**

Enforcement action shall be in the best interest of the community. Any enforcement action will be based on a verbal or written complaint filed to the Enforcement Officer or Township Trustee(s) by a resident residing within the township. Anonymous complaints shall be handled on case by case basis with due consideration to the validity of the allegation(s) presented, nature and gravity of the violation, and proximity to the alleged violator to the complainant. Enforcement may also be initiated by the Enforcement Officer based on observations, with consideration to the flagrant nature of the violation, and / or the numbers of previous abatements, warnings or violation notices that have been issued to the property owner.

#### **4.09 INSPECTIONS**

The Enforcement Officer is authorized to make inspections of building exteriors and premises located within Shawnee Township for purposes of enforcing the provisions of this Exterior Property Maintenance Code.

#### **4.10 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, the nature of the violation, corrective action to be taken and when the violation needs to be timely corrected. If the Recipient fails to correct the violation within the allotted timeframe as indicated in the Courtesy Notice of Violation, then as part of progression, the offender shall be issued a Notice of Violation.

The Enforcement Officer shall have the right to forego issuing a Courtesy Notice of Violation and may proceed with the issuance of 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 appeal rights for the issuance of a Courtesy Notice of Violation.

##### **B. Notice of Violation.**

###### **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 as identified by the Allen County Auditor's Office, therefore and order compliance, as hereinafter provided. Such notice and order shall:

- 1) Be in writing;
- 2) Include a description of the real estate sufficient for identification;
- 3) Include a statement of the reason or reasons why it is being issued;
- 4) Include a correction order allowing a reasonable time for the repairs and improvements required to bring the property into compliance with the provisions of This Code; and
- 5) State the right of the violator to file an appeal of the notice with the Maintenance Code Appeals Board within ten (10) days of receipt of the notice.

##### **C. Service: A Notice of Violation shall be deemed properly served if one-(1) or more of the following methods are used:**

- 1) By personal delivery to the owner or occupant(s) of the premises, or by leaving the Notice at the premises with a person of suitable age and discretion; or
- 2) By certified mail, deposited in a United States Post Office, addressed to the person or persons responsible at his/their last known address according to Allen County Auditor's Office, 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
- 3) By posting a copy of the Notice form in a conspicuous place on the premises found in violation and publishing a legal notice one-(1) time in the Lima News newspaper of general circulation section. The legal notice shall identify the owners of the property, the last known address of the owner, the parcel identification, and the location and nature of the violation;
- 4) For a junk motor vehicle, as an addition or alternative to providing service as described above, enforcement officials may provide service by affixing a Notice of Violation in a conspicuous place to the exterior of the vehicle.

- 5) For vacant land parcels, notice may be provided by affixing a notice to stake / pole. A photograph with camera capable of recording the date and time of posting shall be utilized to document notice being provided to land owner.

**D. Extension of Compliance Deadline.**

For good cause shown, the Enforcement Officer 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 Enforcement Officer shall notify the Recipient of the extension in the same form and pursuant to the same method of service required by Section 4.10(C) 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.

**E. 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.

**4.11 EXTERNAL PROPERTY MAINTENANCE APPEALS BOARD**

**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 Board. For the purposes of this Code, the Shawnee Township Board of Zoning Appeals shall function as the Exterior Property Maintenance Code Appeals Board.

1) Procedure. Said Board may adopt rules of procedure not inconsistent with this Code. No member of the 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 Board in attendance at any meeting shall constitute a quorum.

2) Authority. The Board shall hear all appeals relative to the enforcement of this Code, and by a concurring vote of the majority of its members 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 such concurring votes shall be deemed a confirmation of the decision of the Enforcement Officer.

**B. Hearings.**

Any person affected by any 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 provided that such person shall file in the office of the Enforcement Officer an appeal on forms provided by the Township, and paid in full the applicable filing fee. The Board of Township Trustees shall determine the applicable filing fee for appeals.

The appeal shall be filed within ten (10) days after the date of the notice and order, revocation or denial of permit. Upon receipt of such a petition, the Appeals Board shall set a time and place for hearing before the Appeals Board and shall give the petitioner 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 petition was filed. At such hearing, the petitioner shall be given an opportunity to be heard and to show cause why any item appearing on such notice and order should be modified, or withdrawn. The failure of the petitioner or his representative to appear and state his case at such hearing shall have the same effect as if no petition were filed.

**C. Findings.**

Prior to sustaining any violation notice and compliance order, the Appeals Board shall make the following findings:

- 1) The violator was served with a Notice of Violation as provided for in Section 4.10.
- 2) The Notice of Violation that was served stated the specific nature of the violation; corrective action needed to be taken to abate the violation; and a specific time period for abatement of the violation.
- 3) Within the time period stipulated in the Notice of Violation, the violator failed to comply with the Notice of Violation by not abating the violation, and/or by not bringing the use into compliance with the Shawnee Township Exterior Property Maintenance Code.
- 4) Upon expiration of the date indicated for compliance in the Notice of Violation, the property was being maintained in violation of specific provisions of the Shawnee Township Exterior Property Maintenance Code and/or conditions imposed by the Appeals Board as a prerequisite to the modification of a previous compliance order.
- 5) A determination that a violation does exist on the property.



D. **Authority of Appeals Board.**

Within thirty (30) days of the close of the public hearing, the Appeals Board shall render a decision sustaining, modifying, or withdrawing any item appearing on the notice and order. The petitioner shall be notified in writing of such action.

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 Board. For the purposes of this Code, the Shawnee Township Board of Zoning Appeals (BZA) shall function as the Exterior Property Maintenance Code Appeals Board.

**4.12 PROSECUTION**

In case any violation order is not promptly complied with, the Enforcement Officer may request the Township Attorney to institute an appropriate action or proceeding at law to exact the penalty provided in Section 4.99 of this code. In addition thereto, may ask the Township Attorney to proceed at law or in equity against the person responsible for the violation for the purpose of ordering him/her to enjoin, correct or abate such violation. In addition, the Enforcement Officer may also present the non-compliance case to the Lima City Prosecutor's Office for additional action.

**4.13 ABATEMENT OF VIOLATION BY TOWNSHIP AND COST RECOVERY**

A. The imposition of the penalties herein prescribed shall not preclude the Shawnee Township Attorney 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 VIOLATION CITATION TAG**

Enforcement Officer(s) are authorized to use Violation Citation Tags for purposes of giving due notice and summons to persons responsible for violations of this Exterior Property Maintenance Code.

**A. Contents.** Violation Citation Tags shall be put in writing on an appropriate form, state the nature of the violation, refer to the section or sections of this Code that have been violated, identify the owner(s) and current mailing address of property owner(s) as indicated by the Allen County Auditor's Office, state the number of days to bring the violation into compliance as well as state the appropriate assessment associated with the particular violation.

**B. Voluntary Compliance.** After the Violation Citation Tag has been served on such person or persons named, there shall be a reasonable amount time to bring the violation into compliance. The number of days for correction shall be noted on the Violation Citation Tag. If the violation is corrected on or before the completion date, then the violation tag shall be withdrawn, no assessment imposed and no further action shall be taken.

**C. Notice and Future Violation.** The Violation Tag, as herein provided, shall be sufficient notice, summons, and legal service thereof for the purposes specified thereon; provided, however, that the use of such tags shall not prohibit the issuance of either additional Violation Tags or additional legal notices of violation in the event violations are continued or repeated.

