

**EXTERIOR MAINTENANCE CODE FOR
MIAMI TOWNSHIP, MONTGOMERY COUNTY, OHIO**

**PREPARED BY:
MIAMI VALLEY REGIONAL PLANNING COMMISSION
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DAYTON, OHIO 45402**

**DOCUMENT ADOPTED BY THE MIAMI TOWNSHIP TRUSTEES
RESOLUTION #137-97 DATED DECEMBER 17, 1997**

**ADOPTED BY MIAMI TOWNSHIP TRUSTEES
MINIMUM QUALIFICATIONS FOR PERFORMANCE OF
DUTIES RELATED TO ENFORCEMENT OF THE CODE
RESOLUTION #12-98 DATED JANUARY 7, 1998**

**ASSIGNED ENFORCEMENT RESPONSIBILITY
BY THE MIAMI TOWNSHIP TRUSTEES
RESOLUTION #13-98 DATED JANUARY 7, 1998**

**MODIFIED RESOLUTION #137-97
BY THE MIAMI TOWNSHIP TRUSTEES
RESOLUTION #140-98 DATED SEPTEMBER 16, 1998**

**ADOPTED BY MIAMI TOWNSHIP TRUSTEES
A FEE SCHEDULE FOR CITATIONS FOR
PROPERTY MAINTENANCE CODE
RESOLUTION #60-99 DATED MAY 19, 1999**

**ADOPTED BY MIAMI TOWNSHIP TRUSTEES
MODIFICATION TO THE
PROPERTY MAINTENANCE CODE
RESOLUTION #168-99 DATED DECEMBER 15, 1999**

**ADOPTED BY MIAMI TOWNSHIP TRUSTEES
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PROPERTY MAINTENANCE CODE
RESOLUTION # 44-2007 DATED FEBRUARY 27, 2007**

RESOLUTIONS AVAILABLE UPON REQUEST

MIAMI TOWNSHIP EXTERIOR PROPERTY MAINTENANCE CODE

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ARTICLE I

PURPOSE

1.01 MISSION

The mission of this Exterior Property Maintenance Code is to protect the public health, safety, morals and general welfare as it pertains to premises and buildings used for residential, commercial and industrial purposes. This protection is hereinafter provided by:

- A. Establishing minimum standards for maintaining residential, commercial and industrial 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 its negative impact on the value of surrounding properties; and eliminating hazardous conditions;
- B. Fixing the responsibilities of owners, operators and occupants of structures and their premises; and
- C. Providing for administration, enforcement, and penalties.

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

ARTICLE II

TITLE

2.01 TITLE

This code shall be known as “Miami Township Exterior Property Maintenance Code” and is herein referred to as above or as the “Exterior Property Maintenance Code” or “this code.”

ARTICLE III

DEFINITIONS

3.01 CONSTRUCTION OF LANGUAGE

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

- 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 word “person” includes a firm, association, organization, partnership, trust, company or corporation as well as an individual; and
- H. The word “dwelling” includes the word “residence.”

3.02 DEFINITIONS

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

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

EXTERIOR PROPERTY AREAS: The open space on the premises and on adjoining property under the control of owners or operators of such premises.

JUNK OR INOPERABLE VEHICLE: A vehicle, including but not limited to cars, trucks, busses, trailers and boats, shall be deemed a junk or inoperable vehicle 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 is without fully inflated tires and/or has any type of support under it;
- D. The vehicle has a substantially damaged or missing window, windshield, door, motor, transmission or other similar major part.

ARTICLE IV

ADMINISTRATION AND ENFORCEMENT

4.01 APPLICATION OF EXTERIOR PROPERTY MAINTENANCE CODE

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

4.02 COMPLIANCE REQUIRED

Every portion of a building or premises used or intended to be used for residential, commercial or industrial purposes, shall comply with the provisions of this Exterior Property Maintenance Code, irrespective of when such building has been constructed, altered or repaired, or premises occupied, except as hereinafter provided.

