

ARTICLE XXV

EXTERIOR PROPERTY MAINTENANCE CODE

2500 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:

2500.1 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; and

2500.2 Fixing the responsibilities of owners, operators and occupants of structures and their premises; and

2500.3 Providing for administration, enforcement, and penalties.

2500.4 To supplement the most recent version of the Shawnee Township Zoning Resolution. The Resolution cannot address every exterior property issue. This maintenance code addresses those exterior property issues not specifically found in the zoning resolution.

2500.5 It is the intent of Shawnee Township to work with all citizens to further the best interests of the community, through the fair and consistent administration of this Exterior Property Maintenance Code.

2501 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."

2502 SOURCE

The Board of Trustees for Shawnee Township has adopted by RESOLUTION # 107-18 on SEPTEMBER 10, 2018 this Exterior Property Maintenance Code. This code follows the Model Exterior Property Maintenance Code for Townships prepared by the Miami Valley Regional Planning Commission in January of 1993, which is the most current edition as of March 1, 2015.

2503 CONSTRUCTION OF LANGUAGE

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

- a. Words used in the singular shall include the plural, and the plural the singular;
- b. Words used in the present tense shall include the future tense;
- c. Words in the masculine gender shall include the feminine and neuter;
- d. The word "shall" is mandatory and not discretionary;
- e. The word "may" is permissive;
- f. The phrase "used for" shall include the phrases "arranged for," "designed for," "intended for," "maintained for," and "occupied for;"
- g. The work "person" includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual;
- h. The word "dwelling" includes the word "residence."

2504 DEFINITIONS

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

Accessory Structure: A structure on the same lot with, and of nature customarily incidental and subordinate to the principal structure.

Area, Accessory: Supplementary; additional; subordinate to the ground on which a building stands, or the ground surrounding a building.

Approved: Approved, as applied to a material, device, or method of construction, shall mean approved by the Code Enforcement Officer under the provisions of the Code, or approved by other authority designated by law to give approval in the matter in question.

Basement: That portion of a building which is partly or completely below grade (below ground level).

Building Code: The building code officially adopted by the legislative body of this jurisdiction, or such other Code as may be officially designated by the legislative body of the jurisdiction for the regulation of construction, alteration, addition, repair, removal, demolition, use, location, occupancy, and maintenance of buildings and structures.

Building Exterior or Exterior: A part, surface, or region that is on the outside of a structure.

Cellar: That portion of a building which is completely below grade.

Code Enforcement Officer: The official designated herein or otherwise charged with responsibilities of administering this Code, or the official's authorized representative.

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.

Condemn: To adjudge unfit for use or occupancy.

Condemnation: The act of judicially condemning.

Dwelling: Any building or structure (except a house trailer or mobile home, as defined in Ohio Revised Code § 4501.01) which is wholly or partly used, or intended to be used, for living or sleeping by one or more human occupant.

Dwelling Unit: A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.

Exterior Property Areas: The open space on the premises and on adjoining property under the control of owners or operators of such premises.

Extermination: The control and elimination of insects, rats, or other pests by eliminating their harborage places; by removing or making inaccessible materials that may serve as their food; by poison spraying, fumigating, trapping, or by any other approved pest elimination methods.

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

Graffiti: Writing or drawings scribbled, scratched, or sprayed illicitly on a wall or other surface in a public place, or which can be viewed by the public.

Imminent Danger: A condition which could cause serious or life-threatening injury or death at any time.

Infestation: The presence, within or contiguous to a structure or premises of insects, rats, vermin or other pests.

Inoperable Motor / Vehicle: Any motor propelled vehicle or accessory to same, which is, or is in the process of being, wrecked, or dismantled such that the engine, wheels, or other parts have been removed or on which the engine, wheels or other parts have been altered, damaged or otherwise so treated that the vehicle is incapable of being driven under its own motor power. A vehicle, including but not limited to cars, trucks, buses, motorcycles, trailers, and boats, shall be deemed a junk or inoperable vehicle when it has remained in same / similar location for more than forty-five-(45) days and whenever any of the following occur:

- a. The vehicle is without a valid current registration and/or license plate;
- b. The vehicle is apparently inoperable;

- c. The vehicle has failed its e-check or otherwise does not comply with state regulations;
- d. The vehicle is without fully inflated tires and/or has any type of support under it;
- e. The vehicle has a substantially damaged or missing window, windshield, door, motor, transmission, or other similar major part;
- f. The vehicle is left on private property without permission of the person having the right of the property;
- g. A trailer or other item(s) has been left, unattached to motive power, in violation of notice by a Code Enforcement Officer to remove same from all public properties.

Junk Motor Vehicle: As used in this section, "junk motor vehicle" means a motor vehicle that meets all the following criteria:

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

Junk/Rubbish: Bones, litter, and manufactured goods including, but not limited to scrap iron, scrap tin, scrap glass, scrap brass, scrap copper, scrap lead or scrap zinc and all other scrap metals and their alloys, rags, used cloth, used rubber, used rope, used aluminum foil, used bottles, old and used machinery, used tools, used appliances, used fixtures, used utensils, used building materials, used boxes or crates; including both combustible and non-combustible waste materials, vehicle parts, motors, and abandoned appliances. The term rubbish shall also include but not limited to used and unused rags, cartons, boxes, wood, packing material, rubber, leather, tin cans, metals, mineral matter, glass, crockery, dust, pipe or pipe fittings, and used tires that are so worn, deteriorated or obsolete as to make them unusable in their existing condition, but are subject to being dismantled or recycled, and similar materials, as well as residue from the burning of wood, coal, and other combustible materials.

Let or Lease: To permit possession or occupancy of a dwelling, dwelling unit, rooming unit, building or structure by a person who shall be legal owner of record thereof, pursuant to a written or unwritten lease, agreement or license, or pursuant to a recorded or unrecorded agreement or contract for the occupancy of/or sale of land.

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.

Maintenance: Conformance of real estate to this Code.

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

Notice of Violation: First document issued to property owner indicating non-compliance of an article within the Exterior Property Maintenance 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:

- a. A physical condition, or use of any building, structure or premises regarded as public nuisance at common law;
- b. 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;
- c. Any building, structure or premises which have unsanitary sewerage or plumbing facilities;
- d. 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;
- e. 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;
- f. 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;
- g. Any building, structure or premises which are unsanitary, or which are littered with rubbish, litter, junk, or garbage;

- h. 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;
- i. 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;
- j. 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;
- k. The maintaining of a junk motor vehicle and / or inoperable motor vehicle on the premises;
- l. Vegetation exceeding acceptable and permitted height limits as described in this Code or Resolution.

Occupant: Any person (including owner or operator) living and sleeping in a dwelling unit or having actual possession of said dwelling or rooming unit.

Operator: Any person who has charge, care or control of a structure or premises which are let or offered for occupancy.

Owner: Any person, agent, firm, or corporation having a legal or equitable interest in the property.

Person: Includes any individual or group of individuals, corporation, partnership, association, or any other entity, including state and local governments and agencies. An agency is further defined in Ohio Revised Code Section 111.15 as any governmental entity of the state and includes, but is not limited to, any board, department, division, commission, bureau, society, council, institution, state college or university, community college district, technical college district, or state community college. "Agency" does not include the general assembly, the controlling board, the adjutant general's department, or any court.

Plumbing: The practice, materials, and fixtures used in the installation, maintenance, extension and alteration of all piping, fixtures, appliances, and appurtenances within the scope of the plumbing code.

Plumbing Fixtures: A receptacle or device which is either permanently or temporarily connected to the water distribution system of the premises, and, demands a supply of water therefrom; or discharges used water, liquid-borne waste materials, or sewage either directly or indirectly to the drainage system of the premises; or which requires both water supply connection and a discharge to the drainage system of the premises.

Premises: A lot, plot or parcel of land including the buildings or structures thereon.

Real Estate: A lot, plot or parcel of land including the buildings or structures thereon.

Renovation or Remodeling: A building and its facilities made to conform to present day minimum standards of applicable building codes.

Repair: The reconstruction of any part of an existing building for purpose of maintenance. Repair shall not apply to any change of construction.

Rubbish: Combustible and noncombustible waste materials, except garbage, and the term shall include the residue from the burning of wood, coal, coke, and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery, dust and other similar materials.

Story: The portion of a building between the surface of any floor and the surface of the floor next above it, or, if there is no floor above it, the space between such floor and the ceiling next above it.

Structure: A walled and roofed building, manufactured home, storage building, barn, pod, or gas or liquid storage tank that is partially above ground.

Supplied: Installed, furnished or provided by the owner or operator.

Tents or other temporary structures shall include but not be limited to tents, canopies, platforms, bandstands, reviewing stands, and moving and storage pods.

Unlawful Structure: An unlawful structure is one found in whole or in part to be altered or occupied contrary to law.

Weeds: Shall be defined as those plants designated as noxious weeds by the state of Ohio pursuant to Ohio Administrative Code Chapter 901:5-37.

Workmanlike: Whenever the words “workmanlike, state of maintenance and repair” are used in this Code, they shall mean that such maintenance and repair shall be made in a reasonably skilled manner.

Yard: A required open space, other than a court, unoccupied and unobstructed by any structure or portion of a structure from three feet above the general ground level of the graded lot upward. However, accessories, ornaments, and furniture may be permitted in any yard, subject to height limitations and requirements limiting obstruction of visibility. Yards may be classified as follows:

- a. Front yard: A yard extending between lot lines across the front of a lot and from the front line to the front of the primary building.
- b. Rear yard: a yard extending between side lines across the rear of a lot and from the lot line to the rear of the building.
- c. Side yard: A yard extending from the principal building to the side lot line of both sides of the principal building between the lines establishing the front and rear yards.