**D. Payment of Assessment.** The person or persons named in the Violation Citation Tag shall pay the assessment to the Shawnee Township Fiscal Officer on or before the due date indicated on the Violation Citation Tag. Upon full payment of the assessment, within the time limit specified, no further action will be taken to prosecute the violation noted on the citation, provided remedial action, if necessary, is needed to be taken.

**E. Penalty Assessment.** When a violation citation tag has been issued pursuant to this section, and an amount established by the Township Trustees is hereby assessed on the violator. Failure to pay the assessment within a period of thirty (30) days after the date of service of the citation tag shall constitute a minor misdemeanor, punishable as provided in Section 4.99 of this resolution. Assessments may also be attached to the property taxes for the property in question if they are not paid within the period of thirty (30) days.

**F. Establishment of Fee Schedule by Township Trustees.** Prior to the issuance of any Violation Tag, the Board of Township Trustees shall adopt by resolution a Violation Citation Tag Assessment Fee Schedule. From time to time, and upon its own motion, said Township Trustees may modify the Violation Tag assessment fee schedule.

**G. 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.

#### **4.15 RULEMAKING AUTHORITY**

The Board of Township Trustees shall have power as may be necessary in the interest of public safety, health and general welfare, to adopt and promulgate rules and regulations to implement the provisions of this Code to secure the intent thereof and to designate requirements applicable because of local climatic or other conditions; but such rules shall not have the effect of waiving working stresses or fire protection requirements specifically provided in this Code or violating approved practice involving public safety.

#### **4.16 TRANSFER OF OWNERSHIP**

It shall be unlawful for the owner of any building or structure who has received a Notice of Violation or Violation Tag to sell, transfer, mortgage, lease or otherwise dispose of same to another until the provisions of the Notice of Violation or Violation Tag 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 an Enforcement Officer and shall furnish to the code official a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging 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.

#### **4.17 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., unavailable supplies, inclement weather, etc.), all construction work shall be diligently pursued to completion. Any construction project upon which there is 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. All construction projects and other improvement projects, including landscaping improvements, shall be completed within twelve (12) months from the date of the commencement of such construction project or improvement.

#### **4.18 IMPOUNDING OF JUNK MOTOR VEHICLES**

Notwithstanding other provision of this Code, an Enforcement Officer may order into storage any vehicle maintained in violation of any provision of this Code. Prior to removal of any junk motor vehicle, Enforcement Officials shall record the vehicle's make and model, when available, and designate the contract towing and storage yard location.

#### **4.19 VEGETATION AND WEED CUTTING**

- A. No person owning or being in possession of land within the Township shall fail to keep such property free and clear of all noxious weeds and rank vegetation, or fail to cut all such weeds and vegetation on land either owned or in their possession, whenever such weeds or vegetation have grown to a height of eight (8) inches or more.
- B. No person shall permit trees, bushes, shrubs, or other growth to overhang or block any part any part of a sidewalk, roadway, or fall within the road right of way at a height greater than seven-(7) feet as to constitute a visual and / or traffic hazard.

#### **4.20 PROCEDURES FOR GRASS & WEED CUTTING**

Whenever an Enforcement Officer determines there is a violation of Sections 4.19, A or B, notice shall be given as provided in Section 4.10 (Courtesy Notice of Violation or Notice of Violation). Notice of such violation shall be provided to the person or persons responsible for the property, as identified by the Allen County Auditor's Office. Such notice and order shall:

- 1) Be in writing;
- 2) Include a description of the real estate sufficient for identification;
- 3) Include a statement of the reason or reasons why it is being issued;
- 4) Include a correction order allowing a reasonable time for the abatement and control of overgrown vegetation, grass and noxious weeds located on the property and to bring the violation(s) into compliance with This Code; and;
- 5) Include statement that if the violation is not corrected by the date provided in the notice, that the Enforcement Officer may cause noxious weeds, rank vegetation, trees, or bushes to be cut and destroyed,
- 6) Include statement that at the completion of the grass cutting and weed abatement an invoice for all cost associated with this grass and weed abatement will sent to the owner of the property with payment due to Shawnee Township within thirty-(30) days. If payment is not received, all costs associated with the abatement will be assessed onto the home owners property tax duplicate.
- 7) State the right of the violator to file an appeal of the notice with the Maintenance Code Appeals Board within ten (10) days of receipt of the notice.

It shall be additionally permissible for the Enforcement Officer only to provide such notice to the person in charge of the property once annually. Notice shall be provided by certified mail to the owner of the property as identified by Allen County Auditor's Office, as well as an additional notice provided one-(1) time in the general circulation of the Lima News.

In the event the certified mail envelope is returned with an endorsement showing that the envelope has been unclaimed, then service shall be sent by ordinary mail and the mailing shall be evidenced by a certificate of mailing filed by the Enforcement Officer, thereby permitting all subsequent enforcement actions in a given year to be undertaken without notice.

#### **4.21 FAILURE TO COMPLY WITH NOTICE TO CUT WEEDS, RANK VEGETATION, TREES OR BUSHES**

In addition to other remedies provided for in this Code, upon expiration of the Notice of Violation, an Enforcement Officer may cause noxious weeds, rank vegetation, trees, or bushes to be cut and destroyed, with all costs thereof billed to the property owner, to include any administrative fees as set by the Shawnee Board of Township Trustees.

If billed costs are not recovered within thirty (30) days of receipt of the mailing described in Section 4.12, the Township may collect the cost in accordance with the Ohio Revised Code, Section 505.87 as an assessment upon the tax duplicate of the property.

Should the owner of the property, refuse to comply with the notice to cut weeds, rank and uncontrolled vegetation, trees, or bushes as well as refuse to allow Shawnee Township Officials to abate the violation on the property, the Enforcement Officer shall refer the matter to the Township Attorney for further action or recommendation.

#### **4.22 PERIODIC REVIEW**

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

#### **4.99 PENALTIES AND FINES**

A. No person shall violate any provisions of, or fail to conform to, the requirements of this Exterior Property Maintenance Code, nor fail to comply with any order made there under.

B. Any person, firm or corporation who violates this Exterior Property Maintenance Code or fails to comply with any of its requirements shall be fined the maximum allowable pursuant to Section 519.99 of the Ohio Revised Code or in such statute as it may hereafter be amended.

C. Any person, firm, or corporation who is issued a Violation Citation shall be assessed in the following amounts:

1. In the amount of fifty dollars (\$50.00) for the first offense;
2. In the amount of one hundred dollars (\$100.00) for the second offense;
3. In the amount of two hundred fifty dollars (\$250.00) for the third offense;
4. In the amount of five hundred dollars (\$500.00) for the fourth offense;
5. In the amount of one thousand dollars (\$1000.00) for the fifth and any subsequent offense.

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

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. Nothing in this Exterior Property Maintenance Code shall be deemed to abolish, impair or prevent other additional remedies as provided by law. In the event of a violation of any provision or requirement of this Resolution, or in the case of imminent threat of such violation, the Enforcement Officer, the Prosecuting Attorney of Allen County, or the owner of any neighboring property who would be especially damaged by such violation, may seek an injunction, abatement, or other appropriate action to prevent, remove, abate, enjoin, or terminate such violation.

D. The application of the penalty provided in subsection B, hereof shall not be held to prevent the enforced removal of prohibited conditions.

**ARTICLE V**  
**RESIDENTIAL EXTERIOR PROPERTY MAINTENANCE STANDARDS**

**5.01 APPLICATION OF MAINTENANCE STANDARDS**

**A. Scope**

The provisions of this chapter shall govern the minimum conditions and the responsibilities of persons for maintenance of structures, equipment and exterior property.

**B. Responsibility**

The "owner" of the premises shall maintain the structures and exterior property 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 chapter. 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.