4.03 CONFLICT OF LAWS

In any case where a provision of this Exterior Property Maintenance Code is found to be in conflict with a provision of any Zoning, Building, Fire, Safety or Health Regulation or other regulation, the provision which established the higher standard for the promotion and protection of the safety and health of the people shall prevail.

4.04 EXISTING REMEDIES

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

4.05 SEPARABILITY

If any section, subsection, paragraph, sentence, clause or phase of this Exterior Property Maintenance Code is declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this Exterior Property Maintenance Code, which shall continue in full force and

effect, and to this end the provisions of this Exterior Property Maintenance Code are hereby declared to be severable.

4.06 SAVING CLAUSE

This Exterior Property Maintenance Code shall not affect violations of any other Resolution, Ordinance, Code or Regulation existing prior to the effective date of this Exterior Property Maintenance Code, and any violation of such shall be governed and shall continue to be punishable to the full extent of the law under the provisions of those Ordinances, Codes or Regulations in effect at the time the violation was committed.

4.07 ENFORCEMENT OFFICIALS

- A. **ENFORCEMENT OFFICERS.** The Township Trustees shall assign the duties of administering and enforcing this Code to the Enforcement Officer. The Enforcement Officer may call upon any department, division or contractor of the Township for whatever assistance may be necessary to abate a violation of this Code.
- B. **LIABILITY.** No officer, agent or employee of Miami Township shall be personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his duties under this Code.

4.08 INSPECTIONS

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

4.09 NOTICE OF 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 Maintenance Code Appeals Board within ten (10) days of receipt of the notice.

B. **SERVICE.** A Notice of Violation shall be deemed to be properly served if one (1) or more of the following methods are used:

- 1) By personal delivery to the owner or occupant 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 the United States Post Office addressed to the person or persons responsible at his/their last known address, with return receipt requested. If a Certified Mail envelope is returned with endorsement showing that the envelope is unclaimed, then service shall be sent by ordinary mail and the mailing shall be evidenced by a Certificate of Mailing which shall be filed by the Enforcement Officer. Service shall be deemed complete when the fact of mailing is entered of record, provided that the ordinary mail envelope is not returned by the postal authorities with an endorsement showing failure of delivery; or
- 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 property, the last address, if known, of the owners, the parcel identification, the location and nature of the violation.

4.10 **EXTERIOR PROPERTY MAINTENANCE CODE APPEALS**

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

- 1) **PROCEDURE.** Said Board may adopt rules of procedure not inconsistent with this Code. No member of the Board shall take part in any hearing or determination in which he or she has a personal or financial interest. Three (3) members of the Board in attendance at any meeting shall constitute a quorum.
- 2) **AUTHORITY.** The Board shall hear all appeals relative to the enforcement of this Code, and by a concurring vote of the majority of its members may reverse or affirm, wholly or partly, or may modify the decision appealed from, and shall make such order or determination as in its opinion ought to be made. Failure to

secure such concurring votes shall be deemed a confirmation of the decision of the inspector.