2505 APPLICATION OF 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.

2505.1 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.

2505.2 CONFLICT OF LAWS

In any case where a provision of this Exterior Property Maintenance Code is found to 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.

2505.3 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.

2505.4 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.

2505.5 SAVING CAUSE

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.

2506 CODE ENFORCEMENT OFFICER

2506.1 Code Enforcement Officer. The Township Trustees shall assign the duties of administering and enforcing this Exterior Maintenance Property Code to a Code Enforcement Officer. The Zoning Inspector shall fulfil the duties as the Code Enforcement Officer as outlined in this Exterior Maintenance Property Code.

The Code 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. The Code Enforcement Officer shall report to the Township Trustees.

2506.2 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.

2506.3 Interpretation Authority. The Code Enforcement Officer shall have authority to interpret and implement the provisions of this Code, to secure the intent thereof, and to designate requirements applicable because of local climate or other conditions.

2507 ENFORCEMENT ACTION

Any resident, business, township staff member or public official can file a complaint alleging a violation of the Exterior Property Maintenance Code. Complaints of code violations may be received in any form, such as written, telephone, e-mail or observed by the Zoning Inspector during rounds within the Township. Additionally, the Zoning Inspector / Code Enforcement Officer may proactively initiate code enforcement actions based on observations or reports from the community.

Any complaining or reporting person may choose to remain anonymous. The names of persons making a complaint are maintained in confidence by the Township unless there is a compelling reason to disclose the complainant's identity at the instruction of the Township Attorney.

2507.1 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. For the purpose of making such inspections, and upon showing identification, the Enforcement Officer is hereby authorized to examine and survey at any reasonable hour all residential, commercial and industrial structures or other premises.

The Enforcement Officer shall keep official records of all activities which relates to this Code. Such records shall be retained in the official records in such manner and for so long as is required by Shawnee Townships record retention policy.

2507.2 Warning Notice of Violation

It is the policy of Shawnee Township to use fair and reasonable judgement in the administration of its enforcement actions. To this end, a Warning Notice may be issued for the first occurrence of a violation of this Code. The Warning Notice shall be worded to sufficiently identify the premises and the nature of the violation. The Warning Notice shall be sent by U.S. Regular Mail to the owner of the property as identified by Allen County Auditor's Office.

If the premises owner or person being cited fails to correct the violation in the time allotted by an Enforcement Officer, then a Notice of Violation shall be issued. In his/her discretion, an Enforcement Officer shall have the right to forego issuing a Warning Notice and may proceed to issue a Notice of Violation. The issuance of a Warning Notice shall not be a prerequisite to the issuance of a Notice of Violation. There shall be no right of appeal from the issuance of a Warning Notice.

2507.3 Notice of Zoning Violation

a. **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 therefore and order compliance, as hereinafter provided. Such notice and order shall:

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

b. **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 in a newspaper of general circulation in the Township. The legal notice shall identify the owners of the premises, the last address, if known, of the owners, the parcel identification, location and nature of the violation, and correction order. Service is complete upon said posting (camera documented) and publication; or
4. By posting a notice concerning the violation on a stake and affixing it into the ground upon any vacant parcel of land where no structure is present as well as no mailbox is available to facilitate mail delivery (camera documented); or
5. For a junk or inoperable motor vehicle(s) as an addition to providing service as described above, Enforcement Officer may serve the notice by attaching it to the window on the exterior of the motor vehicle in a conspicuous place (camera documented).

c. EXTENSION OF COMPLAINE GUIDELINES

A property owner who has received a Notice of Violation with a corrective action compliance date may request a time extension due to documented extenuating circumstances. Formal requests shall be in writing to preserve the historical documentation of the case file. All requests shall be made to Shawnee Township Board of Trustees, 2530 Ft. Amanda Rd, Lima, Ohio 45804. The Board of Trustees have the discretion to grant or deny time extensions. If the extension is granted, the owner shall be notified in writing of the amended compliance date.

d. LOCAL APPEAL PROCESS

Persons, firms, or corporations wishing to appeal an adverse determination by the Zoning Inspector, Code Enforcement Officer, or Official Designee may file an appeal with the Code Enforcement Appeals Board within (10) days after the notice of violation. The Zoning Inspector will schedule a hearing on the matter, and its decision will determine further progression of the violation process.

2508 CODE ENFORCEMENT APPEALS BOARD

2508.1 APPEALS BOARD

To implement the purposes and requirements of this Exterior Property Maintenance Code, there is hereby created the Code Enforcement Appeals Board, hereinafter referred to as the Appeals Board. For the purposes of this Code, the Shawnee Township Board of Zoning Appeals shall function as the Code Enforcement Appeals Board.

- a. Membership of Board. The Appeals Board shall consist of a minimum of three members who are qualified by experience and training to pass on matters pertaining to property maintenance and who are not employees of the Township. The Enforcement Officer shall be an ex-officio member but shall have no vote on any matter before the board. The Appeals Board shall be appointed by the Shawnee Township Board of Trustees.
- b. Alternate Members. The Shawnee Township Board of Trustees shall appoint two or more alternate members who shall be called by the board chairman to hear appeals during the absence or disqualification of a member. Alternate members shall possess the qualifications required for board membership.
- c. Chairman. The Appeals Board shall annually select one of its members to serve as chairman.
- d. Secretary. The Appeals Board shall designate a qualified person to serve as secretary to the Appeals Board. The secretary shall file a detailed record of all proceedings in the office of the Enforcement Officer.
- e. Disqualification of Member. A member shall not hear an appeal in which that member has a personal, professional, or financial interest.
- f. Procedure. The Appeals Board may adopt rules of procedure not inconsistent with this Code. No member of the Appeals Board shall take part in any hearing or determination in which he or she has a personal or financial interest. Three (3) members of the Appeals Board in attendance at any meeting shall constitute a quorum.
- g. Authority. The Appeals Board shall hear all appeals relative to the enforcement of this Code. By a majority vote, the Appeals Board may reverse or affirm, wholly or partly, or may modify the decision appealed from, and shall make such order or determination as in its opinion ought to be made. Failure to secure a majority vote shall be deemed a confirmation of the decision of the Enforcement Officer.

2508.2 HEARINGS

Any Recipient of a Notice of Violation which has been issued in connection with the enforcement of any provision of this Exterior Property Maintenance Code may request and shall be granted a hearing on the matter before the Code Enforcement Appeals Board.

The notice of appeal shall be filed in the office of the Enforcement Officer on forms provided by the Township. The appeal shall be filed within ten-(10) calendar days after the date of the notice and order. Upon receipt of such a petition and payment of the appeal application fee, the Appeals Board shall set a time and place for the hearing.

The Appeals Board shall give the appellant written notice thereof by first class mail postmarked at least ten-(10) days prior to such hearing. The hearing shall be held no less than ten-(10) days and no more than thirty (30) days from the date the appeal was filed. At such hearing, the appellant shall be given an opportunity to be heard and to show cause, why any item appearing on the notice and order should be modified or withdrawn. The failure of the appellant or his representative to appear and state his case at such hearing shall have the same effect as if no appeal was filed.

2508.3 FINDINGS

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

- a. That a violation exists on the property; and
- b. That appellant was served with a Notice of Violation and / or Zoning Violation Citation provided for in Section 4.11(A) & (B); and
- c. That the Notice of Violation and / or Zoning Violation Citation that was served stated the specific nature of the violation, the corrective action needed to be taken to abate the violation, and a specific time within which to abate the violation; and
- d. That within the period stipulated in the Notice of Violation, the violator failed to comply with the Notice of Violation and / or Zoning Violation Citation by not abating the violation, and/or by not bringing the use into compliance with the STEPNC; and
- e. That upon expiration of the date required for compliance in the Notice of Violation and / or Zoning Violation Citation, the property owner violated specific provisions of the Shawnee Township Exterior Property Maintenance Code and/or conditions imposed by the Appeals Board.

2508.4 AUTHORITY OF APPEALS BOARD

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

2508.5 ADMINISTRATIVE ACTION

The "Code Enforcement Officer" shall take immediate action in accordance with the decision of the Code Enforcement Appeals Board.

2508.6 REVIEW

Any person adversely affected by a ruling or order of the Code Enforcement Appeals Board, shall have the right to appeal to the appropriate court (Court of Common Pleas for Allen County) in the manner and time required by law following the filing of the decision of the Code Enforcement Appeals Board.

2509 ZONING VIOLATION CITATION

The Enforcement Officer is authorized and directed to provide Zoning Violation Citations which shall be used for the purposes of giving due notice and summons to the person or persons responsible for violations of this Code. Zoning Violation Citations are a legal civil action in an attempt to bring compliance to a violation of this code, when prior notice(s) has shown to be no deterrent effect, and the violation still exists on the property.

2509.1 CONTENTS

The Enforcement Officer is authorized and directed to provide citation tags which shall be used for the purposes of giving due notice and summons to the person or persons responsible for violations of this Exterior Property Maintenance Code. Such 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 resolution violated, and state the appropriate civil penalty assessment or civil penalty.

2509.2 PAYMENT OF ASSESSMENT

Such person or persons, when a citation tag as herein provided is served to him, shall appear at the place or places designated upon such tag and shall pay the assessment for the violation noted on the citation. Upon payment of the assessment as provided within the time limit provided herein, no further action will be taken to prosecute the violation noted on the citation, provided remedial action, if necessary, is taken.