**5.02 STRUCTURAL SOUNDNESS AND MAINTENANCE OF DWELLINGS**

All foundations, exterior walls, and the roofs of every dwelling shall be so constructed and maintained, and shall 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, fit for human habitation, and kept so as not to adversely affect the neighborhood in which they are located. Good repair, maintenance, and safe conditions shall include, but not be limited to, the following:

- 1) Foundations. Foundations shall support the building at all points and shall be free of holes and cracks which may admit rodents, water, or dampness to the interior of the building, or which may lessen the capability of the foundation to support the building.
- 2) 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, water, or dampness to the interior of a dwelling.
- 3) Windows. Windows shall be fully supplied with window glass or an approved substitute which is glazed and without open cracks or holes. Sashes shall be in good condition, properly fitted within frames, capable of being easily opened and held in position by hardware, and shall be maintained so as to exclude adverse weather elements from entering the structure.
- 4) 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 shall be provided with door hinges and door latches which are in good working condition.
- 5) Roof. Roof members, roof coverings, and flashing shall be structurally sound and tight so as to prevent the entrance of moisture, and shall be maintained by renewal, repair, waterproofing or other suitable means. Roof drainage shall be adequate to prevent rain water from causing dampness within the building.
- 6) Gutters. Rain gutters, downspouts, leaders or other means of water diversion shall be provided to collect, conduct, and discharge all water from the roof, and such appurtenances shall be maintained so as not to leak or cause dampness in the walls, ceiling, or basements or adversely affect adjacent properties.
- 7) Chimneys. Chimneys shall be free of cracks, holes, missing portions and mortar, and shall be maintained in sound condition.
- 8) Porch. Every porch shall be so constructed and maintained so as to be free of missing, defective, rotted, or deteriorated foundations, supports, floors, railings, and steps thereto, so as to be safe to use, and porch elements shall be kept in sound condition and in good repair.
- 9) 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.

- 10) Exterior Surfaces. Except for materials that have been designed 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 and loose or peeling paint.
- 11) Basement. Basement or cellar hatchways shall be so constructed and maintained as to prevent the entrance of rodents, rain, and surface drainage into a dwelling.
- 12) Swimming Pools: All Seasonal, Above Ground, and In-Ground Swimming Pools shall be properly maintained and chemically treated to prevent the infestation of insects, reptiles, amphibious and aquatic life, animals, rodents and vermin infestation. Access to swimming pools, including but not limited to access to decking surrounding a swimming pool areas shall be controlled in such manner as to prevent accidental falls and drowning. Use shall include but not limited to safety ladders, locking gates, electronic pool covers, or applicable fencing/walls.
- 13) Fences/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.

### **5.03 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.

### **5.04 PROPERTY AND STRUCTURE EXTERIORS**

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

- A. Exterior Space. The exterior open space around every dwelling shall be improved and maintained 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;
  - 3) Walks, parking areas, and driveways of either concrete, asphalt, pavers, or a similar surface, all of 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. Maintenance. The exterior of all premises and every structure thereon, including but not limited to walls, roofs, cornices, chimneys, drains, towers, porches, landings, stairs, signs, windows, doors, awnings, swimming pools, fences, and all surfaces thereof, shall be maintained so as to avoid any blighting effects on neighboring properties, and shall be painted or protected where necessary for purposes of preservation. All canopies, signs, awnings, exterior stairways, exhaust ducts, porches, all swimming pools, fences, decks, 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.
- C. Yards. All yards, courts, and lots shall be kept free of overgrown grasses, debris, and other materials which may cause a fire, health, safety hazard, or general unsightliness.
- D. Hazards. Hazards and unsanitary conditions shall be eliminated.
- E. Occupancy. No temporary buildings, trailers, recreational vehicles, tents, garages, barns or similar abodes shall be used either temporarily or permanently as a residence during the course of construction on a site or for any other reason.
- F. Storage. Except as provided for in other regulations of the Township, outdoor exposed storage of junk, garbage, refuse, or debris of any kind shall be not permissible. The dismantling of used vehicles for sale, salvage or storage purposes shall not be permissible.

- G. Drainage. All portions of premises shall be graded so 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. Drainage shall not be diverted, channeled or increased onto adjacent property owner's property, as to cause damage. Water from downspouts shall be appropriately discharged ten (10) feet from private property into an approved drainage system. The water from sump pumps and pools shall be appropriately discharged fifteen (15) feet from private properties.
- H. Drainage Swales. Swales are to be maintained by owners of the parcels on which they are located. At no time shall shrubs and/or trees be planted; nor shall any material, fill or waste be discharged, emptied, or placed into any swale so as to divert or impede drainage flow. Small swales can be mowed as part of the yard. Larger swales, in meadow situations, should be mowed less frequently in order to allow taller grasses to grow in order to retard runoff and prevent erosion. Swales in woodland areas shall be left in their natural condition, leaving understory growth to retard runoff and prevent erosion.
- I. Junk, Inoperable or Unlicensed Vehicle. No junk, inoperable, or unlicensed vehicle shall be located on any residential property or public property, or in violation of applicable zoning district regulations except when stored within a completely enclosed building, or completely fenced and screened from view. The accumulation or storage of junk, junk vehicles, disabled or inoperative machinery or equipment, vehicles or machinery parts, rags, or any other discarded objects or debris defined as junk in Section 4737.05(A) of the Ohio Revised Code or in such statute as it may hereafter be amended shall be prohibited outside of a completely enclosed roofed facility or outside of an existing registered, approved salvage yard, in order to protect residents from conditions conducive to the infestation and breeding of vermin, insects, and rodents.
- J. Off Street Parking. Parking and/or storing of any motor vehicle(s) on a front lawn shall be prohibited within a residential area when such parking causes obvious damage to the front lawn area which affects the aesthetics of neighboring properties, promotes the over growth of grass, weeds, and vegetation or is parked in same or similar location for more than seven-(7) days.
- K. Parking and Storage. No commercially licensed vehicles in excess of one (1) ton load-rating shall be parked or stored on any property or upon a public roadway within a residential zoning district other than in a completely enclosed building, except those commercial vehicles conveying the necessary tools, materials, and equipment to a premises where labor using such tools, materials, and equipment is to be performed during the actual time of parking.

## **5.05 VEGETATION**

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.

- a. Vegetation Cutting Required. All grass, weeds or rank vegetation (excluding ornamental or decorative grasses) shall be periodically cut throughout the growing season, and in no case shall exceed a height of eight (8) inches.
- b. Maintenance of Plantings. 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 no evident signs of neglect.
- c. Vegetation in Right of Way / Visual Obstruction. 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, roadway, or fall within the roadway. The township shall have the authority to remove said vegetation should it constitutes a hazard to persons walking or vehicular traffic utilizing the roadway.

## **5.06**    **STAIRWAYS**

- A. Exterior Stairways. Exterior stairways on all residential premises shall be kept in accordance with the following provisions:
- 1) Stairways shall be maintained free of holes, grooves, and cracks which constitute a safety hazard;
  - 2) Stairways shall be maintained free of rotted or deteriorated supports;
  - 3) Stairways shall have treads of uniform width and risers of uniform height; and
  - 4) Stairway handrails and/or railings shall be firmly fastened and maintained in good condition. Where the absence of handrails and/or railings creates a hazardous condition, an Enforcement Officer may require installation in accordance with the provisions of the STEP MC.

