

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

ADOPTED  
SEPTEMBER 10, 2018

AMENDED – RESOLUTION #10-19  
JANUARY 14, 2019

Trustee Spieles  
Trustee Seddelmeyer  
Trustee Belton

ARTICLE I  
PURPOSE

34.1 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

34.2 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

34.3 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 word "person" includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual;
- 8) The word "dwelling" includes the word "residence."

34.4 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 a total of 300 square feet.

**Accessory Use or Accessory:** A use which is clearly incidental to, customarily found in connection with, and located on the same zoning lot, unless otherwise specified, as the principal use to which it is related: When “accessory” is used in this text, it shall have the same meaning as accessory use.

- a. Residential accommodations for servants and/or caretakers.
- b. Swimming pools for the use of the occupants of a residence, or their guests.
- c. Domestic or agricultural storage in a barn, shed, tool room, or similar accessory building or other structure.
- d. A newsstand primarily for the convenience of the occupants of a building, which is located wholly within such building and has no exterior signs or displays.
- e. Storage of merchandise normally used in or produced in connection with a business or industrial use, unless such storage is excluded in the applicable district regulations.
- f. Accessory off-street parking spaces, open or enclosed, subject to the accessory off-street parking regulations for the district in which the lot is located.
- g. Uses clearly incidental to a main use such as but not limited to: offices of an industrial or commercial complex located on the site of the commercial or industrial complex.
- h. Accessory off-street loading, subject to the off-street loading regulations for the district in which the lot is located.
- i. Accessory signs, subject to the sign regulations for the district in which the lot is located.

**Agriculture:** The use of land, in accordance with Section 303.01 of the Ohio Revised Code, includes farming; ranching; algaculture meaning the farming of algae; aquaculture; apiculture; horticulture; viticulture; animal husbandry, including, but not limited to, the care and raising of livestock, equine, and fur-bearing animals; poultry husbandry and the production of poultry and poultry products; dairy production; the production of field crops, tobacco, fruits, vegetables, nursery stock, ornamental shrubs, ornamental trees, flowers, sod, or mushrooms; timber; pasturage; any combination of the foregoing; and the processing, drying, storage, and marketing of agricultural products when those activities are conducted in conjunction with, but are secondary to, such husbandry or production.

**Alteration, Structural:** Any change or replacement which would tend to prolong the life of the supporting or structural members of any building or structure, such as bearing walls, columns, joists, beams, girders, floor construction, etc.

**Animal Shelter:** A facility that houses homeless, lost or abandoned animals; primarily a large variety of dogs and cats. The animal is kept at the shelter until it is either reclaimed by an owner, adopted to a new owner, placed with another organization, or euthanized.

**Appeal:** A request for a review of the interpretation of any provision of this External Property Maintenance Code and Zoning Resolution by the External Property Code Appeals Board or Board of Zoning Appeals.

**Board of Zoning Appeals:** The Board of Zoning Appeals in Shawnee Township as established by this Resolution and pursuant to Section 519.04 of the Ohio Revised Code or in such statute may hereafter be amended.

**Buffer Screening Area:** An area planted with a dense planting of hedge and/or evergreen plants, shrubs, trees, or suitable fencing materials, the purpose of which is to screen and soften the effects of adjacent land uses. Vegetation used shall be on a maturity of not less than three (3) years, not less than six (6) feet in height, and shall be so planted with regard to individual plants in order to provide that the branches thereof shall interlock and shall be maintained in good condition and appearance.

**Building:** Any structure constructed or used for residential, business, industrial or other public or private purposes, or accessory thereto, and including tents, lunch wagons, dining cars, trailers, billboards, signs or similar structures whether stationary or movable located either under or above the surface of the ground.

**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.

**Camp, Public:** Any area or tract of land used or designed to accommodate two (2) or more automobile house trailers, tents, cabins or other camping outfits.

**Camper:** Refer to Ohio Revised Code 4501.01 (A). and Ohio Revised Code 4501 (Q).

**Campground:** Collectively means a combined park-camp, recreation camp, recreational vehicle park and temporary campground unless otherwise specifically identified.

**Commercial Zoning District(s)” or “Commercial District(s):** One or more of the following conventional zoning districts identified in this zoning resolution: B-I, B-II, B-III, or B-IV.

**Commercial Vehicle:** Any vehicle used or designed to be used for business or commercial purposes and includes, but is not necessarily limited to: a bus, cement truck, commercial tree-trimming equipment, construction equipment; dump truck, garbage truck, panel truck, semi-tractor, semi-trailer, stake bed truck, step van, tank truck, tar truck, or other commercial type vehicle licensed by the Ohio State Bureau of Motor Vehicles as a commercial vehicle or truck.

**Condominium:** A form of real property ownership under which each owner has an individual ownership interest in a unit with the right to exclusive possession of that unit and an undivided ownership interest with the other unit owners in the common elements of the condominium property. (Ohio Revised Code 5311.01K abridged)

**Construction:** The erection of a new structure, as compared with alteration.

**Customary Home Occupation:** See home occupation.

**Days:** Days, as used in this Resolution, are Calendar Days, unless otherwise defined.

**Demolition Materials:** Materials from construction operations and from demolition operations including, but not limited to, those items that are affixed to a structure, including driveways and highways being constructed or demolished, such as brick, concrete, asphalt, asphalt products, stone, glass, metal, wallboard, framing and finished lumber, roofing materials, wiring and insulation materials.

**Dwelling:** Any building or structure (except travel trailers, motor homes, truck campers, park trailers, fifth wheel trailers, semi-trailer cab as defined by Section 4501.01 of the Ohio Revised Code or in such statute as it may hereafter be amended) which is wholly or partly used or intended to be used for living or sleeping by one (1) or more human occupants.