- B. **HEARINGS.** Any person affected by any Notice of Violation which has been issued in connection with the enforcement of any provision of this Exterior Property Maintenance Code, may request and shall be granted a hearing on the matter before the Exterior Property Maintenance Code Appeals Board provided that such person shall file in the office of the Enforcement Officer an appeal on forms provided by the Township. The appeal shall be filed within ten (10) days after the date of the notice and order, revocation or denial of permit. Upon receipt of such a petition, the Appeals Board shall set a time and place for hearing before the Appeals Board and shall give the petitioner written notice thereof by first class mail postmarked at least ten (10) days prior to such hearing. The hearing shall be held no less than ten (10) days and no more than thirty (30) days from the date the petition was filed. At such hearing, the petitioner shall be given an opportunity to be heard and to show cause why any item appearing on such notice and order should be modified, or withdrawn. The failure of the petitioner or his representative to appear and state his case at such hearing shall have the same effect as if no petition were filed.
- C. **FINDINGS.** Prior to sustaining any violation notice and compliance order, the Appeals Board shall make the following findings:
- 1) The violator was served with a Notice of Violation and/or Citation Tag as provided in Sections 4.09 and 4.11.
 - 2) The Citation Tag and/or Notice of Violation that was served stated the specific nature of the violation; corrective action needed to be taken to abate the violation; and a specific time period for abatement of the violation.
 - 3) Within the time period stipulated in the Citation Tag and/or Notice of Violation, the violator failed to comply with the Notice of Violation by not abating the violation, and/or not bringing the use into compliance with the Miami Township Exterior Property Maintenance Code.
 - 4) Upon expiration of the date indicated for compliance in the Notice of Violation, the property was being maintained in violation of specific provisions of the Miami Township Exterior Property Maintenance Code and/or conditions imposed by the Appeals Board as a prerequisite to the modification of a previous compliance order.
- D. **AUTHORITY OF APPEALS BOARD.** Within thirty (30) days of the close of the public hearing, the Appeals Board shall render a decision sustaining, modifying, or withdrawing any item appearing on the notice and order. The petitioner shall be notified in writing of such action.

4.11 CITATION TAGS

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.

- A. **CONTENTS:** 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 assessment or penalty therefore.
- B. **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.
- C. **NOTICE OF FUTURE VIOLATION:** 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.
- D. **ESTABLISHMENT OF FEE SCHEDULE BY TOWNSHIP TRUSTEES:** 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.
- E. **PENALTY ASSESSMENT:** When a Violation Citation Tag has been issued pursuant to this section, an amount established by the Township Trustees is hereby assessed on the violator. Failure to pay the assessment within a period of thirty (30) days after the date of service of the Citation Tag shall constitute a minor misdemeanor, punishable as provided in Section 4.99 of this Resolution. Assessments may also be attached to the property taxes for the property in question.

4.12 PROSECUTION

In case any violation order is not promptly complied with, the Enforcement Officer may request the Township Attorney to institute an appropriate action or proceeding at law to exact the penalty provided in Section 4.99 of this Code, and in addition thereto, may ask the Township Attorney to

proceed at law or in equity against the person responsible for the violation for the purpose of ordering him/her to abate such nuisance.

4.13 ABATEMENT OF NUISANCE BY TOWNSHIP AND COST RECOVERY

Should the nuisance not be abated at 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 shall be authorized at any time thereafter to request a court to authorize entry to take such action as deemed appropriate to abate the nuisance, in addition to any remedies provided elsewhere in this Exterior Property Maintenance Code. In abating such nuisance, 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. In the event the Certified Mail envelope is returned with endorsement showing that the envelope is unclaimed, then service shall be sent by ordinary mail and the mailing shall be evidenced by a Certificate of Mailing which shall be filed by the Enforcement Officer.
- B. If the costs are not so recovered within thirty (30) days of receipt of the mailing described in Section 4.13(A), the Township may collect the cost in accordance with the Ohio Revised Code.

4.14 RULEMAKING 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.

4.15 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 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 and shall furnish to the Code Official a signed and notarized statement from the grantee, transferee, mortgagee or lessee,

acknowledging the receipt of such notice of violation and fully accepting the responsibility without condition for making the corrections or repairs required by such Notice of Violation.

4.16 ABANDMENT OF CONSTRUCTION PROJECT

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

4.99 VIOLATION AND PENALTIES

- A. No person shall violate any provision or fail to conform to any of the requirements of this Exterior Property Maintenance Code or fail to comply with any order made thereunder.
- B. Whoever violates any section of this Code shall be guilty of a minor misdemeanor and be fined not more than one hundred dollars (\$100.00). A separate offense shall be deemed committed each day during or on which a violation occurs or continues.
- C. The application of the penalty provided in subsection (B) hereof shall not be held to prevent the enforced removal of prohibited conditions.