## **5.07**    **SWIMMING POOLS, SPAS AND HOT TUBS**

- A. Permanent Swimming Pools: Permanent swimming pools shall be maintained in a clean and sanitary condition and be maintained in good condition.
- B. Temporary Seasonal Swimming Pools: Temporary swimming pools are permitted between May 1st to October 31<sup>st</sup> - if less than 15' feet in diameter. Pools shall be drained, disassembled and secured. Seasonal Temporary Swimming Pools in excess of 15' feet in diameter are exempt from permitted time period and shall be required to meet the same permitting requirements and safety precautions as a permanent above ground swimming pool.
- C. Spas and Hot Tubs: Spas and hot tubs must be maintained in a clean and sanitary condition and be maintained in good condition.

## **5.08**    **ACCESSORY STRUCTURES**

Structures accessory to dwellings, including detached garages, storage and utility sheds shall be structurally sound, neatly maintained, and in good repair, or such accessory structures shall be razed to grade level and the resulting debris removed from the premises.

## **5.09**    **VACANT STRUCTURES AND LAND**

All vacant structures and their premises or vacant land shall be maintained in a clean, safe and secure condition including:

A. Vacant land and vacant lots shall be maintained including the upkeep of residential landscape beds and all other ornamental vegetation. Grass on vacant land and lots shall be periodically cut a minimum of three-(3) times a year during the growing season, and within the months of May, July, September and in no case shall exceed a height of eight (8) inches.

B. Structures shall be secured and maintained in good condition.

C. Lots shall be maintained free of debris, junk, refuse and litter.

## **5.10**    **INOPERABLE AND JUNK MOTOR VEHICLES**

### **A. Junk and Inoperable Motor Vehicles on Private Property:**

1. No person, legal entity, corporation, or non-profit/not for profit organization shall cause or permit to be allowed any inoperable, disabled, abandoned, unlicensed, and/or scrapped motor vehicle and/or junk motor vehicle as defined by Ohio Revised Code 4513.63(B) to (E), or any parts thereof to be kept or stored upon any lot or land designated within the unincorporated areas of Shawnee Township, regardless of land use, classification, or business conducted for a period of thirty-(30) days if such vehicle is subject to public view and / or access.

a. Exception will be an approved motor vehicle salvage yard or motor vehicle recycler yards, which shall be located in the Industrial / Manufacturing District of the Township. Said Motor Vehicle Salvage, Motor Vehicle Recycler Yards and Business Owner shall have current and valid licensure through the Auditor's Office of the State of Ohio, and a valid Vendor or Business License through the Allen County Auditor's Office. Said yards shall be properly fenced to prevent view from adjoining property owners.



2. The Enforcement Officer may send Violation Citation Tag by certified mail, return receipt requested, to the person having right to the possession of the property on which an inoperable, disabled, abandoned, unlicensed, scrapped, and or junk motor vehicle is kept or stored, that within ten-(10) days of receipt of the Violation Citation Tag, the inoperable, disabled, abandoned, unlicensed, scrapped, and/or junk motor vehicle shall be completely concealed from public view, which shall be accomplished either by means of buildings, including being housed in a garage, or other suitable completely enclosed structure, or by fences, terrain, or other suitable screening (including vegetation, so long as concealment is not effected by seasonal changes in the type of vegetation relied upon) from all sides of the property, or removed completely from the property. In no event shall concealment be construed as being satisfied by use of car covers, tarps, or other similar materials.

3. For the purposes of this Section, the fact the vehicle is left is prima-facie evidence of a willful failure to comply with the Violation Citation Tag. Each inoperable, disabled, abandoned, unlicensed, scrapped, and/or junk motor vehicle so left constitutes a separate offense. If the inoperable, disabled, abandoned, unlicensed, scrapped, and/or junk motor vehicle is so left after three-(3) consecutive ten-(10) day periods, the Board of Township Trustees or Enforcement Officer (Zoning Authority) shall serve written notice of its intention to remove or cause the removal of the vehicle on the owner of the land and any holders of liens of record on the land.

**B. Junk and Inoperable Motor Vehicles on Public Property:**

1. No person, legal entity, corporation, or non-profit / not for profit organization shall cause or permit to be allowed any inoperable, disabled, abandoned, unlicensed, and / or scrapped motor vehicle and / or junk motor vehicle as defined by Ohio Revised Code 4513.63(B) to (E), or any parts thereof to be kept or stored upon any public street, or other property open to the public for the purposes of public travel or parking, or upon or within the right of way of any road or highway for a period of seventy-two-(72) hours without the permission of the person having the right to the possession of the property, or on a public street or other property open to the public for purposes of vehicular travel or parking, or upon or within the right-of-way of any road or highway, for forty-eight hours or longer. For purposes of this section, the fact that a motor vehicle has been so left without permission or notification is prima-facie evidence of abandonment.

2. The Enforcement Officer may send Violation Citation Tag by certified mail, return receipt requested, to the person having right to and ownership of the inoperable, disabled, abandoned, unlicensed, scrapped, and or junk motor vehicle is kept or stored, that within ten-(10) days of receipt of the Violation Citation Tag, the inoperable, disabled, abandoned, unlicensed, scrapped, and/or junk motor vehicle shall be removed from the public street or other property open to the public for purposes of vehicular travel or parking or upon or within the right of way of any road or highway.

3. For the purposes of this Section, the fact the vehicle is left is prima-facie evidence of a willful failure to comply with the Violation Citation Tag. Each inoperable, disabled, abandoned, unlicensed, scrapped, and/or junk motor vehicle so left constitutes a separate offense. If the inoperable, disabled, abandoned, unlicensed, scrapped, and/or junk motor vehicle is so left after three-(3) consecutive ten-(10) day periods, the Board of Township Trustees or Enforcement Officer (Zoning Authority) shall serve written notice of its intention to remove or cause the removal of the vehicle on the owner of the land and any holders of liens of record on the land.

**C. Notice for Removing Junk and Inoperable Motor Vehicles from Private or Public Property:**

1. The owner of the land as well as lien holder of record of the land shall be provided thirty-(30) calendar days to remove said vehicle(s) or enter into a written agreement with the board of township trustees a plan of action for the removal or storage of said junk motor vehicle(s). The notice provided shall generally describe the vehicle(s) to be removed as well as indicating all of the following:

- (a) The Enforcement Officer or Board of Township Trustees has determined that the vehicle is a junk and /or inoperable motor vehicle;
- (b) If the owner of the land fails to remove the vehicle within thirty days after service of the notice, the Enforcement Officer or Board of Township Trustees may remove or cause the removal of the vehicle;
- (c) Any expenses the board incurs in removing or causing the removal of the vehicle may be entered upon the tax duplicate and become a lien upon the land from the date of entry.
- (d) The board shall serve the notice under this division by sending it by certified mail, return receipt requested, to the owner of the land, if the owner resides in the unincorporated territory of the township or if the owner resides outside the unincorporated territory of the township and the owner's address is known or ascertainable through an exercise of reasonable diligence.

- e) The board also shall send notice in such manner to any holders of liens of record on the land. If a notice is sent certified mail is refused or unclaimed, or if an owner's address is unknown and cannot reasonably be ascertained by an exercise of reasonable diligence, the board shall publish the notice once in a newspaper of general circulation in the township before the removal of the vehicle, and, if the land contains any structures, the board also shall post the notice on the principal structure on the land.
- f) A notice sent by certified mail shall be deemed to be served for purposes of this section on the date it was received as indicated by the date on a signed return receipt. A notice given by publication shall be deemed to be served for purposes of this section on the date of the newspaper publication.
- g) The board of township trustees may pursue any remedy provided by law, including instituting an action for injunction, mandamus, or abatement, fine, or property assessment or any other appropriate action or proceeding to prohibit the storage of junk motor vehicles in violation of this resolution.
- h) If the Enforcement Officer or Board of Township Trustees determines that abatement and removal of the junk and / or inoperable motor vehicle(s) is required, the board of township trustees may cause the removal or may employ the labor, materials, and equipment necessary to remove a junk motor vehicle under this section.
- i) All expenses incurred in removing or causing the removal of a junk or inoperable motor vehicle, when approved by the board, shall be paid out of the township general fund from moneys not otherwise appropriated, except that if the expenses exceed five hundred dollars, the board may borrow moneys from a financial institution to pay the expenses in whole or in part.