2509.3 NOTICE AND FUTURE VIOLATIONS

The citation tag, as herein provided, shall be sufficient notice, summons, and legal service thereof for the purpose specified thereon provided, however, that the use of such tags shall not prohibit the issuance of either additional citation tags or a legal notice of violation as provided herein, in the event such violation is continued or repeated.

2509.4 ESTABLISHMENT OF FEE SCHEDULE

Prior to the issuance of any citation tag, the Township Trustees shall adopt by resolution a citation tag fee schedule assessment. From time to time and upon its own motion, Township Trustees may modify the citation tag fee schedule assessment.

2509.5 CIVIL PENALTY ASSESSMENT

When a Violation Citation has been issued pursuant to this section, an amount established by the Township Trustees is hereby assessed on the violator. If the assessment is paid within ten (10) calendar days immediately following the issuance of the citation tag, all assessments are reduced by fifty percent (50%) subject to the violation being corrected within ten-10 days, and payment is made within the ten-10 days.

Failure to pay the penalty within a period of thirty-(30) calendar days after the date of service of the Zoning Violation Citation shall constitute a minor misdemeanor, punishable as provided in Section 4.99 of the Shawnee Township Zoning Resolution, assessments may also be attached to the property taxes for the property in question, by Resolution and Board of Trustee action.

2510 PROSECUTION

When it has been determined that Zoning Violation Citations and penalties provided have shown no deterrent effect, and the violation continues to exist on the owner's property, the Enforcement Officer may present the case to the Lima City Prosecutor's Office for criminal charges to be filed against the owner to facilitate compliance with this Code. The filing of criminal charges shall be in consultation and approval by the Board of Trustees and the Township Attorney.

In case any Zoning Violation Citation is not promptly complied with, the Enforcement Officer may additionally request the Township Attorney to institute an appropriate action or proceeding to recover the penalty provided in Section 4.99 of the Shawnee Township Zoning Resolution. The Enforcement Officer may ask the Township Attorney to sue the person(s) responsible for the violation for the purpose of ordering him/her to abate such nuisance or other civil action to bring compliance.

2511 ABATEMENT OF VIOLATION BY TOWNSHIP AND COST RECOVERY

2511.1 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.

2511.2 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:

- a. The owner(s) shall be billed directly by certified mail deposited with the United States Post Office. If the certified mail envelope is returned with endorsement showing that the envelope is unclaimed, then service shall be sent by ordinary mail and the mailing shall be evidenced by a certificate of mailing which shall be filed by the Enforcement Officer.
- b. If the costs are not so recovered within thirty (30) days of receipt of the mailing, 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.

2512 EMERGENCY MEASURES

Nothing in the provisions of this code shall prohibit the Zoning Inspector / Code Enforcement Officer from taking any action authorized by law, without regard to the provisions of this code and regardless of whether the legal procedures herein described have been instituted, when, in his/her opinion, there is imminent danger of failure or collapse of a building or structure which endangers life, or when any structure or part of a structure has failed and life is endangered by the occupation of the structure, or when there is actual or potential danger to the building occupants or those in the proximity of any structure because of explosives, explosive fumes or vapors or the presence of toxic fumes, gases or materials, or operation of defective or dangerous equipment.

2513 RULE MAKING AUTHORITY

The Enforcement Officer 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.

2514 ADDITIONAL CIVIL REMEDIES

If the recipient of a Notice of Violation fails to comply with said Notice of Violation within the stated period, the Board of Trustees may further institute an action for injunction, mandamus, or abatement or any other appropriate action or proceeding to enjoin, correct or abate such violation in conjunction with the violation citation and civil penalty assessments.

2515 VIOLATION PENALTIES

2515.1 No person shall violate any provision or fail to conform to any of the requirements of this Exterior Property Maintenance Code or fail to comply with any order made thereunder.

2515.2 Whoever violates any section of this Code shall be guilty of a minor misdemeanor and be fined not more than five hundred dollars (\$500.00) in accordance with Ohio Revised Code §519.99 within the court of jurisdiction. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.

2524.3 The application of the penalty provided in subsection (B) hereof shall not be held to prevent the enforced removal of prohibited conditions.

2516 ANNUAL REVIEW

Annually the Zoning Inspector / Code Enforcement Officer shall review the Exterior Property Maintenance Code for any amendments or deletions needed to this Code, based on any issues or concerns from the previous year activities. This shall be shared with the Zoning Commission members for additional feedback and recommendations. The Zoning Inspector shall file a report with the Board of Trustees of Shawnee Township of any proposed amendments or deletions to the Code. If these recommendations are approved, the Board of Trustees shall adopt these changes through Resolution, with adoption as soon as legally permitted.

2517 RESPONSIBILITY OF OWNER

Unless otherwise specifically stated in this Code, the owner of a premises is ultimately responsible for any violation of this Code.

2518 TRANSFER OF OWNERSHIP

It shall be unlawful for the owner of any building or structure who has received a Notice of Violation to sell, transfer, mortgage, lease or otherwise dispose of the property to another until the provisions of the Notice of Violation have been complied with, or until such owner shall first furnish the grantee, transferee, mortgagee, or lessee a true copy of any Notice of Violation issued by the Enforcement Officer.

The owner shall also furnish to the Enforcement Officer a signed and notarized statement from the grantee, transferee, mortgagee, or lessee, acknowledging the receipt of such Notice of Violation and fully accepting the responsibility, without condition, for making the corrections or repairs required by such Notice of Violation.

2519 VIOLATION AND PENALTIES

2519.1 No person shall violate any provision or fail to conform to any of the requirements of this Exterior Property Maintenance Code or fail to comply with any order made thereunder.

2519.2 Any person, firm, or corporation who is issued a Zoning Violation Citation shall be penalized in the following amounts:

- a. In the amount of one hundred dollars (\$100.00) for the first offense; and
- b. In the amount of two hundred fifth dollars (\$250.00) for the second offense (within a 12-month period); and
- c. In the amount of five hundred dollars (\$500.00) for the third offense (within a 12-month period); and
- d. After the Zoning Violation Citation has been issued for a third offense, and compliance has not been obtained within the time frame provided, then the case shall be referred to the Lima City Prosecutor's Office for filing of criminal charges and any other legal action.

2519.3 **For Junk or Inoperable Motor Vehicle Violations.** First offense, a civil penalty assessment of \$50.00 per motor vehicle determined to be in violation of this Code shall be assessed to the owner of the property. On the second offense, a civil penalty assessment of \$100.00 per motor vehicle determined to be in violation of this Code shall be assessed to the owner of the property and on the third and subsequent offenses, a civil penalty assessment of \$500.00 per motor vehicle shall be imposed for each motor vehicle found in violation of this Code and assessed upon the owner of the property.

After the Zoning Violation Citation has been issued for a third offense, and compliance has not been obtained within the time frame provided, then the case shall be referred to the Lima City Prosecutor's Office for filing of criminal charges and any other legal action.

2519.4 From time to time and upon its own motion, the Township Trustees may modify the Violation Citation penalty schedule.

2519.5 In addition to the penalty imposed by this Section, Shawnee Township will charge an administrative fee for the processing of all Violation Citations paid out to the Shawnee Township Fiscal Officer. The administrative fee shall be one- dollars (\$100.00) for each Violation Citation.

2519.6 Each time a Violation Citation is issued for the same violation, it shall be deemed a separate offense and each day the offense continues it shall be a separate offense.

2519.7 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, 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.

2519.8 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 Zoning Violation Citation in accordance with the provisions of this Code. Nothing in this section shall prevent the Township from utilizing the nuisance provisions pertaining to noxious weeds outlines in the Ohio Revised Code as an alternative to, or in conjunction with, the enforcement provisions outlined in this Code.

2519.9 The application of the penalty provided in this section shall not prevent the enforced removal of prohibited conditions.

2520 CONTINUING VIOLATIONS

Each day that a violation continues after due notice has been served shall be deemed a separate offense.

2521 THE PROHIBITED STORAGE AND ACCUMULATION OF JUNK MATERIALS ON PRIVATE PROPERTY; NOTICE TO REMOVE

2521.1 No person shall cause or permit garbage, rubbish, garbage, refuse, tree or bush branches or trimmings, brush, cast-off or discarded articles, litter, junk, materials which are ready for destruction, or which have been collected for salvage or conversion to some other use, to be stored, kept or placed outside any structure, or on any premises, except were permitted by zoning regulations.

2521.2 Upon receipt of information that subsection (a) hereof is being violated, the Code Enforcement Officer shall cause a written notice to be served upon the owner, lessee, agent, or tenant having charge of such land, notifying him that the offending articles and/or materials must be removed within seven-(7) days after service of such notice. Additional time may be provided to bring the violation into compliance based on size and nature of the violation and shall be discretionary.

2521.3 The form of such notice shall comply with the provisions of Section 4.11(A) and shall be served in accordance with Section 4.11(B).

2521.4 If the person to whom a notice is directed fails to comply with the requirements of the notice, the Code Enforcement Officer shall refer the case to the Board of Trustees for hearing to determine if a public nuisance exists upon the land or property. In addition, the Code Enforcement Officer is permitted to issue any and all necessary Zoning Violation Citation(s) to the owner, occupant and / or tenant for non-compliance to the directives of the violation notice in an attempt to achieve voluntary compliance with this Code.

2125.5 Prior to determining if such conditions exist and constitutes a nuisance a preliminary investigation shall be conducted by the Code Enforcement Officer. An investigative report shall document what actions led to the investigation, information from complainant or observations by the Code Enforcement Officer, any warnings or notices of violation, citation tag(s) issued, photographs, reinspection notes and any other investigative information obtained.