**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.

**Factory-built Housing:** A factory-built structure designed for long-term residential use, the components of which are essentially constructed or assembled prior to its delivery to and installation upon a site. For the purposes of this Resolution, "factory-built housing" shall include the following:

**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).

**Grade:** The amount of rise or descent of a sloping land surface, usually measured as a percent where the numbered percent represents the amount of vertical rise or fall, in feet, for every one hundred (100') horizontally. For example, a one-foot (1') foot vertical rise over one hundred feet (100') represents a one-(1%) percent slope

**Hazardous Wastes:** Materials as are described in Section 3734.01(J) of the Ohio Revised Code or in such statute as it may hereafter be amended.

**Historical Designation:** A reference to the prior municipal corporation limits of the Village of Ft. Shawnee on the date of dissolution.

**Industrial / Manufacturing Zoning District(s):** Any of the following zoning districts identified in this zoning resolution as "I".

**Inoperable Motor Vehicle:** Inoperable Motor Vehicle shall be defined as a motor vehicle that has remained in the same or similar location for a period of thirty-(30) days or more and said vehicle(s) are parked in the open, not concealed completely in an enclosed structure, garage or other acceptable completely enclosed building or by fences, terrain, or other suitable screening. In addition, the inoperable motor vehicle shall exhibit any one-(1) of the additional elements.

- a. The motor vehicle is without a license plate, or the motor vehicle's license plate has been expired for a period of more than three-(3) months;

- b. Grass, weeds, vegetation, or other forms of debris has grown or is located around the wheels, wheel wells or body frame of the motor vehicle substantiating the vehicles inoperability;
- c. The motor vehicle is without substantial components, including but not limited to windshield, side or back window, wheel rim(s), tire(s), door, fender, headlamp, engine, hood, muffler, transmission, or other similar major parts;
- d. The motor vehicle lacks the required safety equipment; and is apparently unsafe or hazardous to persons inside or outside the motor vehicle;
- e. The motor vehicle is without fully inflated tire(s), and / or has any type of support under it, example lift jack or bricks; or other means of physical support;
- f. The motor vehicle is apparently inoperable to the ordinary observer;
- g. The motor vehicle is substantially wrecked, severely damaged or damaged beyond economic repair.

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 4738.05 (A) of the Ohio Revised Code or in such statute as may hereafter be amended, junk as used in this Resolution shall be deemed to be any personal property which is bought, bartered, acquired, possessed, collected, accumulated, dismantled, sorted or stored for reuse or resale such as, but not limited to: salvage metal, metal alloys, metal compounds and combinations, used or salvaged fabric, bags, paper, rags, glass or any latex or plastic product, used or salvaged motor vehicles which are primarily used for parts or scrap metal and similar or related articles or property.

**Junk Motor Vehicle:** Pursuant to Section 4513.63 of the Ohio Revised Code or in such statute as may hereafter be amended, junk motor vehicle as used in this Resolution shall mean any motor vehicle three (3) years old or older, extensively damaged, including but not limited to missing wheels, motor or transmission and apparently inoperable whether or not the vehicle has a valid motor vehicle registration. In addition, the motor vehicle is apparently inoperable and has remained in the same or similar location for a period of thirty-(30) days or more as documented by a camera capable recording the date on photograph.

**Junk Yard or Commercial Salvage Yard:** Pursuant to Section 4513.63 of the Ohio Revised Code or in such statute as may hereafter be amended, any area where waste, discarded or salvaged materials are bought, sold, exchanged, baled, packed, disassembled or handled, including auto wrecking yards, house wrecking yards, used lumber yards and places or yards for storage of salvaged house wrecking and structural steel materials and equipment, but not including areas where such uses are conducted entirely within a completely enclosed building, and not including establishments for the sale, purchase or storage of used furniture and household equipment, used cars in operable condition, salvaged machinery, and the processing of used, discarded or salvaged materials as part of manufacturing operations.

**Kennel, Commercial:** Any lot or premise on which three (3) or more dogs, or cats or other household pets are either permanently or temporarily boarded for remuneration.

**Landscaping:** The improvement of a lot, parcel, or tract of land with grass and shrubs and/or trees. Landscaping may include pedestrian walks, flowerbeds, ornamental objects such as fountains, statuary, and other similar natural and artificial objects designed and arranged to produce an aesthetically pleasing effect.

**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.

**Manufactured Home:** A building unit or assembly of closed construction that is fabricated in an off-site facility and constructed in conformance with the federal construction and safety standards established by the secretary of housing and urban development pursuant to the "Manufactured Housing Construction and Safety Standards Act of 1974," 88 Stat. 700, 42 U.S.C.A. 5401, 5403 and that has a permanent label or tag affixed to it, as specified in 42 U.S.C.A. 5415, certifying compliance with all applicable federal construction and safety standards.

**Manufactured Home Pad:** A portion of a manufactured home site that is designed, constructed, and improved in such a manner as to provide a base upon which a manufactured home shall rest, and which also serves as a base upon which blocks or other materials are placed to assist in leveling the floor of the manufactured home and provide a temporary type of foundation.

**Manufactured Home Park:** One or more contiguous parcels of land under a single management which have been designed and developed in such a manner as to provide individual manufactured home sites for one or more manufactured homes for specific residential use. The term manufactured home park shall mean the same as a trailer park, trailer court, or trailer camp; however, only mobile homes or trailers with the HUD certification shall be located therein.

**Mobile Home:** A building unit or assembly of closed construction that is fabricated in an off-site facility, is more than thirty-five (35) body feet in length or, when erected on site is three hundred twenty (320) or more square feet, is built on a permanent chassis, is transportable in one or more sections, and does not qualify as a manufactured home as defined in division (C) (4) of Section 3781.06 of the Ohio Revised Code or as an industrialized unit as defined in division (C) of Section 3781.06 of the Ohio Revised Code.

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

**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, 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.

**Open Spaces:** An area substantially open to the sky which may be on the same lot with a building. The area may include, along with the natural environmental features, water areas, and any other recreational facilities that the Zoning Commission deems permissive. Streets, parking areas, structures for habitation, and the like shall not be included.

**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.

**Park:** A public, private and/or commercial area which is to be used for recreational purposes.

**Person:** Any natural person, firm, partnership, association, corporation, or other legal entity, private or public, whether for profit or not-for-profit.