**D. Procedures for the Removal of Junk and Inoperable Motor Vehicles from Private or Public Property:**

1. The Board of Trustees shall enter into a contract with a licensed motor vehicle salvage dealer. This shall be any person who engages in business primarily for the purpose of selling salvage motor vehicle parts and secondarily for the purpose of selling at retail salvage motor vehicles or manufacturing or selling a product of gradable scrap metal, or scrap processing facility. This being an establishment having facilities for processing iron, steel, nonferrous scrap and whose principal product is scrap iron and steel or nonferrous scrap for sale for re-melting purposes for the disposal or removal of the junk vehicle.
2. The Fiscal Officer, for the Board of Trustees shall prepare an affidavit which shall describe the junk motor vehicle, the manner of removal or disposal of said junk motor vehicle, and also include within the affidavit that the notice and search requirements of Ohio Revised Code, Section 4501.101 have been met by the facility which is holding the junk motor vehicle.
3. Notice shall be though certified mail service, return receipt requested, to the last known address of any owner and any lienholder of the motor vehicle. In order to determine the last known address of any owner, and any potential lienholders, it is the responsibility of the salvage dealer or scrap metal processing facility to search the records through the Bureau of Motor Vehicles.
  - a. Any notice given to a lienholder by the salvage dealer or scrap metal processing facility shall include (1) Where the Junk Motor Vehicle is located, and (2) The value of the Junk Motor Vehicle.
  - b. The Fiscal Officer shall create three-(3) originals of the affidavit, each containing original signatures.
4. The Board of Trustees shall maintain one affidavit for record and will give remaining two original affidavits, containing original signatures, to the motor vehicle salvage dealer or scrap metal processing facility.
5. The salvage dealer or scrap metal processing facility will then file one original affidavit to the Clerk of Courts, and keep the other copy for their own records.
6. Within 30 days, after the affidavit is filed, with the Clerk of Courts, the Clerk will then issue the salvage certificate of title, which will be free and clear of all liens and encumbrances, no later than 30 days after the salvage dealer or scrap metal processing facility presents the affidavit to the Clerk of Courts.

**E. Penalty Assessment for Junk and Inoperable Motor Vehicles:**

1. When a violation citation tag has been issued pursuant to this section, an amount established by the Township Trustees is shall hereby be assessed no more than Fifty-(\$50.00) dollars per vehicle for the first offense and no more than one-hundred (\$100.00) per vehicle for each subsequent separate offense. Failure to pay the assessment within a period of thirty (30) days after the date of service of the citation tag shall constitute a minor misdemeanor, punishable as provided in Section 4.99 of this resolution. Assessments may also be attached to the property taxes for the property in question.
2. Any inoperable motor vehicle or junk motor vehicle ordered into storage that remains unclaimed for a period of thirty (30) days may be disposed of at a motor vehicle salvage dealer or scrap metal processing facility owned by or under contract with the township for the disposal of such motor 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 moneys accruing from the disposition of an unclaimed motor 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.
3. Towing and Storage Charge; Recovery of Impounded Vehicle. The owner of any inoperable or junk vehicle order into storage pursuant to this resolution may reclaim it upon payment of any expenses or charges incurred in its removal, as well as upon presentation of proof of ownership, which shall be evidenced by a certificate of title to the motor vehicle.

**5.11 JUNK, RUBBISH, GARBAGE AND DEBRIS ACCUMULATION**

The accumulation of Junk, Garbage, Refuse and other forms of debris is not permissible. Said items pose a risk to the health and safety of residents and adjacent property owners by harboring insects, animals, rodents and vermin. The home occupant and / or property owner is responsible for the care and maintenance of a property as to ensure junk, rubbish, garbage and other forms of discarded debris do not accumulate.

**5.12 MOTOR VEHICLES**

**A. Commercial Vehicles**

No commercial vehicle in excess of one (1) ton rating (Example 3500 series) shall be parked or stored on any property within a Residential District except in a completely enclosed building. The said prohibited use shall include semi-tractors, commercial business trucks, commercial buses, house trailers, or semi-trailers, except those commercial vehicles conveying the necessary tools, materials, and equipment to a premise where labor using such tools, materials, and equipment is to be performed during the actual time of parking.

**B. Trailers and Recreational Vehicles.**

1. No licensed and operable commercial dual axel trailer, single axel utility trailer, watercraft/trailer, camping or recreational vehicles, equipment shall be parked on a public roadway or within the road right of way at any time for more than 24 hours.
2. Single and/or dual axel trailers, dump trailers, vehicle hauling trailers, utility, watercraft, boats, campers, mobile RV's, recreation trailers shall be parked along the side or rear yard of the principal residence.
3. The parking or storing of any recreation vehicle or any trailer in any accessory building or in a side or back yard, but not the front yard, shall be permitted in any district, provided no living quarters shall be maintained nor any business conducted in such vehicle unless otherwise stated by Subdivision Covenants and Restrictions.
4. The period of time a recreation vehicle or trailer is permitted to remain on/at a residential property, other than for parking or storing of the vehicle relates to a temporary time period such as or the preparation of the vehicle for off-site usage and the cleaning of the vehicle upon returning. This temporary time period that the vehicle is permitted to remain on the property which shall be substantially present or located thereon shall not exceed forty-eight (48) hours.

### **5.13 POULTRY AND ANIMAL HUSBANDRY**

A. The keeping and rearing of poultry, waterfowl, farm, and ranch animals to include but not limited to chickens, roosters, ducks, turkey, geese, ducks, rabbits, goats, swine, alpaca, llamas, cattle, horses, mules, buffalo, shall not be permissible within residential zoned locations on lots less than one-(1) acre.

1. A temporary exemption may apply for 4H or school related projects. Documentation from the 4H Project Manager, or School Principal shall be required outlining breed of animals or poultry, quantity, duration of the project to include start as well as completion date.

B. In accordance with Ohio Revised Code, Section 519.21 Dairying and animal and poultry husbandry on lots greater than one acre but not greater than five acres when at least thirty-five per cent of the lots in the subdivision are developed with at least one building, structure, or improvement that is subject to real property taxation or that is subject to the tax on manufactured and mobile homes under section [4503.06](#) of the Revised Code. After thirty-five per cent of the lots are so developed, dairying and animal and poultry husbandry shall be considered nonconforming use of land and buildings or structures pursuant to section [519.19](#) of the Revised Code.

C. All animal waste shall be suitably disposed of as to prevent objectionable odors, infestation of insects, vermin or rodents.

D. Within residential parcels less than one-(1) acre, any loud, offensive, or objectionable noises, calls or other disturbing actions shall be kept to minimum and not be unreasonable in nature.

E. Repeated violations of section 5.13 (B), (C), or (D) of this Code shall warrant referral to the Board of Trustees for review and consideration for a declaration of public nuisance. The Board of Township Trustees may declare the owner's property a nuisance and penalties shall be consistent with Section 4.10(E) and/or 4.99 of this Code.