2125.6 Notice of the hearing should be sent to the owner and/or occupier or tenant of the property upon which the nuisance exists, so that they can be afforded the opportunity to be heard. The Board of Trustees shall contact the complainant with regards to hearing date, so that they are able to receive evidence of the nuisance from him or her.

2125.7 At the hearing, the Board should allow any interested parties to be heard, as well as allow a review of pictures, film, or other photographic evidence or documentation of the existence of a nuisance exists or lack thereof. At the conclusion of the hearing, the Board will vote on whether to formally declare or determine that a nuisance exists or determines that a nuisance does not exist.

2125.8 If a nuisance is found to exists on the property, a Resolution shall be passed which should so declare, that the procedural steps as outline in ORC 505.87 should be promptly followed to eliminate, control, abate, or remove the nuisance that the Board of Trustees has found to exists.

2125.9 If the owner of the property involved is known, then a certified letter shall be sent to the owner, with a copy going to all lienholders of record by certified mail, notifying the owner that the Board of Trustees has found a nuisance to exist, and that the recorded owner has seven-(7) days to take corrective action, or thereafter the Board of Trustees will act and place any incurred expenses on the tax duplicate as a lien on the real property involved.

If for some reason the address of the record owner is unknown or cannot be reasonably ascertained, then the Board of Trustees shall publish the notice in the newspaper of general circulation in the township only one-(1) time as well as posting notice on principal structure or vacant land.

2125.10 If no action is taken by the owner within seven-(7) days of his/her receipt of the notice or publication of the notice in the newspaper, and the owner or the lienholder has not contacted the Board of Trustees to make separate arrangements with regard to abatement, removal or control of the nuisance the Board of Trustees is free to correct the nuisance on its own.

In so acting, the Board of Trustees may employ all necessary labor and obtain all necessary machinery or materials. The expense of which are to be paid out of the township's general fund. The Board is also specifically authorized by statute to borrow money if the anticipated expenses exceed \$500.00.

2521.11 After the nuisance has been abated, controlled, or removed by the Board of Trustees and then all bills have been received and totaled, the Board of Trustees is thereafter required to make a written report of the incident to the Allen County Auditor with the following required information.

- a. Name and address of record owner;
- b. Legal Description of the real property and street involved to include parcel number;
- c. A report of all expenses incurred, including publication expenses, and interest expenses on dollars borrowed.

Thereafter, the County Auditor is required to enter the incurred expenses upon the tax duplicate, which entry creates a lien upon the property involved from the date of entry. Once monies collected with regard to this lien, the money must be returned by the Auditor to the township for placement in the general fund.

2521.12 If the nuisance still exists within twelve-(12) consecutive months after a prior nuisance determination, at least four (4) days before providing for the abatement of the nuisance, the Trustees must give notice of the subsequent nuisance determination to the owner of the land and any lienholders of record on the land. The process shall follow the steps as outlined in 4.25 (A) through (L). The required compliance time is reduced under (M) to four-(4) days for corrective action to be taken by the owner of the property. In addition, posting the notice on the structure is permitted for four-(4) days, prior to abatement, removal, or control of the nuisance.

2522 JUNK MOTOR VEHICLES PROHIBITED IN ALL ZONING DISTRICTS

2522.1 For purposes of this section, the following definitions shall apply:

- a. "Junk motor vehicle" means any motor vehicle meeting any three of the following criteria:
 1. The motor vehicle is at least three-(3) model years old; AND
 2. Apparently inoperable condition; AND
 3. Extensively damaged, such as missing wheels, tires, engine, or transmission.
- b. "Inoperable" means any motor vehicle incapable to being propelled under its own power. Any motor vehicle that has not been moved for forty-five-(45) consecutive days shall be presumed to be inoperable.
- c. "Collector's vehicle" means any motor vehicle or agricultural tractor or traction engine of special interest having a fair market value of one hundred dollars (\$100.00) or more, whether operable or not, that is owned, operated, collected, preserved, stored, maintained or used essentially as a collector's item, leisure pursuit or investment, but not as the owner's principal means of transportation.

2522.2 If the owner, or the person having the right of possession of the property, or any other person who is authorized to give such permission is a person who is engaged in a bona fide commercial business operation **or** if the vehicle is a historical vehicle, then the vehicle may be stored upon the following condition:

- a. The vehicle shall be concealed from the general public by means of buildings, screening fence, shrub or other appropriate obstruction.
- b. Tarpaulins, tents, vehicle socks or other items intended to cover a vehicle made from cloth or plastic will not constitute an appropriate obstruction.

2522.3 If such “junk motor vehicle” exists in a PUBLIC unincorporated area of the township, the Board of Trustees may immediately act by RESOLUTION, to cause the removal of any such vehicle.

2522.4 If such “junk motor vehicle” exists in a PRIVATE unincorporated area of the township, then the following procedures shall be followed:

- a. No vehicle owner or person in charge or control of any premises within the Township, whether as owner, tenant, lessee, occupant or otherwise, shall allow any junk motor vehicle to remain upon any premises longer than fourteen-(14) days after receipt of a written notice to remove the junk motor vehicle from such premises.
- b. The written notice shall be issued to the property owner and/or the owner of such vehicle by the Code Enforcement Officer. Such written notice shall contain:
 1. The name of the property owner and the property address at which the junk motor vehicle is located.
 2. The make and model of the vehicle and the license plate number, if any.
 3. The vehicle identification number (VIN), if available and a description of the condition of said vehicle.
 4. A statement to the effect that the person in charge or in control of the private property upon which such vehicle is located and the titled owner of such vehicle are jointly and severally liable for all costs incurred by the Township for the removal, storage, and disposal of such vehicle, plus an administrative fee in the amount set forth by the Board of Trustees.
 5. A notice of any right to appeal.
- c. Such written notice shall be served in the manner prescribed by Section 4.11(B).
- d. Any person who has received notice to remove a junk vehicle may appeal to the “Code Enforcement Appeals Board”. An appeal must be filed within ten-(10) days after service of the notice, together with a fee of one hundred dollars (\$100.00) for the cost of the appeal.
 1. The scope of the appeal shall be limited to determining whether the person requesting such appeal is in charge or control of the private property involved, or is the titled owner of said vehicle, and whether such vehicle is a junk motor vehicle as allegedly charged.
 2. At such appeal, the appellant must appear in person, at the Township and the appellant may introduce such witnesses and evidence as each party deems necessary.
- e. In addition, the Code Enforcement Officer is permitted to issue any and all necessary Violation Citation(s) to the owner, occupant and / or tenant having said junk motor vehicle for non-compliance to the directives of the violation notice in an attempt to achieve voluntary compliance with this Code.
- f. If the owner, lessee, agent or person having charge of the land, or the title owner of the motor vehicle, served with the notice, fails to remove such junk motor vehicle, then
 1. The Board of Trustees shall by resolution determine that the specific vehicle identified in the complaint is in fact a junk motor vehicle.
 2. The Board of Trustees shall serve written notice upon the owner of land upon which the vehicle is located AND upon any lienholders of record on the land. The notice shall state prior to the Board’s prior determination that the specific junk motor vehicle exists upon the land, and of not removed within FOURTEEN-(14) days after service of the notice the Board will act to remove the vehicle and place the expenses of such action as a lien upon the land.

3. The notice is required to be served certified mail if the recorded owner's address is known or ascertainable through an exercise of reasonable diligence. If the notice comes back "Refused" or "Unclaimed", or if the owner's address is unknown, then a one-time publication notice in the newspaper in the general circulation of the township is required, as well as posting the "Notice of Nuisance Determination – Junk Motor Vehicle" shall be posted upon the principal structure on the land. Camera shall document the date, and time of posting of said notice.
 4. A certified letter is considered served on the date received, and a publication notice is effective from date of publication.
- g. If service is completed, and FOURTEEN-(14) days have elapsed without the removal of the junk motor vehicle, the Ohio Revised Code allows for the Board of Trustees to act on its own or through hired contractor to remove the junk motor vehicle and place the expenses of the same on the tax duplicate, once such expenses are certified to the county Auditor by the township Fiscal Officer.
 - h. The Board of Trustees are prohibited from enacting any resolution or regulation prohibiting junk motor vehicles with regard to licensed or legally existing or operating scrap metal facilities, salvage motor vehicle dealers, or towing recovery and storage businesses.
 - i. The Board of Trustees may pursue a contract with a motor vehicle salvage dealer or scrap metal facility for the removal or disposal of junk motor vehicles. A motor vehicle salvage dealer must be a person (or business) who engages in business primarily for the purpose of selling salvage motor vehicle parts and secondary for the purpose of selling at retail salvage motor vehicles or manufacturing or selling a product of gradable scrap metal. A scrap metal processing facility means an establishment having facilities for processing iron, steel, or nonferrous scrap and whose principal product is scrap iron and sell or nonferrous scrap for sale for re-melting purposes.
 - j. If the Board of Trustees contract with a motor vehicle salvage dealer, or scrap metal facility, a salvage title for a junk motor vehicle may be issued by the Allen County Clerk of Courts if the following conditions are met:
 1. Trustees have entered into a contract with a motor vehicle salvage dealer or scrap metal processing facility for the disposal or removal of junk motor vehicles;
 2. The Fiscal Officer for the Trustees executes a junk motor vehicle affidavit from the Ohio BMV. This affidavit must be executed in triplicate.
 3. One copy is retained by the Board of Trustees, and the two remaining copies are provided to the motor vehicle salvage dealer or scrap metal processing facility.
 4. The motor vehicle salvage dealer or scrap metal processing facility must then present one copy of the affidavit to the Clerk of Courts, who will then issue a salvage certificate of Title, free and clear of all encumbrances.
 - k. All expenses related to the removal and impoundment of such junk motor vehicle by the Township shall be paid out of funds appropriated by the Fiscal Officer with approval by the Board of Trustees. The expenses shall consist of the following:
 1. All direct costs for the removal and impoundment of the vehicle; plus
 2. The costs for preparing and serving all notices; plus
 3. An administrative fee as set forth in this Code.
 - l. In the event that the owner or other person in charge or control of such property, and/or the title owner of said vehicle, fails to pay such expenses within thirty days after being notified in writing, by regular mail then the expenses set forth may be collected using one or more of the following methods, provided, however, that the expenses may only be collected once:
 1. Such expenses may be certified by Board of Trustees to the County Auditor and placed upon the tax duplicate for collection as a special assessment and thereupon shall be collected as other taxes and assessments; or