**Pond:** A body of water usually smaller than a lake. Various pond designations are addressed in this resolution.

**Porch / Deck:** A roofed, open structure projecting from the front, side or rear wall of the building without any enclosed features of glass, wood or other material, except screens and support structures.

**Poultry:** Domesticated fowl, such as chickens, turkeys, ducks, or geese, raised for meat or eggs.

**Principal Building: (Main Building)** A building in which is conducted the main or principal use of the lot on which said building is located; ordinarily the largest building on the lot.

**Race Track:** An area of ground, track, or path designed and utilized by automobiles, motorcycles, ATV, mini-bikes, multi-purpose vehicles, or animals for individual competition or multi-individual competition.

**Recreation Camp:** An area of land on which two or more travel trailers, campers, tents or other similar temporary recreational structures are regularly accommodated with or without charge, including any building, structure or fixture of equipment that is used or intended to be used in connection with providing such accommodations.

**Recreational Vehicle:** Any vehicle or equipment designed for or primarily used as a travel trailer, fifth-wheel trailer, camper, motor home, truck camper, tent trailer, boat, boat trailer, snowmobile or snowmobile trailer, motorcycle trailer, or any other trailer incidental to recreational uses.

It is designed for the sole purpose of recreational travel. It is not used for the purpose of engaging in business for profit. It is not used for the purpose of engaging in intrastate commerce. It is not used for the purpose of commerce as defined in 49 C.F.R. 383.5, as amended. It is not regulated by the public utilities commission pursuant to Chapter 4905, 4921, or 4923 of the Ohio Revised Code. It is classed as one of the following:

- a. Travel trailer" or "house vehicle": a non-self-propelled recreational vehicle that does not exceed an overall length of forty feet, exclusive of bumper and tongue or coupling. "Travel trailer" includes a tent-type fold-out camping trailer as defined in section 4518.01 of the Revised Code.
- b. Motor Home: a self-propelled recreational vehicle that has no fifth wheel and is constructed with permanently installed facilities for cold storage, cooking and consuming of food, and for sleeping.
- c. Truck Camper: a non-self-propelled recreational vehicle that does not have wheels for road use and is designed to be placed upon and attached to a motor vehicle. "Truck camper" does not include truck covers that consist of walls and a roof, but do not have floors and facilities enabling them to be used as a dwelling.
- d. Fifth-Wheel Trailer: a vehicle that is of such size and weight as to be movable without a special highway permit, that is constructed with a raised forward section that allows a bi-level floor plan, and that is designed to be towed by a vehicle equipped with a fifth-wheel hitch ordinarily installed in the bed of a truck.
- e. Park Trailer: a vehicle that is commonly known as a park model recreational vehicle, meets the American national standard institute standard A 119.5(1988) for park trailers, is built on a single chassis, has a gross trailer area of four hundred square feet or less when set up, is designed for seasonal or temporary living quarters, and may be connected to utilities necessary for the operation of installed features and appliances.

**Residential Zoning District(s):** One or more of the following conventional residential zoning districts identified in this zoning resolution: R-1, R-1H, R-2, R-2H, R-3, and R-4. (H-Historical Designation).

**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.

**Salvage:** Any personal property which is bought, bartered, acquired, possessed, collected, accumulated, dismantled, processed, sorted or stored for reuse or resale such as: any type of used building material, such as, but not limited to, lumber, brick, concrete and masonry, steel beams, girders and columns, trusses, plumbing pipe and fixtures, and any other material formerly used for the construction of a structure, used or salvaged motor vehicles which are primarily used for parts, used steel drums and used containers, used fats, oils and greases, used tires, and similar or related articles or property.

**Shall:** The word "shall" as used in this Resolution is always mandatory.

**Sign:** Any visual communication display, object, device, graphic, structure, or part, situated indoors or outdoors, or attached to, painted on, or displayed from a building or structure in order to direct or attract attention to or to announce or promote an object, person, service, product, event, location, organization or the like, by means of letters, words, designs, colors, symbols, fixtures, images or illuminations.

**Standards, Performance:** Specifications or guidelines that provide specific criteria limiting noise, lighting, air pollution, odors, vibration, dirt, dust, glare, heat, fire hazards, waste, traffic impacts and/or visual impacts of uses within the Township irrespective of the Zoning District within which they occur.

**Stockyard:** An area enclosed by fence or other structural means for the keeping of livestock.

**Street:** A public way dedicated to public travel thirty (30) feet or more in width. The word "street" shall include the words road, highway, and thoroughfare and shall also include avenue, drive, circle, parkway, boulevard, and/or other similar term.

**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 buildings, shelters, fences, walls, billboards, platforms, towers, advertising signs, and pergolas.

**Suitably Screened or Fenced:** A neat, orderly and healthy screen of evergreen or other suitable plant material not less than three (3) feet in height and with an expected normal growth of at least five (5) feet in height within two (2) years, protected by a galvanized wire link fence of at least five (5) feet in height. A wooden or masonry fence or other landscaping may be substituted for the screening and wire link fence when appropriate. Bumper guards or wheel stops to prevent damage to the screen or fence by automobiles shall be provided when the required screen or fence surrounds parking lots or spaces.

**Swimming Pool:** A pool, pond, lake, plunge pool, open tank, excluding those utilized in agricultural pursuits, containing at least one and one-half (1-1/2) feet of water at any point and maintained by the owner or manager. A permanently sited swimming pool shall be considered a structure and permit required.

**Seasonal Swimming Pool:** A temporary sited swimming pool that is installed by homeowner for seasonal recreational purposes. Pool utilizing flexible or composite walls and situated on ground or deck at a size generally less than 15 feet. Seasonal swimming pools do not require a permit, however are required to meet minimum set back requirements.

**Trailer:** Any vehicle without motive power that is designed or used for carrying property or persons wholly on its own structure and for being drawn by a motor vehicle, and includes any such vehicle that is formed by or operated as a combination of a semitrailer and a vehicle of the dolly type such as that commonly known as a trailer dolly. A vehicle used to transport agricultural produce or agricultural production materials between a local place of storage or supply and the farm when drawn or towed on a public road or highway at a speed greater than twenty-five miles per hour, and a vehicle that is designed and used exclusively to transport a boat between a place of storage and a marina, or in and around a marina, when drawn or towed on a public road or highway for a distance of more than ten miles or at a speed of more than twenty-five miles per hour. "Trailer" does not include a manufactured home or travel trailer.