### **5.14 BURNING OF RUBBISH, TRASH, OR DEBRIS**

The outside burning of trash, rubbish or other objectionable debris is not permissible within a residential zoned district. Residual debris from open trash, rubbish, or leaf burning shall be contained in a location or receptacle to prevent dispersion to adjoining properties. This does not include small residential fire pits, camp fires, or other wood burning receptacle use.

### **5.15 DISPOSAL OF YARD WASTE MATERIALS**

A. Yard waste materials placed at the curbside for collection and removal are the responsibility of the owner, the agent of the owner, or the person in control of the premises. Yard waste materials from a dwelling shall not be co-mingled with other waste.

B. Yard waste materials set out for separate collection must comply with all of the following:

1. The yard waste materials shall not be co-mingled with any non-yard waste materials unless specifically authorized by the Shawnee Township Road Superintendent.

2. Yard waste materials, such as leaves, twigs, limbs, and branches shall be placed at the curbside or along the road right of way, within the frontage area of the residence. Yard waste shall not be placed in the public street, or roadway as to pose a hazard to vehicles or others walking in the immediate area.

3. Yard waste materials shall be prepared for set out in a manner that does not pose a risk of injury to the person who collects it and that complies with one of the following criteria:

a. Leaves may be placed in properly secured and closed bags not exceeding 40 pounds each.

b. Tree limbs shall be placed along curb edge or road right away in bundle(s) no greater than three-(3) inches in width as to accommodate township equipment. Tree limbs exceeding 3 inches in width, as well as logs, stumps, dead shrubs, and other large dead vegetation shall be the responsibility of the owner to request special arrangements with the township road supervisor for pick up and removal.

## ARTICLE VI

### COMMERCIAL & INDUSTRIAL EXTERIOR PROPERTY MAINTENANCE STANDARDS

#### **6.01 GENERAL PROVISIONS**

A. Every commercial structure, commercial unit, industrial structure, and industrial unit 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 these codes require the provision of a particular facility or equipment, or where they set a structural or installation standard, such related parts of every commercial structure, commercial unit, industrial structure, and 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.

B. The following commercial and industrial exterior property maintenance standards are applicable to all commercial structures, commercial units, industrial structures, industrial uses, and portions of mixed use structures which are devoted to commercial & industrial use, including all exterior and structural requirements, soundness and maintenance.

#### **6.02 STRUCTURAL SOUNDNESS AND MAINTENANCE OF DWELLINGS**

All foundations, exterior walls, and the roofs of every dwelling shall be so constructed and maintained, and shall 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, fit for human habitation, and kept so as not to adversely affect the neighborhood in which they are located. Good repair, maintenance, and safe conditions shall include, but not be limited to, the following:

- 1) Foundations. Foundations shall support the building at all points and shall be free of holes and cracks which may admit rodents, water, or dampness to the interior of the building, or which may lessen the capability of the foundation to support the building.
- 2) 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, water, or dampness to the interior of a dwelling.
- 3) Windows. Windows shall be fully supplied with window glass or an approved substitute which is glazed and without open cracks or holes. Sashes shall be in good condition, properly fitted within frames, capable of being easily opened and held in position by hardware, and shall be maintained so as to exclude adverse weather elements from entering the structure.
- 4) 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 shall be provided with door hinges and door latches which are in good working condition.
- 5) Roof. Roof members, roof coverings, and flashing shall be structurally sound and tight so as to prevent the entrance of moisture, and shall be maintained by renewal, repair, waterproofing or other suitable means. Roof drainage shall be adequate to prevent rain water from causing dampness within the building.
- 6) Gutters. Rain gutters, downspouts, leaders or other means of water diversion shall be provided to collect, conduct, and discharge all water from the roof, and such appurtenances shall be maintained so as not to leak or cause dampness in the walls, ceiling, or basements or adversely affect adjacent properties.
- 7) Chimneys. Chimneys shall be free of cracks, holes, missing portions and mortar, and shall be maintained in sound condition.
- 8) Porch. Every porch shall be so constructed and maintained so as to be free of missing, defective, rotted, or deteriorated foundations, supports, floors, railings, and steps thereto, so as to be safe to use, and porch elements shall be kept in sound condition and in good repair.
- 9) 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.
- 10) Exterior Surfaces. Except for materials that have been designed 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 and loose or peeling paint.

- 11) Basement. Basement or cellar hatchways shall be so constructed and maintained as to prevent the entrance of rodents, rain, and surface drainage into a dwelling.
- 12) Traffic Markings. All traffic markings such as directional arrows, lane division lines, parking space lines, stop signs, etc., shall be maintained so as to be clearly visible and easily recognized.
- 13) Fences/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.

### **6.03 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.

### **6.04 PROPERTY AND STRUCTURE EXTERIORS**

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

- A. Exterior Space. The exterior open space around every dwelling shall be improved and maintained 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;
  - 3) Walks, parking areas, and driveways of either concrete, asphalt, pavers, or a similar surface, all of 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. Maintenance. The exterior of all premises and every structure thereon, including but not limited to walls, roofs, cornices, chimneys, drains, towers, porches, landings, stairs, signs, windows, doors, awnings, swimming pools, fences, and all surfaces thereof, shall be maintained so as to avoid any blighting effects on neighboring properties, and shall be painted or protected where necessary for purposes of preservation. All canopies, signs, awnings, exterior stairways, exhaust ducts, porches, all swimming pools, fences, decks, 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.
- C. Yards. All yards, courts, and lots shall be kept free of overgrown grasses, debris, and other materials which may cause a fire, health, safety hazard, or general unsightliness.
- D. Hazards. Hazards and unsanitary conditions shall be eliminated.
- E. Occupancy. No temporary buildings, trailers, recreational vehicles, tents, garages, barns or similar abodes shall be used either temporarily or permanently as a residence during the course of construction on a site or for any other reason.
- F. Storage. Except as provided for in other regulations of the Township, outdoor exposed storage of junk, garbage, refuse, or debris of any kind shall be not permissible. The dismantling of used vehicles for sale, salvage or storage purposes shall not be permissible.
- G. Drainage. All portions of premises shall be graded so 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. Drainage shall not be diverted, channeled or increased onto adjacent property owner's property, as to cause damage. Water from downspouts shall be appropriately discharged ten (10) feet from private property into an approved drainage system. The water from sump pumps and pools shall be appropriately discharged fifteen (15) feet from private properties.

- H. Drainage Swales. Swales are to be maintained by owners of the parcels on which they are located. At no time shall shrubs and/or trees be planted; nor shall any material, fill or waste be discharged, emptied, or placed into any swale so as to divert or impede drainage flow. Small swales can be mowed as part of the yard. Larger swales, in meadow situations, should be mowed less frequently in order to allow taller grasses to grow in order to retard runoff and prevent erosion. Swales in woodland areas shall be left in their natural condition, leaving understory growth to retard runoff and prevent erosion.
- I. Junk, Inoperable or Unlicensed Vehicle. No junk, inoperable, or unlicensed vehicle shall be located on any residential property or public property, or in violation of applicable zoning district regulations except when stored within a completely enclosed building, or completely fenced and screened from view. The accumulation or storage of junk, junk vehicles, disabled or inoperative machinery or equipment, vehicles or machinery parts, rags, or any other discarded objects or debris defined as junk in Section 4737.05(A) of the Ohio Revised Code or in such statute as it may hereafter be amended shall be prohibited outside of a completely enclosed roofed facility or outside of an existing registered, approved salvage yard, in order to protect residents from conditions conducive to the infestation and breeding of vermin, insects, and rodents.
- J. Conduct of Business.
  - 1) All storage of trash and garbage containers and/or dumpsters shall be effectively screened from view in a manner approved by the Enforcement Officer.
  - 2) All storage of materials, goods or products, including inoperable vehicles, shall be within a completely enclosed building. EXCEPTION: Those businesses which are permitted or conditionally permitted under the terms of the Shawnee Township Zoning Resolution to conduct business or maintain outdoor storage of materials, goods or products out-of-doors are accepted from compliance with this and subparagraph.
- K. 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.
- L. 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 working hours to provide for pedestrian and employee safety and properly aimed so as not to shine on adjacent properties (per local zoning regulation).