2. The Township Attorney is authorized to bring suit and take other necessary legal action to collect all such expenses.
- m. The owner, lessee, agent, tenant or person otherwise having charge or control of such premises, and the titled owner of such vehicle, are jointly and severally liable for all expenses incurred by the Township.
- n. The movement of a vehicle in violation of this section to any other location within the Township that does not abate the violation under this section shall not constitute compliance with this section.
- o. The provisions of this section shall not apply to the deposit, parking, storage, maintenance or collection of junk motor vehicles in an enclosed building in a regularly established junk yard in any area of the Township in which the same is permitted under the Zoning Code, or a collector's vehicle as described hereof.
- p. Any person in charge or in control of any premises within the Township, whether as owner, tenant, lessee, occupant or otherwise, shall completely conceal any collector's vehicle stored on the property by means of storage inside buildings or fences which comply with all building and zoning ordinances and all building codes.
- q. Except in subsection (M) the deposit, parking, storage, maintenance, or collection of junk motor vehicles on private property is hereby declared to be a public nuisance and offensive to the public health, welfare and safety of the residents of the Township.

2523 VEGETATION AND WEED CUTTING REQUIRED

- 2523.1 No person owning or being in possession of agricultural, residential, commercial, or industrial parcels within the Township shall fail to keep such property free and clear of uncontrolled vegetation, noxious weeds, or allowed to have a lawn grass height in excess of the permitted height limit of eight-(8) inches or more.
- a. These areas are required to be mowed and trimmed on a regular basis within the growing season of April 1st to November 1st of any given year. Mowing and trimming shall be conducted within the front, side, and rear yard areas within the parcel.
- 2523.2 Exception:
- a. Residential vacant parcels (without a principal structure) within a platted subdivision shall be required to be mowed and trimmed on a regular basis within the growing season of April 1st to November 1st of any given year. Lawn / Grass height shall not exceed the permitted limit of eight-(8) inches in height. Mowing and trimming shall be conducted within the front, side and rear yard areas within the parcel. Noxious weeds, and overgrown vegetation shall be controlled during the growing season.
 - b. Commercial vacant parcels, and industrial vacant parcels are required to be mowed only three times a year during within the growing season from April 1 to November 1st of any given year. Mowing shall be conducted in May, July, and September. Large commercial or industrial sites (20+ acres) are permitted to have areas designated as natural wildlife areas. Signage may be posted designating these open, undisturbed areas.
 - c. Undeveloped woodland areas, wooded areas, natural wildlife habitats, and nature trails areas are to remain in their natural condition, leaving understory growth to retard storm water run-off and prevent erosion.
 - d. Agricultural land greater than one acre, owned or possessed by any person or entity that is not agriculturally exempt or utilizing land for agricultural reasons must be kept free and clear of all weeds and rank vegetation, all such weeds and vegetation must be cut whenever such weeds or vegetation have grown to a height of eight-(8) inches or more for the one acre of land surrounding any and all building improvements. Agricultural land greater than five-(5) acres is exempt from mowing requirements.

- 2523.3 Drainage swales are to be maintained by owners of the parcels on which they are located. At no time shall shrubs and/or trees be planted; nor shall any material, fill or waste be discharged, emptied, or placed into any swale to divert or impede drainage flow. Small swales can be mowed as part of the yard. Larger swales as well as pond banks in meadow situations, should be mowed less frequently in order to allow taller grasses to grow in order to retard runoff and prevent erosion. Swales in woodland areas shall be left in their natural condition, leaving understory growth to retard runoff and prevent erosion.
- 2523.4 No person shall permit any grass or weeds to grow to a height of eight-(8) inches or more on any section of public right of way, including any easement areas contiguous to their property and on their property side of any pavement traveled by motor vehicles.
- 2523.5 No person shall permit trees, bushes, shrubs, or other growth to overhang or block any part of a sidewalk for a height of seven (7) feet above said surface; or to overhang or block any part of a paved street or unpaved, but traveled, portion of a street or traffic/safety sign for a height of fifteen (15) feet above the surface.

2524 MAINTENANCE OF PLANTINGS

- 2324.1 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.
- 2324.2 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 within the road right of way should it constitutes a hazard to persons walking or vehicular traffic utilizing said roadway.

2525 NOTIFICATION FOR VEGETATION & WEED CUTTING

- 2325.1 Annually before March 30th, the Township may post in the newspaper of the general circulation in the township, a notification to the residents within the unincorporated areas of the Township of required grass / lawn mowing requirements and removal of noxious weeds and vines upon occupied and vacant lands.
- 2325.2 Whenever a Code Enforcement Officer determines there is a violation of Sections 4.27(A),(B),(C),(D), notice shall be given as provided in Section 4.11(A)&(B), except that it shall be permissible for the Code Enforcement Officer to provide such notice to the person in charge of the property **once annually**, thereby permitting all subsequent enforcement actions in a given year to be undertaken without any additional notice provided to the property owner.

2526 FAILURE TO COMPLY WITH NOTICE TO CUT WEEDS, TREES, OR BUSHES

In addition to other remedies provided for in this Code, upon expiration of the Notice of Violation, and re-inspection has determined that the owner has failed to comply with the corrective action needed, the Code Enforcement Officer may cause weeds, rank vegetation, trees, or bushes to be cut and destroyed, with all costs to include administrative fees, thereof to be billed to the property owner. If billed costs are not recovered within thirty (30) days of receipt of the mailing described in Section 4.11, the Township may collect the cost in accordance with the Ohio Revised Code or assessing said fees onto the property owner's Allen County tax duplicate as a lien upon the property.

2527 PROCEDURES FOR WEED AND GRASS CUTTING

- 2527.1 Whenever a Code Enforcement Officer determines there is a violation of Sections 4.28(A),(B),(C),(D) - 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. Notice shall be sent by Certified U. S. Mail with return receipt requested. Owner shall be provided seven-(7) days from date of receipt of the Notice of Violation to abate and correct the violation. If the Notice of Violation is returned as undeliverable, or refused by the owner of property, then the Notice of Violation shall be sent by Regular U.S. Mail to the owner of the property as identified by Allen County Auditor's Office as owner of the parcel. The violation shall be corrected with (7)-seven days of the post mark date on the envelope containing the Notice of Violation.

2527.2 In cases of abandoned property or vacant lands whereas the identity of the owner(s), owner(s) address cannot be determined, or mailing cannot be accomplished due to no mailbox on the property, it shall be permissible for the Code Enforcement Officer to post notice of violation upon the vacant land or abandoned property on a stake or pole. Notice shall be posted on the street facing side of the parcel. Posting of said Notice of Violation shall be documented by camera.

2527.3 In addition to the notice of violation being posted on vacant lands or abandoned property, notice shall also be provided by posting notice of violation in the general circulation of the newspaper within the township in the legal section only one-(1) time. Notice shall give the last know name and address of the owner of the property, provide the nature of violation, violation statute, corrective action that is required, violation correction date and opportunity to appeal.

2527.4 In cases of Grass and Weed Cutting Violations, such Notice of Violation shall contain the following information:

- a. Must be in writing;
- b. Shall be sent to the person or persons responsible for the violation as well as the person, firm, or corporation listed by the Allen County Auditor's Office as any additional mailing address for the property.
- c. Must include a description of the property sufficient for identification purposes;
- d. Must include a statement of the violation or violations determined to exist on the property with specific references to the section or sections of this Code alleged to have been violated;
- e. Must include statement of the reason(s) why this is being issued;
- f. Include a correction order allowing reasonable time, (7-days) for the abatement and control of overgrown vegetation, grass and noxious weeds located on the property and to bring the violations into compliance with this code;
- g. Must include statement that if the violation is not corrected by the date provided in the Notice of Violation, that the Enforcement Officer may cause the noxious weeds, overgrown vegetation, excessive grass height as well as feral trees, brush, thistles, briers, etc. to be cut and/or destroyed.
- h. Must include a statement that upon completion of the grass cutting and weed abatement, that an invoice detailing employees utilized, time utilized for abatement, mobilization of equipment, mileage, fuel, surveying area for hazards, lawn and trimming equipment utilized and administrative fee will be provided to the land owner.
- i. Landowner shall be required to pay all fees indicated on the invoice to include an administrative fee within thirty-(30) calendar days of receipt of this notice. If fees are not paid within the thirty-(30) days, all costs will then be assessed upon the property owners tax duplicate via liens approved by the Board of Township Trustees.
- j. Must state the right of the violator to file an appeal of the Notice with the Code Enforcement Appeals Board within ten-(10) calendar days of receiving this Notice.