**Township:** The Township of Shawnee, Allen County, Ohio.

**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.

**Use:** The purpose for which either land or building is arranged, designed or intended, or for which either land or building is or may be occupied or maintained..

**Yard:** An open space at grade between a building and the adjoining lot lines unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided herein. In measuring a yard for the purpose of determining the width of a side yard, the depth of a front yard or the depth of the rear yard, the minimum horizontal distance between the lot line and the main building shall be used.

**Zoning Inspector:** The Zoning Inspector of Shawnee Township, Allen County, Ohio, or authorized representative.

ARTICLE IV  
ADMINISTRATION AND ENFORCEMENT

**34.4.1 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. This Exterior Property Maintenance Code shall apply to all zoning districts, planned unit developments, and mobile home parks within Shawnee Township, in Allen County, Ohio.

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.

**34.4.2 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.

**34.4.3 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.

**34.4.4 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.

**34.4.5 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.

**34.4.6 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.

**34.4.7 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.

#### 34.4.8 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.

#### 34.4.9 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.

#### 34.4.10 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 corrects the violation within the allotted time period provided, then no further action shall be taken and the matter will be closed. If the Recipient however fails to correct the violation within the allotted time frame as indicated in the Courtesy Notice of Violation, then as part of progression, the offender shall be issued either a Notice of Violation and / or Property Code Citation Tag.

The Enforcement Officer shall have the right to forego the issuing of a Courtesy Notice of Violation and may proceed with the issuance of a Notice of Violation and / or Property Code Citation Tag. 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; and,
3. Include a statement of the reason or reasons why it is being issued; and,
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; or 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 34.4.10(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.

### 34.4.II 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 reasons why any item appearing on such notice and order should be modified, or withdrawn. The failure of the petitioner and / or his / her representative to appear and state a basis of appeal 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 and / or Property Code Citation Tag as provided for in Section 34.4.10.
- 2) The Property Code Citation Tag and / or 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 Citation Tag and/or Notice of Violation, the appellant failed to comply with the Notice of Violation by not bringing affected premises into compliance with the Shawnee Township Exterior Property Maintenance Code
- 4) Upon expiration of the date indicated for compliance in the Notice of Violation and/or Property Code Citation Tag, 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.

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.

### 34.4.12 PROPERTY CODE CITATION TAGS

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

A. Contents:

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, and state the appropriate assessment or penalty for violation of this code. This shall be based on number of previous offenses for same and / or similar violations, whereas previous warning and/or penalties have shown little nor deterrent effect.

B. Payment of Assessment:

When a Citation Tag has been served, such person or persons named shall appear at the place or places designated upon such tag, and shall pay the assessment for the violation noted on the Citation Tag. Payment shall be made within 30 days of receipt of the Citation Tag and notice of payment required by Certified Mail. If the Certified Mail is returned as undeliverable, notice shall then be provided in one of the three manners as outlined under section 34.4.10 (C) (1), (2), or (3).

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 that the violation(s) outlined on the Citation Tag was in fact corrected upon re-inspection by the Code Enforcement Officer.

C. Notice and Future Violation:

The Citation 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 Citation Tags or additional legal notices of violation in the event violations are continued or repeated. If an additional Citation Tag is issued for a same or similar offense within a 12 month period, then the penalty assessment shall be progressive as outlined in the External Property Maintenance Code Assessment Fee Schedule.

D. Establishment of Fee Schedule by Township Trustees:

Prior to the issuance of any Citation Tag, the Board of Shawnee Township Trustees shall adopt by resolution a Property Maintenance Citation Tag assessment fee schedule. From time to time, and upon its own motion, said Township Trustees may modify the Citation Tag assessment fee schedule.

E. Penalty Assessment:

When a Property Code Citation Tag has been issued pursuant to this section, the amount established by the Township Trustees shall hereby be assessed onto the violator for failure to comply with the provisions and articles of this External Property Maintenance Code.

If the violation is corrected within the time period provided, and the assessment is paid in full within thirty-(30) days of receipt of this notice, no further action will be taken.

If the violation is corrected and the assessment noted on the Property Code Citation Tag is paid in full within ten-(10) days of the mailing post marked date of the Citation Tag, the assessments shall then be reduced by fifty-(50) percent subject to additional citations and assessment. Payments of the assessment shall be made in person with either the Shawnee Township Fiscal Officer (Primary) or Code Enforcement Officer (Secondary).

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 this Resolution. If the costs are not so recovered within thirty (30) days of receipt of the mailing, 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 Shawnee Township Board of Trustees.

If the violation continues to exist, a second Property Code Citation Tag shall be issued and penalty assessment related to a secondary offense shall be assessed upon the property owner. The progression of Property Code Citation Tags and Assessment Penalties shall continue until such time, the violation has been brought into compliance, a reasonable plan of action is approved by the Board of Trustees is accepted.

If after the fourth-(4<sup>th</sup>) progressive offense and previous penalties have shown little to no effect to correct the violation(s), the case shall be referred to the Allen County Common Pleas Court by the Township Attorney or Lima City Prosecutor's Office for further legal action.

Exception shall be Grass Violations and Junk and/or Inoperable Motor Vehicles sections as these have their own individual enforcement processes.

#### 34.4.13 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 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.

#### 34.4.14 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 that 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, 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.

#### 34.4.15 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

#### 34.4.16 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.

#### 34.4.17 ABANDONMENT OF CONSTRUCTION PROJECT

Any building or structure for which a zoning 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.

#### 34.4.18 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.

#### 34.4.19 PERIODIC REVIEW

The Code Enforcement Officer and / or Exterior Property Maintenance Code Appeals Board shall periodically review the Exterior Property Maintenance Code. A report indicating proposed additions or deletions to this Code shall be provided. Approval of the changes shall be made by Resolution adopted by the Board of Trustees of Shawnee Township.