## **6.05 VEGETATION**

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.

- a. Vegetation Cutting Required. All grass, weeds or rank vegetation (excluding ornamental or decorative grasses) shall be periodically cut throughout the growing season, and in no case shall exceed a height of eight (8) inches.
- b. Maintenance of Plantings. 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 no evident signs of neglect.
- c. Vegetation in Right of Way / Visual Obstruction. 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, roadway, or fall within the road right of way, at a height greater than seven-(7) feet as to constitute a visual and / or traffic hazard.

## **6.06 STAIRWAYS**

- A. Exterior Stairways. Exterior stairways on all residential premises shall be kept in accordance with the following provisions:
  - 1) Stairways shall be maintained free of holes, grooves, and cracks which constitute a safety hazard;
  - 2) Stairways shall be maintained free of rotted or deteriorated supports;
  - 3) Stairways shall have treads of uniform width and risers of uniform height; and
  - 4) Stairway handrails and/or railings shall be firmly fastened and maintained in good condition. Where the absence of handrails and/or railings creates a hazardous condition, an Enforcement Officer may require installation in accordance with the provisions of the STEP/MC.

**6.07 SWIMMING POOLS, SPAS AND HOT TUBS**

- A. Commercial Swimming Pools: Permanent commercial swimming pools shall be maintained in a clean and sanitary condition and be maintained in good condition.
- B. Spas and Hot Tubs: Spas and hot tubs must be maintained in a clean and sanitary condition and be maintained in good condition.

**6.08 ACCESSORY STRUCTURES**

Structures accessory to dwellings, including detached garages, storage and utility sheds shall be structurally sound, neatly maintained, and in good repair, or such accessory structures shall be razed to grade level and the resulting debris removed from the premises.

**6.09 VACANT STRUCTURES AND LAND**

All vacant structures and their premises or vacant land shall be maintained in a clean, safe and secure condition including:

A. Vacant land and vacant lots shall be maintained including the upkeep of residential landscape beds and all other ornamental vegetation. Grass on vacant land and lots shall be periodically cut a minimum of three-(3) times a year during the growing season, and within the months of May, July, September and in no case shall exceed a height of eight (8) inches.

B. Structures shall be secured and maintained in good condition.

C. Lots shall be maintained free of debris, junk, refuse and litter.

**6.10 INOPERABLE AND JUNK MOTOR VEHICLES**

**A. Junk and Inoperable Motor Vehicles on Private Property:**

1. No person, legal entity, corporation, or non-profit/not for profit organization shall cause or permit to be allowed any inoperable, disabled, abandoned, unlicensed, and/or scrapped motor vehicle and/or junk motor vehicle as defined by Ohio Revised Code 4513.63(B) to (E), or any parts thereof to be kept or stored upon any lot or land designated within the unincorporated areas of Shawnee Township, regardless of land use, classification, or business conducted for a period of thirty-(30) days if such vehicle is subject to public view and / or access.

a. Exception will be an approved motor vehicle salvage yard or motor vehicle recycler yards, which shall be located in the Industrial / Manufacturing District of the Township. Said Motor Vehicle Salvage, Motor Vehicle Recycler Yards and Business Owner shall have current and valid licensure through the Auditor's Office of the State of Ohio, and a valid Vendor or Business License through the Allen County Auditor's Office. Said yards shall be properly fenced to prevent view from adjoining property owners.

2. The Enforcement Officer may send Violation Citation Tag by certified mail, return receipt requested, to the person having right to the possession of the property on which an inoperable, disabled, abandoned, unlicensed, scrapped, and or junk motor vehicle is kept or stored, that within ten-(10) days of receipt of the Violation Citation Tag, the inoperable, disabled, abandoned, unlicensed, scrapped, and/or junk motor vehicle shall be completely concealed from public view, which shall be accomplished either by means of buildings, including being housed in a garage, or other suitable completely enclosed structure, or by fences, terrain, or other suitable screening (including vegetation, so long as concealment is not effected by seasonal changes in the type of vegetation relied upon) from all sides of the property, or removed completely from the property. In no event shall concealment be construed as being satisfied by use of car covers, tarps, or other similar materials.

3. For the purposes of this Section, the fact the vehicle is left is prima-facie evidence of a willful failure to comply with the Violation Citation Tag. Each inoperable, disabled, abandoned, unlicensed, scrapped, and/or junk motor vehicle so left constitutes a separate offense. If the inoperable, disabled, abandoned, unlicensed, scrapped, and/or junk motor vehicle is so left after three-(3) consecutive ten-(10) day periods, the Board of Township Trustees or Enforcement Officer (Zoning Authority) shall serve written notice of its intention to remove or cause the removal of the vehicle on the owner of the land and any holders of liens of record on the land.



**B. Junk and Inoperable Motor Vehicles on Public Property:**

1. No person, legal entity, corporation, or non-profit / not for profit organization shall cause or permit to be allowed any inoperable, disabled, abandoned, unlicensed, and / or scrapped motor vehicle and / or junk motor vehicle as defined by Ohio Revised Code 4513.63(B) to (E), or any parts thereof to be kept or stored upon any public street, or other property open to the public for the purposes of public travel or parking, or upon or within the right of way of any road or highway for a period of seventy-two-(72) hours without the permission of the person having the right to the possession of the property, or on a public street or other property open to the public for purposes of vehicular travel or parking, or upon or within the right-of-way of any road or highway, for forty-eight hours or longer. For purposes of this section, the fact that a motor vehicle has been so left without permission or notification is prima-facie evidence of abandonment.

2. The Enforcement Officer may send Violation Citation Tag by certified mail, return receipt requested, to the person having right to and ownership of the inoperable, disabled, abandoned, unlicensed, scrapped, and or junk motor vehicle is kept or stored, that within ten-(10) days of receipt of the Violation Citation Tag, the inoperable, disabled, abandoned, unlicensed, scrapped, and/or junk motor vehicle shall be removed from the public street or other property open to the public for purposes of vehicular travel or parking or upon or within the right of way of any road or highway.

3. For the purposes of this Section, the fact the vehicle is left is prima-facie evidence of a willful failure to comply with the Violation Citation Tag. Each inoperable, disabled, abandoned, unlicensed, scrapped, and/or junk motor vehicle so left constitutes a separate offense. If the inoperable, disabled, abandoned, unlicensed, scrapped, and/or junk motor vehicle is so left after three-(3) consecutive ten-(10) day periods, the Board of Township Trustees or Enforcement Officer (Zoning Authority) shall serve written notice of its intention to remove or cause the removal of the vehicle on the owner of the land and any holders of liens of record on the land.