2528 **SPECIFIED PARCELS**

2528.1 Definition

- a. A specified parcel is a land parcel, with or without a structure upon the land, in which **ALL** the following are applicable:
 1. The parcel has been the subject of zoning violations and the Code Enforcement Officer has caused the weeds that are more than the maximum allowable height to be cut and destroyed on at least two occasions in a twelve-month period; AND
 2. The owner and/or person responsible for the premises has failed to remedy the violations consistent with the requirements of this Code; AND
 3. The parcel is found by the Code Enforcement Officer to be unoccupied and vacant for a period of at least 90 days.

2528.2 Specified Parcel Maintenance

- a. Upon finding a parcel having a principal structure or having vacant land to be a specified parcel, said parcel will be placed upon the Township's Specified Parcel List and subject to seasonal cutting until such time as the property is transferred to a new owner and/or responsible person who then shall maintain said parcel in a manner consistent with the requirements in this chapter.
- b. Annually the Code Enforcement Officer shall be assigned to make a review of the specified parcel list to make any necessary additions or deletions. The Specified Parcel List is subject to final approval by the Shawnee Township Board of Trustees.
- c. Notwithstanding other notice provisions contained within this code, owners and/or persons responsible for parcels classified as specified parcels will be given notice by posting and publication as herein described. Additionally, each parcel shall be posted, by stake or placarding on structure, as a specified parcel, at least five days prior to any cutting services being performed.
- d. Postings and publications shall include a description of the real estate sufficient for identification, description of the code violation, an order of correction setting forth the requirements for cutting weeds, grass, and/or other vegetation, notice that the parcel has been placed on the specified parcel list, notice of assessment of cutting costs and administrative fees, the time period for cutting services being provided by the Township and rights to appeal.
- e. Any owner and/or person responsible for the specified parcel may file an appeal with the Code Enforcement Appeals Board concerning the property's placement on the specified parcel list, no later than ten (10) days following the first billing for cutting costs and administrative fees in any given year. The appeal shall be in writing, shall state the reasons for the appeal and shall be filed with the Code Enforcement Officer. The Code Enforcement Appeals Board shall hear the appeal in the manner prescribed in these Code.

2530 EXTERIOR PROPERTY MAINTENANCE STANDARDS

2530.1 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.

2530.2 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.

2531 STRUCTURAL SOUNDNESS AND MAINTENANCE OF DWELLINGS

2531.1 GENERAL MAINTENANCE.

All exterior property and premises shall be maintained in a clean, safe, and sanitary condition. The owner, lessee, occupant, or person or entity having charge of the property shall keep all parts of the exterior property in a clean and sanitary condition. No premises shall be in a condition that constitutes a health hazard, safety hazard, or general nuisance.

2531.2 PROTECTIVE TREATMENT.

All exterior surfaces including, but not limited to roofs, siding, cement board, exterior wall treatment, doors, window frames, cornices, porches, trim, balconies, chimneys, decks and fences shall be maintained in good condition. Exterior wood, vinyl, brick, stucco, or other outer surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment.

Peeling, flaking and chipped paint shall be eliminated and surfaces re-painted. All siding and masonry joints as well as those between the building envelope and the perimeter of windows, doors, and skylights shall be maintained weather resistant and watertight. All metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion and all surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.

2531.3 FOUNDATIONS.

Foundations shall support the building at all points and shall be free of all holes and cracks which admit rodents, water or dampness to the interior of the building or reduce the capability of the foundation to support the building.

2531.4 EXTERIOR WALLS AND SURFACES.

Exterior walls and other exterior surface materials shall be free of holes, cracks, loose, or rotting boards and timbers or any other condition which might admit rodents, rain or dampness to the interior of the dwelling. Except for materials that have been designed or manufactured to remain untreated, all exterior wood, composition or metal surfaces shall be protected from the elements by paint or other protective covering. Surfaces shall be maintained so as to be kept clean and free of flaking, loose, or peeling paint or covering.

All siding, trim work, wood, brick, stone, masonry, canopies, signs, awnings, exterior stairways, fire escapes, standpipes, exhaust ducts, porches, balconies, and similar overhanging extensions, where exposed to public view, shall be maintained in good condition and shall not show evidence of ripping, tearing, or deterioration.

2531.5 WINDOWS, SKYLIGHTS, DOORS AND FRAMES.

Windows shall be fully supplied with window glass or an approved substitute which is glazed and is without open cracks or holes, shall have sashes in good condition which fit within frames, be capable of being easily opened and held in position by hardware, and maintained so as to exclude adverse weather elements from entering the structure. Skylights, doors, and frames shall be kept in sound condition, good repair and weather tight.

2531.6 EXTERIOR DOORS.

Doors shall be maintained so as to be structurally sound, fit within frames so as to be weatherproof, windproof, and water-proof and be provided with door hinges and door latches which are in good working condition.

2531.7 ROOF.

Roof members, covering, and flashing shall be structurally sound and tight so as to prevent the entrance of moisture and be maintained by renewal, repair, waterproofing, or other suitable means.

2531.8 GUTTERS AND ROOF DRAINS.

Rain gutters, downspouts, leaders or other means of water diversion shall be provided to collect/conduct and discharge all water from the roof and maintained so as not to leak or cause dampness in the walls, ceiling, or basements or adversely affect adjacent properties. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions.

2531.9 CHIMNEYS AND TOWERS.

All chimneys, cooling towers, smoke stacks, and similar appurtenances shall be maintained structurally safe and sound, and in good repair. All exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather- coating materials, such as paint or similar surface treatment.

2531.10 PORCHES AND DECKS.

Every porch or deck shall be so constructed and maintained so as to be free of missing, defective, rotting or deteriorated foundations, supports, floors, other members, and steps thereto, and kept in sound condition and in good repair.

2531.11 BASEMENT.

Basement or cellar hatchways shall be so constructed and maintained as to prevent the entrance of rodents, rain, and surface drainage into the dwelling.

2531.12 DECORATIVE FEATURES.

All cornices, entablatures, bell courses, corbels, terra cotta trim, wall facings, and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.

2531.13 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.

2531.14 OVERHANG EXTENSIONS.

All overhang extensions including, but not limited to, canopies, marquees, signs, awnings, fire escapes, standpipes and exhaust ducts shall be maintained in good repair and be properly anchored so as to be kept in a sound condition. When required, all exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

2531.15 SIDEWALKS AND DRIVEWAYS.

All sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair and maintained free from hazardous conditions.

2531.16 BUILDING SECURITY.

Doors, windows or hatchways for dwelling units shall be provided with devices designed to provide security for the occupants and property within.

2531.17 PAINT AND COATING

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.

2532 EXTERIOR PROPERTY AND STRUCTURAL EXTERIORS

2532.1 Within all zoning districts, all buildings, and the exterior of all premises, shall be properly maintained 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. Prohibited and obsolete signs shall be removed or replaced pursuant to the applicable sections of the Shawnee Township Zoning Resolution.
- 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 or dwelling unit.
 - f. Grading. All premises shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of water thereon, or within any structure located thereon.
 - g. Drainage. All portions of all premises shall be so graded that there is no pooling of water or recurrent entrance of water into any part of any building except when such pooling or retention of water is part of a plan approved by the County Engineer. All condensate and waste cooling water shall be appropriately discharged into an approved drainage system.
 - h. Drainage Swales. Swales are to be maintained by the owners of the parcels on which they are located, and at no time will anyone plant shrubs and/or trees, or discharge, empty, or place any material, fill or waste into any swale so as to divert or impede drainage flow.
 - i. Commercial Vehicle. No commercial vehicles, including commercial tractors, automobiles, trucks, buses, house trailers, semi-trailers, shall be parked or stored on any property 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 premise where labor using such tools, materials, and equipment is to be performed during the actual time of parking.
 - j. Furniture. No furniture intended for indoor use may be stored outside unless it is in a completely enclosed porch or patio room.
 - k. Off Street Parking. Parking and/or storing of any vehicle on a lawn or dirt surface shall be prohibited. Tracts with nonconforming gravel driveways may have gravel parking areas, but in no case shall a landscaped area (i.e., neither paved nor graveled) be used as an open off-street parking area.
 - l. Trailers and Recreational Vehicles. If a licensed and operable trailer, utility trailer, watercraft, camping or recreational equipment is parked or stored outside a garage, it shall be parked or stored along the side or rear of the residence. RV's and Utility Trailers may be parked in the driveway for purposes of loading and unloading for forty-eight (48) hours. RV's and Utility Trailers shall not be parked on the street or road right of way in a residential zoned district in excess of 72 hours and shall not constitute a hazard to approaching on-coming traffic. All such recreation vehicles, campers and equipment shall be free of fixed connections to power, water, gas, or sanitary sewer facilities, and at no time be used for living, habitation or housekeeping purposes.

- m. Street Numbers. Each structure to which a street number has been assigned shall have such number displayed in a position easily observed and readable from the public right-of-way. All numbers shall be at least four (4) inches in height.
- n. Sanitation. All exterior property and premises shall be maintained in a clean, safe, and sanitary condition. The owner, lessee, occupant, or person or entity having charge of the premises shall keep that part of the exterior property which such person or entity occupies or controls in a clean and sanitary condition of construction on a site or for any other reason.

2533 STAIRWAYS AND RAMPS

2533.1 Exterior stairways on all premises shall be kept in accordance with the following provisions:

- a. Free of holes, grooves, and cracks which constitute a safety hazard;
- b. Free of rotted or deteriorated supports;
- c. Stairway handrails and/or railings shall be firmly fastened and maintained in good condition. Where the absence of handrails and/or railings creates a hazardous condition, a Code Enforcement Officer may require installation in accordance with the provisions of the applicable building code.
- d. Wheelchair ramps must also be maintained according to the Americans with Disabilities Act requirements.