34.4.23 PENALTIES AND FINES (SECTION 29.16 & 29.17 ZONING RESOLUTION)

- 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 Notice of Violation or Property Code Citation shall be assessed in the following amounts to include the Administrative Fee of \$50.00:
  - 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;

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 / similar 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, then 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 outlined in the Ohio Revised Code as an alternative to, or in conjunction with, the enforcement provisions outlined in this Code.
- F. The Board of Trustees shall make a written report to the County Auditor of the Board's action with a statement of the Board's charges for its services, the amount paid in labor, materials, transportation, and equipment and a proper description of the premises. These amounts, when allowed, shall be entered upon the tax duplicate, shall be a lien upon the land from the date of the entry, and shall be collected as other taxes and returned back to the Township and placed in the Township's General Fund. An administrative fee will be added to the tax duplicate for all Violation Notices and Property Code Citation Tags, when a resolution is adopted by the Board of Trustees regardless of compliance.
- G. 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.
- G. The application of the penalties provided in this Exterior Property Maintenance Code, hereof shall not be held to prevent the enforced removal of prohibited conditions.

ARTICLE V  
EXTERIOR PROPERTY MAINTENANCE STANDARDS

34.5.1 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 within all zoning districts of Shawnee Township.

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.

34.5.2 STRUCTURAL SOUNDNESS AND MAINTENANCE OF DWELLINGS

Within all zoning districts, 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:

- A. 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.
- B. 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.
- C. 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.
- D. 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.
- E. 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.
- F. 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.
- G. Chimneys: Chimneys shall be free of cracks, holes, missing portions and mortar, and shall be maintained in sound condition.
- H. 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.
- I. 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.

- J. 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.
- K. 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.

### 34.5.3 PAINT AND COATING MATERIALS

Within all zoning districts, 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.

### 34.5.4 PROPERTY AND STRUCTURE EXTERIORS

Within all zoning districts, 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

### 34.5.5 UNCONTROLLED VEGETATION, GRASS AND NOXIOUS WEEDS

#### A. Lawn & Grass Mowing Required

1. In all zoning districts, no person or entity owning, leasing, occupying or having charge of land within the Township shall fail to keep and maintain lawn grass height at a permissible level and in no case shall exceed eight-(8) inches in height at all times during the growing season from April 1<sup>st</sup> to October 31 of any given year.
2. In all zoning districts, no person or entity owning, leasing, occupying or having charge of land within the Township shall fail to control noxious weeds (brush, briers, burrs, vines, Russian thistle, Canadian thistle, common thistle, wild lettuce, wild mustard, wild parsnip, ragweed, ironweed, etc.) rank vegetation, vines, briers, wild grasses, and feral trees during the growing season from April 1<sup>st</sup> to October 31<sup>st</sup> of any given year and shall ensure height of said vegetation does not exceed eight-(8) inches in height.

#### B. Vacant Lot Mowing Required

1. Within residential zoned districts, vacant residential lots, and mobile home parks all lawn grasses, weeds, rank and uncontrolled vegetation (excluding ornamental or decorative grasses) shall be periodically cut throughout the annual growing season (April 1<sup>st</sup> through October 31<sup>st</sup>), and in no case shall exceed a height of eight (8) inches.
2. Vacant Commercial, Industrial, and Agricultural lots (those not utilized for agricultural purposes) shall be periodically mowed and maintained throughout the growing season (April 1<sup>st</sup> through October 31<sup>st</sup>) a minimum of three-(3) times a year during the designate months of May, July, and September, with the first cutting occurring no later than June 1 of each given year. In addition, grass, weeds, briers, wild / noxious trees and rank overgrown vegetation within these lots shall be mowed, cut and maintained to present a professional and up-kept appearance, and shall not exceed a height limit of twelve-(12) inches.
3. Vacant Commercial, Industrial, and Agricultural lots may be designed as “designated naturalized locations”. This shall be based on the physical location within the township as well as aesthetic surroundings to residential properties, and businesses. These naturalized locations may be designated on a case by case basis, after review and consideration by the Board of Trustees, through application by the owner of the property requesting the special accommodation. The Code Enforcement Officer shall keep and maintain this list of designated naturalized locations. This list shall be reviewed annually by the Board of Trustees and updated accordingly.

#### C. Maintenance of Plantings

All plant materials, trees and shrubs, afflicted with decay, disease, insect infestation, or otherwise considered dangerous to other plant material or pose a potential fall hazard to adjoining property owners shall be trimmed, removed or appropriately treated to reduce or prevent said hazard. All sound plant materials, especially trees and shrubs, shall be properly maintained within residential properties with no evident signs of neglect or allowed to become overgrown, unsightly, or a nuisance to adjoining properties.

#### D. 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.

### 34.5.6 PROCEDURES FOR GRASS & WEED CUTTING

Whenever an Enforcement Officer determines there is a violation 34.5.5 the notice shall be given as provided in Section 34.4.10 (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 for this grass and weed abatement will billed 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 property owners tax duplicate via liens approved by the Board of Trustees.
- 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 of violation.
- 8) 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.
- 9) 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 any additional notice provided to the property owner.

#### 34.5.7 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 this Code, 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 permit access by Shawnee Township Officials to perform their duties in abatement of the grass, weed, uncontrolled vegetation or debris upon the property, all preliminary costs, to include the administrative fee, mobilization of equipment fee, employee wage charges for one hour of service, shall be invoiced and billed directly to the property owner, with payment to be made by the owner within thirty-(30) days of receipt of mailing.

This invoice shall be sent 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; or 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.

Should said invoice not be paid within the thirty-(30) days all costs shall be assessed upon the tax duplicate as a lien upon the property through Resolution approved by the Shawnee Township Board of Trustees.

If after the third-(3<sup>rd</sup>) attempt to facilitate an abatement of the mowing violation is unsuccessful, and the violation continues to exist, the case will be referred to Allen County Common Pleas Court by the Township Attorney to facilitate additional legal action.