**C. Notice for Removing Junk and Inoperable Motor Vehicles from Private or Public Property:**

1. The owner of the land as well as lien holder of record of the land shall be provided thirty-(30) calendar days to remove said vehicle(s) or enter into a written agreement with the board of township trustees a plan of action for the removal or storage of said junk motor vehicle(s). The notice provided shall generally describe the vehicle(s) to be removed as well as indicating all of the following:

- (a) The Enforcement Officer or Board of Township Trustees has determined that the vehicle is a junk and /or inoperable motor vehicle;
- (b) If the owner of the land fails to remove the vehicle within thirty days after service of the notice, the Enforcement Officer or Board of Township Trustees may remove or cause the removal of the vehicle;
- (c) Any expenses the board incurs in removing or causing the removal of the vehicle may be entered upon the tax duplicate and become a lien upon the land from the date of entry.
- (d) The board shall serve the notice under this division by sending it by certified mail, return receipt requested, to the owner of the land, if the owner resides in the unincorporated territory of the township or if the owner resides outside the unincorporated territory of the township and the owner's address is known or ascertainable through an exercise of reasonable diligence.
- (e) The board also shall send notice in such manner to any holders of liens of record on the land. If a notice is sent certified mail is refused or unclaimed, or if an owner's address is unknown and cannot reasonably be ascertained by an exercise of reasonable diligence, the board shall publish the notice once in a newspaper of general circulation in the township before the removal of the vehicle, and, if the land contains any structures, the board also shall post the notice on the principal structure on the land.
- (f) A notice sent by certified mail shall be deemed to be served for purposes of this section on the date it was received as indicated by the date on a signed return receipt. A notice given by publication shall be deemed to be served for purposes of this section on the date of the newspaper publication.
- (g) The board of township trustees may pursue any remedy provided by law, including instituting an action for injunction, mandamus, or abatement, fine, or property assessment or any other appropriate action or proceeding to prohibit the storage of junk motor vehicles in violation of this resolution.

- (h) If the Enforcement Officer or Board of Township Trustees determines that abatement and removal of the junk and / or inoperable motor vehicle(s) is required, the board of township trustees may cause the removal or may employ the labor, materials, and equipment necessary to remove a junk motor vehicle under this section.
- (i) All expenses incurred in removing or causing the removal of a junk or inoperable motor vehicle, when approved by the board, shall be paid out of the township general fund from moneys not otherwise appropriated, except that if the expenses exceed five hundred dollars, the board may borrow moneys from a financial institution to pay the expenses in whole or in part.

**D. Procedures for the Removal of Junk and Inoperable Motor Vehicles from Private or Public Property:**

1. The Board of Trustees shall enter into a contract with a licensed motor vehicle salvage dealer. This shall be any person who engages in business primarily for the purpose of selling salvage motor vehicle parts and secondarily for the purpose of selling at retail salvage motor vehicles or manufacturing or selling a product of gradable scrap metal, or scrap processing facility. This being an establishment having facilities for processing iron, steel, nonferrous scrap and whose principal product is scrap iron and steel or nonferrous scrap for sale for re-melting purposes for the disposal or removal of the junk vehicle.
2. The Fiscal Officer, for the Board of Trustees shall prepare an affidavit which shall describe the junk motor vehicle, the manner of removal or disposal of said junk motor vehicle, and also include within the affidavit that the notice and search requirements of Ohio Revised Code, Section 4501.101 have been met by the facility which is holding the junk motor vehicle.
3. Notice shall be though certified mail service, return receipt requested, to the last known address of any owner and any lienholder of the motor vehicle. In order to determine the last known address of any owner, and any potential lienholders, it is the responsibility of the salvage dealer or scrap metal processing facility to search the records through the Bureau of Motor Vehicles.
  - a. Any notice given to a lienholder by the salvage dealer or scrap metal processing facility shall include (1) Where the Junk Motor Vehicle is located, and (2) The value of the Junk Motor Vehicle.
  - b. The Fiscal Officer shall create three-(3) originals of the affidavit, each containing original signatures.
4. The Board of Trustees shall maintain one affidavit for record and will give remaining two original affidavits, containing original signatures, to the motor vehicle salvage dealer or scrap metal processing facility.
5. The salvage dealer or scrap metal processing facility will then file one original affidavit to the Clerk of Courts, and keep the other copy for their own records.
6. Within 30 days, after the affidavit is filed, with the Clerk of Courts, the Clerk will then issue the salvage certificate of title, which will be free and clear of all liens and encumbrances, no later than 30 days after the salvage dealer or scrap metal processing facility presents the affidavit to the Clerk of Courts.

**E. Penalty Assessment for Junk and Inoperable Motor Vehicles:**

1. When a violation citation tag has been issued pursuant to this section, an amount established by the Township Trustees is shall hereby be assessed no more than Fifty-(\$50.00) dollars per vehicle for the first offense and no more than one-hundred (\$100.00) per vehicle for each subsequent separate offense. Failure to pay the assessment within a period of thirty (30) days after the date of service of the citation tag shall constitute a minor misdemeanor, punishable as provided in Section 4.99 of this resolution. Assessments may also be attached to the property taxes for the property in question.
2. Any inoperable motor vehicle or junk motor vehicle ordered into storage that remains unclaimed for a period of thirty (30) days may be disposed of at a motor vehicle salvage dealer or scrap metal processing facility owned by or under contract with the township for the disposal of such motor 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 moneys accruing from the disposition of an unclaimed motor 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.

3. Towing and Storage Charge; Recovery of Impounded Vehicle. The owner of any inoperable or junk vehicle order into storage pursuant to this resolution may reclaim it upon payment of any expenses or charges incurred in its removal, as well as upon presentation of proof of ownership, which shall be evidenced by a certificate of title to the motor vehicle.

**6.11 JUNK, RUBBISH, GARBAGE AND DEBRIS ACCUMULATION**

The accumulation of Junk, Garbage, Refuse and other forms of debris is not permissible. Said items pose a risk to the health and safety of residents and adjacent property owners by harboring insects, animals, rodents and vermin. The home occupant and / or property owner is responsible for the care and maintenance of a property as to ensure junk, rubbish, garbage and other forms of discarded debris do not accumulate.

**6.12 BURNING OF RUBBISH, TRASH, OR DEBRIS**

The outside burning of trash, rubbish or other objectionable debris is not permissible within a residential zoned district. Residual debris from open trash, rubbish, or leaf burning shall be contained in a location or receptacle to prevent dispersion to adjoining properties. This does not include small residential fire pits, camp fires, or other wood burning receptacle use.

**6.13 DISPOSAL OF YARD WASTE MATERIALS**

A. Yard waste materials placed at the curbside for collection and removal are the responsibility of the owner, the agent of the owner, or the person in control of the premises. Yard waste materials from commercial or industrial property shall not be co-mingled with other waste.

B. Yard waste materials set out for separate collection must comply with all of the following:

1. The yard waste materials shall not be co-mingled with any non-yard waste materials unless specifically authorized by the Shawnee Township Road Superintendent.

2. Yard waste materials, such as leaves, twigs, limbs, and branches shall be placed at the curbside or along the road right of way, within the frontage area of the residence. Yard waste shall not be placed in the public street, or roadway as to pose a hazard to vehicles or others walking in the immediate area.

3. Yard waste materials shall be prepared for set out in a manner that does not pose a risk of injury to the person who collects it and that complies with one of the following criteria:

- a. Leaves may be placed in properly secured and closed bags not exceeding 40 pounds each.
- b. Tree limbs shall be placed along curb edge or road right away in bundle(s) no greater than three-(3) inches in width as to accommodate township equipment. Tree limbs exceeding 3 inches in width, as well as logs, stumps, dead shrubs, and other large dead vegetation shall be the responsibility of the owner to request special arrangements with the township road supervisor for pick up and removal.