2534 POULTRY AND ANIMAL HUSBANDRY

2534.1 The keeping and rearing of poultry, waterfowl, farm, and other forms of farm type of livestock shall be prohibited in R-1, R-1H, R-2, R-2H, R-3, R-4 zoned locations on lots less than one-(1) acre in size.

2534.2 The keeping and rearing of poultry, waterfowl, farm, and other forms of farm type of livestock may be approved in R-1, R-1H, R-2, R-2H, R-3, R-4 zoned locations and commercial lots treated as residential lots subject to the following conditions.

- a. The lot area is more than (1) acre and less than (5) acres and zoned as Agricultural or Residential use.
- b. Poultry and/or livestock shall be reasonable in quantity and shall be kept in the rear yard only. The front and / or side yard areas are prohibited, unless on corner lot, then animals maybe kept in the side yard areas.
- c. All poultry and livestock shall be contained by means of fencing. Chickens, geese, ducks, turkeys, or other small livestock shall not roam as "free range" about the other owners' properties. Animals such as rabbits treated and sold as "pets" maybe allowed to roam supervised within the owner's property.
- d. Containment fencing shall be open metal farm type and shall be set a minimum of (15)-fifteen feet from side and rear property lines as well as not exceed a height of (4)-four feet. Fencing shall be subject to Shawnee Township fence permit requirements.
- e. Poultry and livestock shall be kept at a minimum of (50)-fifty feet from any neighboring structure.
- f. Any loud, offensive, or objectionable noises, calls or other disturbing actions shall be controlled and be maintained by the owner and the animals' actions shall not constitute a nuisance to adjacent property owners or owners within area proximity.
- g. Roosters shall be prohibited on lots less than 2.5 acres in size (Agricultural lot designation), nor permitted within a platted residential subdivision.

2534.3 Keeping and rearing of poultry and livestock may be permitted in a residential zoned location, as part of a school or 4H project and subject to an annual conditional use certificate being issued, by the Zoning Inspector/ Code Enforcement Officer, with co-approval by the Board of Trustees. This certificate is valid for one-(1) year subject to annual review and approval.

- a. The conditional use certificate shall list all necessary conditions in granting said request. This includes but not limited to type of poultry or livestock permitted within the zoned location, breed, quantity, shelter, or accessory building needed, distances from adjoining neighbors, fencing, waste disposal and any other conditions applicable. Each case will be based on individual merits and non-precedent setting nature. The persons responsible for the animals shall be registered with the local 4H or Fair Office, with documentation submitted validating project entry, duration, and expiration of project.

2535 INSECT AND RAT CONTROL

An owner of a structure or property shall be responsible for the extermination of insects, rats, vermin, or other pests in all exterior areas of the premises, except that the occupant shall be responsible for such extermination in the exterior areas of the premises of a single-family dwelling. Whenever infestation exists in the shared or public parts of the premises of other than a single-family dwelling, extermination shall be the responsibility of the owner. Prior to renting or leasing a dwelling unit the owner of the structure shall be responsible for extermination within said dwelling unit.

2536 STORM WATER DRAINAGE

2536.1 An approved system of storm water disposal shall be provided by the owner and maintained for the safe and efficient drainage of roofs and paved areas, yards and courts, and other open areas on the premises to prevent areas of standing water and structural deterioration. All storm water disposal systems shall be kept free of obstruction and leaks and be capable of handling normal storm run-off.

2536.2 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.

2537 FENCE USES AND MAINTENANCE

2537.1 Fences shall require a permit issued by the Shawnee Township Zoning Office, after application, site plan, and permit fees have been paid. Any false, inaccurate, or misleading information submitted in the application will be cause for permit denial.

2537.2 Fences in all zoned locations shall be maintained in good condition, repaired as needed in timely fashion, and kept free of debris, weeds, and overgrown vegetation. A working gate and lock shall be required to allow access to/from.

2537.3 Fences in residential zoned locations shall not exceed the height of 6 feet in height. Fences shall be painted, treated, or other suitable form of preventative maintenance measure utilized to maintain its up kept condition.

2537.4 Fences shall be permitted in rear and side yard only, except for Estate Fences as described within the Resolution. Fences may not exceed the front line of the principal structure. Chain link fences may not exceed four feet in height in residential areas and permitted in the rear and side yard only.

2537.5 Fences shall be uniform in overall construction with the same / similar building materials. Fences may be constructed in either a horizontal or vertical pattern with the flat or finished side facing outwards to adjoining properties.

2537.6 Fences shall not be constructed as to block, divert, or channelize storm water runoff to adjacent property owners. Ample spacing on the bottom of the fence shall be always be maintained to allow for unimpeded storm water drainage.

2537.7 Visibility Triangles. All fences shall be located outside of all visible triangles at intersections and ingress and egress points and shall not be located in such a manner as to constitute a traffic or safety hazard.

2537.8 Fences shall not be electrified or topped with barb wire in residential zoned districts. Low wattage agricultural fences and stun fences may be approved in Agricultural or Industrial zoned locations after site plan review and written permit approval.

2537.9 Fences shall additionally conform to the regulations as outlined in Article 1711 of the Shawnee Township Zoning Resolution.

2538 SWIMMING POOLS, SPAS, AND HOT TUBS

2538.1 Swimming pools, spas, and hot tubs shall be maintained in a clean and sanitary condition, and in good repair.

2538.2 Required In-Ground Swimming Pool Safety Protocols.

- a. All required fencing at a height of no less than four-(4) feet in height and no greater than six-(6) feet in height as measured from average ground or a walled area of no less than four-(4) feet shall be required for all in-ground swimming pools as a safety protocol. The owner or contractor shall be required to contact the Zoning Inspector for final sit review when the pool installation is completed.
- b. A separate swimming pool application and fence application shall be required to be completed and submitted for review and approval. The property owner shall be responsible for contacting his / her insurance company if the required fence or wall installation is delayed due to material shortage or scheduling issues. The owner shall be responsible for providing to the Township all necessary insurance information to include a declaration page providing proof that the owner's pool is insured.
- c. If the wall or fencing is delayed beyond the project completion date, Shawnee Township Zoning Inspector will approve the in-ground pool installation as long as a copy of the fence installation contract is attached to the fence permit application and installation date is indicated on the contract from the fence installer and verified to be correct. If the owner is self-installing the fence, then a copy of the receipt showing purchased materials list, date of delivery or anticipated delivery date to residence and statement from the owner on the anticipated installation date.
- d. Temporary fencing such as snow fencing, soccer fencing, farm wire fencing or other medium is not an acceptable barrier. Electronic pool covers do not fulfill the fence or wall requirements and may not be used exclusively as a barrier to prevent pool intrusion.
- e. The property owner is responsible and liable for any injuries as a result of not having the required wall or fencing around the in-ground swimming pool. The property owner is additionally responsible for ensuring adequate safety measures are in place to prevent falls, injuries, or accidental drowning during the time the area is void of the required fence or walled areas. The owner shall further and hold harmless, Shawnee Township with respect to any claim filed against the owner in reference to the absence of any appropriate barrier surrounding the swimming pool.

2538.4 In Ground Swimming Pool Enclosures: Private in-ground swimming pools shall be completely surrounded by a fence or walled barrier a minimum of 48 inches in height above the finished ground level measured on the side of the barrier away from the pool.

- a. Gates and doors in such barriers shall be self-closing and self-latching.
- b. Where the self-latching device is less than 54 inches above the bottom of the gate, the release mechanism shall be located on the pool side of the gate. Self-closing and self-latching gates shall be maintained such that the gate will positively close and latch when released from an open position of 6 inches from the gatepost.

2538.5 Above Ground Swimming Pool Controlled Access: Private above ground swimming pools in excess of 52 inches in height do not require fencing or walled barrier at least 48 inches in height above the finished ground level.

- a. Above Ground Swimming Pools do require a means of controlling unauthorized access or unintentional falling into the pool.
- b. Private above ground swimming pools shall have controlled access such as a locking or removable swim ladder, or if connected to a deck or swim platform a self-closing and self-latching gate or barrier.
- c. If the swimming pool is not in use the ladder shall be retracted or removed to prevent intrusion or fall into the pool.
- d. Where the self-latching device is less than 54 inches above the bottom of the gate, the release mechanism shall be located on the pool side of the gate. Self-closing and self-latching gates shall be maintained such that the gate will positively close and latch when released from an open position of 6 inches from the gatepost.

- e. No existing pool enclosures shall be removed, replaced or changed in a manner that reduces its effectiveness as a safety barrier. Private swimming pools, spas, and hot tubs must also have a cover over the surface of the water when the swimming pool, spa, or hot tub is not being used.

2539 ABANDONMENT OF CONSTRUCTION PROJECT

- 2539.1 All construction work shall be diligently pursued to completion on any building or structure for which a zoning and/or building permit has been issued, unless forestalled by circumstances beyond the property owner's control (including but not limited to, labor issues, inclement weather).
- 2539.2 Any construction project upon which no substantial work has been undertaken for a period of **12 months** and which has not provided notification in writing to the Code Enforcement Officer as to lapse in construction, shall be deemed abandoned. Such notification shall be filed every ninety (90) days with the Code Enforcement Officer with any project experiencing a lapse in construction.
- 2539.3 Upon any construction project being deemed abandoned, the Code Enforcement Officer may cause 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, as well as all building materials and construction equipment, to be removed from the site within sixty (60) days.
- 2539.4 Upon approval from the Code Enforcement Officer the building structures shall be secured; any and all building material, equipment, and/or construction related items shall be secured and stored; and the property otherwise maintained in accordance with the characteristics of the surrounding neighborhood. The costs of removal and storage of any building, building materials, equipment, or construction related items will be billed to the property owner. If billed costs are not recovered within thirty (30) days of receipt of the mailing described in 4.11, the Township may collect the cost in accordance with the Ohio Revised Code.