#### 34.5.8 COMMERCIAL TRUCKS, TRAILERS AND RECREATIONAL VEHICLES

- A. Within residential property locations, no commercial trucks in excess of one (1) ton, to include commercial tractors, automobiles, trucks, buses, house trailers, semi-trailers, or recreational vehicles 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.

No automotive vehicles or trailers of any type without current license plates shall be parked or stored on any residential property other than in a completely enclosed building. A maximum of one (1) boat and/or one (1) unoccupied recreational vehicle may be stored in either the rear or side yard of any residentially zoned property if it has a current license, meets the requirements of this Resolution for accessory structures, and is screened according to the requirements of this Resolution.

**B. Trailers and Recreational Vehicles.**

1. No licensed and operable commercial dual axel trailer, single axel utility trailer, watercraft/trailer, camper or recreational vehicles, equipment shall be parked on a public roadway, street, caul de sac, 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) hour.

**34.5.9 JUNK**

Within all zoning districts of Shawnee Township, 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 4738.05(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.

**34.5.10 PARKING AND STORAGE OF DISABLED OR INOPERABLE MOTOR VEHICLES**

- A. Within all zoning districts, and in accordance with O.R.C.§ 505.173 and this Resolution, any junk, inoperable or unlicensed motor vehicle stored on public or private property in the unincorporated area of the Township for more than thirty-(30) days, 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).
- B. For the purpose of this Resolution, an Inoperable Motor Vehicle shall be defined as a motor vehicle that has remained in the same or similar location for a period of thirty-(30) days or more and said vehicle(s) are parked in the open, not concealed completely in an enclosed structure, garage or other acceptable completely enclosed building or by fences, terrain, or other suitable screening. In addition, the inoperable motor vehicle shall exhibit any one-(1) of the additional elements.
  1. The motor vehicle is without a license plate, or the motor vehicle's license plate has been expired for a period of more than three-(3) months;
  2. Grass, weeds, vegetation, or other forms of debris has grown or is located around the wheels, wheel wells or body frame of the motor vehicle substantiating the vehicles inoperability;
  3. The motor vehicle is without substantial components, including but not limited to windshield, side or back window, wheel rim(s), tire(s), door, fender, headlamp, engine, hood, muffler, transmission, or other similar major parts;

4. The motor vehicle lacks the required safety equipment; and is apparently unsafe or hazardous to persons inside or outside the motor vehicle;
  5. The motor vehicle is without fully inflated tire(s), and / or has any type of support under it, example lift jack or bricks; or other means of physical support;
  6. The motor vehicle is apparently inoperable to the ordinary observer;
  7. The motor vehicle is substantially wrecked, severely damaged or damaged beyond economic repair.
- C. Nothing in this Resolution shall prohibit the open storage or keeping of a historic motor vehicle or collectors motor vehicle, as defined by Ohio Revised Code, Section 4501.01, except that an unlicensed collectors motor vehicle or unlicensed historical motor vehicle shall be concealed from off-premises viewing, by means of a building, fencing, vegetation, terrain, or other suitable obstruction.

#### 34.5.II JUNK AND INOPERABLE MOTOR VEHICLES

##### A. Junk and Inoperable Motor Vehicles on Private Property within All Zoning Districts:

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.

Exception will be an approved motor vehicle salvage yard or motor vehicle recycler yards which shall be located within the Industrial / Manufacturing District of the Township. Said Motor Vehicle Salvage, Motor Vehicle Recycler Yards and Business Owners shall have current and valid licensure through the Auditor's Office of the State of Ohio, as well as 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 a Property Code 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 Property Code 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.
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 Property Code 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 within All Zoning Districts:

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 Property Code 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 Property Code 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 Property Code 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 through 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 Property Code 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, punishment as provided in 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.

#### 34.5.12 OBJECTIONABLE, NOXIOUS, OR DANGEROUS USES, PRACTICES, OR CONDITIONS

No land or building in any district shall be occupied or used in any manner which creates or contributes to the existence of conditions which are dangerous, injurious, harmful, noxious, or objectionable, or which may otherwise adversely affect surrounding areas or adjoining remises, except that any use permitted by this Resolution may be undertaken or maintained if acceptable measures and safeguards to reduce any dangerous or objectionable conditions to acceptable limits, as established in this Section, are properly exercised. The occupation or use of any land or building in any district shall be in violation of this Resolution if one or more of the following conditions are found to exist at any time:

- A. The use or storage of flammable or explosive materials not adequately protected by fire-fighting and fire-protection equipment or by such safety devices as are normally required for such activities;
- B. Activities involving the use and storage of flammable and explosive materials are not removed from adjacent facilities or activities to a distance compatible with the potential danger involved;
- C. Radioactivity or air pollution present in violation of the regulations of the Ohio Environmental Protection Agency;
- D. Hazardous wastes present in violation of the regulations of the Ohio Environmental Protection Agency;
- E. Objectionable noise as determined by the Zoning Inspector due to volume, frequency or beat;
- F. Vibration discernible by the Zoning Inspector without instruments present on an adjoining lot or property;
- G. Direct or reflected glare which is visible from any street or from any property not within a manufacturing district;
- H. Erosion caused by wind or water carrying objectionable substances onto any adjacent lot or property;

#### 34.5.13 POULTRY AND ANIMAL HUSBANDRY IN ALL ZONING DISTRICTS

- 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 or residential locations on commercial lots, with an area 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 and kept on file with the zoning inspector 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 Ohio Revised Code.

- C. All animal waste shall be properly stored and disposed of, so as not to be objectionable at the site's property line. All animals, their housing and their outdoor pasture/recreation areas shall be properly maintained so as not to become a nuisance to adjoining properties.
- 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. All structures used to house non-commercial livestock shall be prohibited from placement in the front yard.
- F. All outdoor pasture/recreation areas shall be enclosed with fencing to prevent the escape of animals such fencing must be setback at least ten (10) feet from all property lines.

#### 34.5.14 MOUNDING, RAISED BEDS AND OTHER EARTH WORKS

In all zoning districts, no land shall be graded, cut, or filled so as to create a mound with a slope exceeding a vertical rise of one (1) foot for each three (3) feet of horizontal distance between abutting lot lines. Major cuts, excavation, grading, and filling, where the same materially changes the site and its relationship with the surrounding areas or materially affects such areas, shall not be permitted if such excavation, grading and filling will result in a slope exceeding a vertical rise of one (1) foot for each three (3) feet of horizontal distance between abutting lot lines or adjoining tracts of land, except where the Zoning Inspector has determined that adequate provision is made to retain runoff and eliminate the negative consequences of standing water.

#### 34.5.15 DRAINAGE CONTROL

In all zoning districts, all drainage criteria for all construction on lots in Shawnee Township shall conform to the most current drainage criteria of Allen County Subdivision Regulations and the Allen County Storm Water and Sediment Control Regulations that may be in effect.

Lots shall be developed with due consideration to storm run-off drainage. Lot drainage onto adjoining property shall not be diverted, channeled, or increased so as to cause damage, decrease property values or increase liability to adjoining properties. Elevation and grade changes are to be accommodated by intercepting the lot drainage before exiting the premises by proper use of systems such as diversion channels, drainage, swales, catch basins with suitable conduits to remove water, or a combination of systems, in keeping with good design practice.

#### 34.5.16 PARKING OF RECREATIONAL VEHICLES

Within residential locations, the parking or storage of any recreational vehicle as well as any trailer shall be permitted along the side or back yard. Parking of any recreational or trailer shall be prohibited within the front yard or front driveway. Parking may be temporarily permitted for a period of 48 hours within the front yard or driveway for the purpose of upkeep and maintenance activities.

No living quarters shall be maintained nor any business conducted in such recreation vehicle unless otherwise permitted in Subdivision Covenants and Deed Restrictions.

#### 34.5.17 PARKING IN FRONT YARDS

In Residential Zoned Districts, the parking or storing of any motor vehicle(s) within the front lawn shall be prohibited, if one or more of the following criteria exist:

- A.. The parking or storage of the motor vehicle has caused grass or vegetation to die in the front lawn, exposing bare top soil in the area where the motor vehicle was parked or stored; or,
- B. The parking or storage of the motor vehicle has been in the same or similar location within the front lawn for more than ten-(10) days.

### 34.5.18 FENCE USES AND MAINTENANCE

As used in this Section, a fence is generally a barrier intended to create privacy or protection, confine pets, and define the boundaries of a property. Fences may be constructed of wood, vinyl, brick, stone, steel, aluminum, as well as other materials. Fences and walls are interchangeable for the purposes of this Section. In addition, Fences in all zoned locations shall be maintained in good condition, kept up in repair, repaired as needed in timely fashion, and kept free of debris, weeds, and vegetation. A working gate and lock shall be required to allow access to/from. Fences shall be painted, treated, or other suitable form of preventative maintenance measure utilized to maintain its up kept condition. Fences within all zoning district shall require an approved zoning permit prior to construction.

#### A. P.A.D AND AGRICULTURAL ZONED DISTRICT FENCE RESTRICTIONS

1. Agricultural fences must not obstruct sight of oncoming traffic. Fences may not be higher than thirty two inches (32") within the Sight Triangle, nor project within the designated road right of way of any street or highway.
2. Fences shall not exceed the height of six-(6) feet.
3. Decorative Open Farm Fencing may be allowed to extend along the side and front lawn beyond the front area of the principle structure.
4. Low voltage agricultural farm fencing is permitted for the purpose of containment of livestock or poultry.

#### B. RESIDENTIAL ZONED DISTRICT FENCE RESTRICTIONS

1. Fences must not obstruct sight of oncoming traffic. Fences may not be higher than thirty-two inches (32") within the Sight Triangle.
2. Fences must have sufficient clearance from property line as to allow for the maintenance and upkeep for both sides of the fence, without entering upon the adjacent property.
3. Fences shall not be constructed within a road right-of-way, nor within an abandoned roadway or alleyway, as well as any drainage culvert /basin which could potentially obstruct natural flow of storm water drainage.
4. Fences constructed as screens for purpose of privacy may be built to a maximum of six (6) feet in height. Barbed wire, razor wire, pointed tops, barbed ends, or electrified fencing is prohibited within Residential zoned location. Panel side shall be facing outward to direction of adjacent property owners, panels may be constructed in a vertical or horizontal manner.
5. Fences shall not be erected nearer to the street than the front of the fence owner's house. On large residentially zoned estate-type lots, open face/decorative wrought iron fencing may be permitted on lots greater than two (2) acres in size based on its integration within the landscaping scheme on a case by case basis and subject to site plan review. Chain link, panel, or shadow box fencing would not be appropriate under this section.
6. Wrought Iron Fence Tops shall not be sharpened, pointed, barbed, or designed in such a manner that would cause harm or injury to anyone climbing said fence.
6. Fences around above or in-ground swimming pools perimeter may be constructed with either four-(4) foot chain link or wrought iron fencing or six-(6) foot panel, shadow box or wrought iron fencing to prevent unauthorized intrusion to the pool and area.
7. Decorative yard ornaments having some of the elements of a fence, but not serving the ordinary function of a fence, may be located as near as the road right-of way. Split rail posts and rails marking the front corners of a property, low stone walls surrounding a front porch or patio, and wood or stone retaining walls integrated into landscaping in a sloped yard are examples of decorative yard ornaments.

C. BUSINESS/COMMERCIAL & INDUSTRIAL / MANUFACTURING FENCING AND SCREENING RESTRICTIONS AND REQUIREMENTS

1. No fence shall be electrified or topped with barbed wire, except in the Industrial & Manufacturing districts.
2. In the Industrial & Manufacturing districts, fences topped with barbed wire are permitted to a maximum height of eight feet above natural grade at the fence location and only if the fences are fabricated with chain links topped with barbed arms turned to the inside of the property. Such barbed wire shall only be constructed above a minimum height of seven feet from the natural grade at the fence locations.
3. All fences shall be designed, constructed, and finished so that the supporting members face the property of the owner of the fence.
4. All fences on a single parcel shall have a unified style along a single plane and for all fence segments visible from off the premises from any single direction.