2540 MAINTENANCE OF ACCESSORY STRUCTURES

- 2540.1 Structures accessory to dwellings, including detached garages, storage and utility sheds shall be structurally sound, neatly maintained, in good repair, and properly affixed to the ground containing a sound concrete foundation, block, paver or stoned base. Accessory structures shall not be situated on bare earth and level in appearance.
- 2540.2 Shipping containers, cargo boxes, railroad box cars, or similar type of structure shall be prohibited in residential, and commercial zoned districts. Any accessory structure in blighted, deteriorated, structurally unsound, disrepair, or apparently unsafe to ordinary observer shall be razed and removed from the property as directed by the Code Enforcement Officer.

2541 UPKEEP OF VACANT STRUCTURES AND LAND

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

- 2541.1 Vacant structures on residential, and commercial lots shall be secured and maintained in good condition.
- 2541.2 Vacant residential, commercial and industrial lots shall be maintained free of debris, junk, refuse and litter. This shall include but not limited to the prohibited dumping of disabled motor vehicles, abandoned motor vehicles, junk motor vehicles, abandoned all purpose vehicles, machinery, junk, tires, motor parts, tanks, lumber, drywall, roof materials, shingles, wiring, pipes, hoses, garbage, refuse, and any other discarded debris or objects.

2542 BURNING OF RUBBISH, TRASH, OR NOXIOUS DEBRIS PROHIBITED

The outside burning of trash, rubbish or other objectionable debris is not permissible within a residential zoned district. This does not include small residential fire pits, campfires, or other wood burning receptacle use.

2543 BLIGHT CONDITIONS

2543.1 If the Zoning Inspector / Code Enforcement Officer finds that any building, structure or lot within the unincorporated areas of the Township, by reason of deterioration of materials, lack of repair or the maintenance of any condition therein or thereon which results in a blighting or deteriorating factor, is or will become a hazard to the health, safety or welfare of its occupants or the public, or is or will become a blighting or deteriorating factor in the neighborhood or will impair or adversely affect the value of neighboring property, the Zoning Inspector / Code Enforcement Officer shall report such facts to the Board of Township Trustees, which may thereupon declare such building, structure or condition to be a public nuisance.

2543.2 The Board of Township Trustees may specify, upon the advice of the Zoning Inspector / Code Enforcement Officer what reasonable repairs, maintenance or corrective measures are necessary to abate such a nuisance. Upon the finding by the Board of Trustees that a nuisance exists, the Zoning Inspector or Code Enforcement Officer shall order the owner of such building, structure, or lot to make such repairs or take such maintenance or corrective measures within a reasonable time.

2544 ACCUMULATION OF JUNK, JUNK PARTS, INOPERABLE MACHINERY, DISCARDED OBJECTS, AND DEBRIS PROHIBITED IN ALL ZONING DISTRICTS

Within all zoning districts of Shawnee Township, the accumulation or storage of junk, junk parts, 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.

2545 PERMITTED NUMBER OF DISABLED OR JUNK MOTOR VEHICLES ON RESIDENTIAL LOTS.

2545.1 The intent of this section, it to limit the amount of junk, disabled or abandoned motor vehicles that can be stored concealed within residential lots in the Township.

2545.2 Storage and concealment of any junk or inoperable motor vehicle shall be within the designated rear yard only. On corner lots, this designated area shall be the side yard only. On dual front or two front street lots, i.e. street to front and street to rear of the property the storage of junk or inoperable motor vehicle behind shall be in the side yard only.

2545.3 Within a residential district, the owner of the property may be allowed to store one-(1) Junk or Inoperable Motor Vehicle concealed by fencing outside of the completely enclosed structure requirement. The vehicle shall be completely concealed by means of hard fencing. Fencing shall be subject to Shawnee Township fence permitting requirements.

2546 SIGNAGE

2546.1 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 Code.
- 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.

2546.2 When the Code Enforcement Officer finds, upon investigation, that a sign has been abandoned or defective, the Enforcement Officer 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 needs repair and must be removed or repaired within thirty (30) days from the date of the said notice at the owner's expense.

2546.3 Sign Maintenance. All signage and incidental landscaping and/ or lighting shall be maintained in good condition and shall not show evidence of deterioration. Neither lighting nor signage shall be permitted to be posted on trees or utility poles.

2546.4 Visibility Triangles. All signage shall be located outside of all visible triangles at intersections and ingress and egress points and shall not be located in such a manner as to constitute a traffic or safety hazard.

2546.5 Any sign found to be a safety or traffic hazard may be immediately removed by the Code Enforcement Officer for good cause.

2547 INOPERABLE MOTOR VEHICLES

2547.1 For the purpose of this Code, an Inoperable Motor Vehicle shall not meet the same definition as a “junk motor vehicle” however shall mean any motor vehicle that is incapable to being started and propelled under its own power or cannot be legally driven upon a roadway. Any motor vehicle that has not been moved for a period of forty-five (45) consecutive days or more shall be presumed to be in an “inoperable condition”.

2547.2 In addition, to the above, the inoperable motor vehicle may be identified as also having missing or expired license plates, grass/weeds ground about wheel wells and tires, under inflated or flat tire(s), motor vehicle parts missing, cracked windshield, broken windows, missing required MV mirrors, debris laying on vehicle, or any other obvious signs the vehicle appears to be in inoperable condition.

2547.3 No inoperable motor vehicle shall be parked upon a roadway or road right-of-way in excess of (45) days. If the vehicle is being utilized for street or off-street parking, the motor vehicle is required to be periodically started and moved from its original position.

2547.4 No inoperable motor vehicle shall be parked in public view within any zoned district within the Township for more than forty-five-(45) consecutive days. The inoperable motor vehicle shall be concealed from public view by means of storage within a completely enclosed structure, or completely concealed by fencing.

2547.5 The Code Enforcement Officer is permitted to issue Zoning Violation Citations to the owner of the property where junk or inoperable motor vehicles are present, when the owner has failed to comply to the Notice of Violation and corrective action needed.

- a. On the first offense, a civil penalty assessment of \$50.00 per motor vehicle determined to be in violation of this Code shall be assessed to the owner of the property.
- b. On the second offense, a civil penalty assessment of \$100.00 per motor vehicle determined to be in violation of this Code.
- c. On third and subsequent offenses, a civil penalty assessment of \$500.00 per motor vehicle shall be imposed on each motor vehicle found in violation of this Code.
- d. An additional administrative fee of \$100.00 shall be added to all zoning violation citations issued. This assessment amount is addressed in the Violation Citation Penalty Assessment section of this Code.
- e. If the owner repeatedly fails to correct the violation after a reasonable amount of Zoning Violation Citations have been issues and civil fines assessments have shown no deterrent; the Code Enforcement Officer shall refer the case to the Lima City Prosecutor’s Office for additional legal action against the property owner.

2548 MOUNDING, RAISED BEDS AND OTHER EARTH WORKS

2548.1 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.

2548.2 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.

2548.3 No fill material shall be permitted in a flood plain district, flood plain area, or riparian corridor without the expressed written permission of the Zoning Inspector/Code Enforcement Officer, Drainage Engineer and Lima/Allen County Regional Planning Commission. A detailed site plan shall be required to be submitted by the owner showing all tentative fill areas, elevations, watercourses and other pertinent information before approvals shall be given.

2549 DRAINAGE CONTROL

2549.1 Vacant undeveloped lots in the process of development for use shall be graded and developed with due consideration to storm run-off drainage.

2549.2 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.

- a. Examples include but not limited to downspout extensions placed on property lines, sump pump line discharging to adjoining property owner lots and storm run-off from primary or accessory structures diverted to neighboring properties, as to increase to cause damage to adjoining property owners' structure or land.

2549.3 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.

2550 REGULATION OF PONDS, LAKES OR OTHER WATER DETENTION/RETENTION STRUCTURES

2550.1 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.

2550.2 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, nor twenty-five (25) feet from any residential dwelling.

2550.3 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, and becomes a nuisance to adjoin property owners.

2551 PROPERTY MAINTENANCE STANDARDS SPECIFIC TO COMMERCIAL AND INDUSTRIAL PROPERTIES

2551.1 GENERAL PROVISIONS

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

In addition to the foregoing standards, the following commercial and industrial property maintenance standards are applicable to all commercial structures, commercial units, portions of mixed use structures which are devoted to commercial use, including all exterior and structural requirements, soundness, and maintenance, industrial structures, industrial units, and portions of mixed use structures which are devoted to industrial use, including all exterior and structural requirements soundness, and maintenance.

2551.2 PARKING AREA MARKINGS AND SIGNAGE

All traffic markings such as directional arrows, lane division lines, parking space lines, stop signs, etc., shall be maintained so as to be clearly visible and easily recognized.

2551.3 EXTERIOR LIGHTING

Exterior lighting fixtures oversteps, paths, walkways, courts, drives and parking lots shall be neatly maintained in operable condition.

2551.4 STAIRWAYS

All exterior stairways on all commercial or industrial premises shall be in accordance with the following procedures:

- a. Stairways shall be maintained free of holes, grooves, and cracks which constitute a safety hazard;
- b. Stairways shall be maintained free of rotted or deteriorated supports;
- c. Stairways shall have treads of uniform width and height; and
- d. Stairway handrails and/or railings shall be firmly fastened and maintained in good condition.

Whereas the absence of handrails and/or railings creates a hazardous condition, the Code Enforcement Officer may require their installation in accordance with the provisions of the applicable Building Code.