34.5.19 SCREENING OF ACCESSORY USES

Screening of accessory uses shall be provided according to the following commercial and industrial locations:

- A. Trash Collection Areas. Trash collection areas shall be screened with a solid fence or wall including gate to contain litter and control unauthorized access. Said fence shall be screened with evergreen shrubbery.
- B. Ground-mounted Mechanical Equipment. Ground mounted mechanical equipment shall be screened with evergreen shrubbery so that within one year the equipment is completely obscured from view.
- C. Outdoor Storage and Loading Areas. Permitted accessory loading areas, outdoor storage of goods, supplies, equipment or fleet vehicles used in the operation of an establishment, where permitted, shall be enclosed with a solid fence or wall, including solid gates. The wall or fence shall have a height tall enough to conceal all operations and materials therein from the view of any observer standing at the grade level of an abutting lot or a public street. The applicable zoning district may contain additional regulations governing outdoor storage.

34.5.20 REGULATION OF SWIMMING POOLS

- A. No private swimming pool, exclusive of portable swimming pools with a diameter of less than twelve (12) feet or with an area of less than one hundred (100) square feet, shall be allowed in any residential district or commercial district except as an accessory use, and shall comply with the following requirements:
  1. The pool is intended to be used and is used solely for the enjoyment of the occupants of the property on which it is located and their guests;
  2. The pool may be located anywhere on the premises except in required front yards, provided that it shall not be located closer than fifteen (15) feet to any property line;
- B. For In-Ground Swimming Pools (Agricultural & Residential Districts)
  1. The in-ground swimming pool or the entire property area upon which it is located shall be walled or fenced in such a manner as to prevent uncontrolled access by children from the street and from adjacent properties.
  2. Swimming pools exceeding twelve (12) feet in diameter or length as applicable to the shape of the pool and has greater than two (2) feet of depth capacity for water shall be enclosed or protected by an adequate wall or fence at least forty-eight (48) inches high which the enclosure shall include a door with a locking device installed on the inner side, with automatic closing capability. Landscaping, hedges, or other soft fencing is not acceptable barrier. Electronic pool covers may be utilized to enhance security, but shall not be a substitute for the wall or fencing requirement.

C. For Above Ground Swimming Pools (Residential District) –

Above ground or portable pools forty-eight (48) inches or higher, require no fence if the pools are free of any cross bars and the ladder is withdrawn when the pool is not in use and placed where small children cannot reach it.

D. Above Ground Swimming Pools with a Terrace or Platform –

No direct access between the patio door and swimming pool shall be permitted. The enclosure blocking access to the pool shall be a minimum of forty-eight-(48) inches in height. Owner shall be responsible for controlling the access to the Terrace or Platform area as to prevent accidental falls or drowning.

E. Equipment Safety

For both Above Ground and In-Ground Swimming Pools - The equipment (filter, etc.) must be located at a minimum distance of thirty-six-(36) inches from the pool (or enclosure) to prevent climbing.

F. Temporary Seasonal Swimming Pools –

Temporary Seasonal Swimming Pools: Temporary swimming pools are permitted and shall conform to set back requirements concerning placement consistent with above ground swimming pool regulations. Temporary Seasonal Swimming Pools in excess of fifteen-(15') feet in diameter shall be required to meet the same set back and safety precautions as a permanent above ground swimming pool.

G. Maintenance

Permanent In-Ground Swimming Pools, Above-Ground Swimming Pools and Temporary Seasonal Above-Ground Swimming Pools shall be maintained in a clean and sanitary condition, and shall not be allowed to degrade and harbor uncontrolled algae growth, green or and stagnate water, or harbor vegetation, debris, aquatic, or other insect infestation.

Temporary Seasonal Swimming Pools shall be cared for and present an up kept appearance, and shall not be allowed to remain collapsed, torn, partially disassembled or otherwise an apparently unusable condition within public view.

Spas and Hot Tubs: Spas and hot tubs must be maintained in a clean and sanitary condition and be maintained in good condition.

**34.5.21 REGULATION OF PONDS, LAKES OR OTHER WATER DETENTION/RETENTION STRUCTURES**

- A. Ponds shall be permitted as an accessory use in all districts, provided the plans, specifications and construction meet the demands of the respective authorized and approving bodies.
- B. Ponds shall not be located closer than thirty-five (35) feet from any lot lines. In addition, and where applicable, ponds shall not be located closer than thirty- five (35) feet from the road right-of-way located on any parcel.
- C. Ponds shall be maintained as to not allow for excessive and uncontrolled overgrowth of algae, cat tails or develop into a state that the water emits foul, offensive or objectionable odors.

**34.5.22 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.

**34.5.23 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. Structures shall be secured and maintained in good condition.
- B. Lots shall be maintained free of debris, junk, refuse and litter.

#### 34.5.24 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.

#### 34.5.25 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.

#### 35.5.26 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, 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.

#### 35.5.27 SIGNS

If any sign is determined to be unmaintained, abandoned or defective in any manner defined herein, such signs are hereby declared to be a public nuisance by reason that continued lack of use and maintenance results in a blighting influence on nearby properties and is considered to be an overall detriment to the Township. An abandoned or defective sign is any sign or billboard that meets any of the following criteria:

- A. A sign associated with an abandoned non-conforming use.
- B. Any sign that remains after a business has ceased operations or is closed to the public for one hundred eighty (180) consecutive days. Seasonal businesses are exempt from this determination.
- C. Any sign that is not maintained in accordance with this Resolution.
- D. Any sign that is structurally defective, in need of repair, or is otherwise a hazard to public safety or aesthetically incompatible with the surrounding property as permitted by law.

When the Code Enforcement Officer finds, upon investigation, that a sign has been abandoned or defective as defined herein, the Inspector shall notify the owner of said sign, together with the owner of the land on which the sign is located, of his/her findings. Such notice shall advise the owners that the sign and its supporting structure has been declared abandoned or is in need of repair and must be removed or repaired within thirty (30) days from the date of the said notice at the owner's expense.

End.