ARTICLE V

RESIDENTIAL EXTERIOR PROPERTY MAINTENANCE STANDARDS

5.01 APPLICATION OF MAINTENANCE STANDARDS

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

5.02 STRUCTURAL SOUNDNESS AND MAINTENANCE OF DWELLINGS

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

- A. 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 lessen the capability of the foundation to support the building.
- B. EXTERIOR WALLS AND SURFACES. Exterior walls and other exterior surface materials shall be free of holes, cracks, loose or rotting boards and timbers or any other condition which might admit rodents, rain or dampness to the interior of the dwelling.
- C. WINDOWS. 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.
- D. EXTERIOR DOORS. Doors shall be maintained so as to be structurally sound, fit within frames so as to be weatherproof, windproof, and waterproof and be provided with door hinges and door latches which are in good working condition.
- E. 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. Roof drainage shall be adequate to prevent rainwater from causing dampness in the interior portion of the building.

- F. **GUTTERS.** Rain gutters, downspouts, leaders or other means of water diversion shall be provided to collect/conduct and discharge all water from the roof and maintained so as not to leak or cause dampness in the walls, ceiling, or basements or adversely affect adjacent properties.
- G. **CHIMNEYS.** Chimneys shall be free of cracks, holes or missing portions and maintained in sound condition.
- H. **PORCH.** Every porch 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, so as to be safe to use and kept in sound condition and in good repair.
- I. **STRUCTURAL MEMBER.** Any structural member of a structure which has become deteriorated or damaged to the extent that it does not serve the purpose as originally intended shall be renewed, restored, repaired, or replaced as is necessary to serve the purpose as originally intended.
- J. **EXTERIOR SURFACES.** Except for materials that have been designed 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.
- K. **BASEMENT.** Basement or cellar hatchways shall be so constructed and maintained as to prevent the entrance of rodents, rain and surface drainage into the dwelling.
- L. **DECORATIVE FEATURES.** All cornices, entablatures, bell courses, corbels, terra cotta trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.

5.03 PAINT AND COATING MATERIALS

All paint and other coating materials shall be free of any lead. These materials shall also be free of dangerous substances banned from general use by authorized Federal, State, County, or Local Regulatory Agencies for health and safety reasons.

5.04 EXTERIOR PROPERTY AND STRUCTURE EXTERIORS

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

- A. **EXTERIOR SPACE.** The exterior open space around each dwelling shall be maintained or so improved so as to provide for:
- 1) The immediate diversion of water away from buildings and proper drainage of the 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) Yard-walks, parking areas, and driveways of a concrete, asphalt, pavers or similar surface which are of sound construction and properly maintained; and
 - 4) Exterior steps which are of sound construction and properly maintained free of hazardous conditions.
- B. **MAINTENANCE.** The exterior of all premises and every structure thereon including but not limited to walls, roofs, cornices, chimneys, drains, towers, porches, landings, fire escapes, stairs, signs, windows, doors, awnings 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 the purpose of preservation. All canopies, signs, awnings, exterior stairways, fire escapes, standpipes, exhaust ducts, porches, balconies, and similar overhanging extensions, where exposed to public view, shall be maintained in good condition and shall not show evidence of ripping, tearing, or deterioration.
- C. **FENCES AND WALLS.** All fences, retaining walls, or similar structures shall be anchored firmly in the ground, shall be constructed in a workmanlike manner and maintained in that same manner so that such approved fences, retaining walls, or similar structures shall always be in the state of good structural repair. If any fence, retaining wall, or similar structure is found not to be in the state of good structural repair, it shall be removed, replaced, or repaired as required. Except when constructed of materials that have been designed or manufactured to remain untreated, all fences shall be treated periodically with paint or chemicals so as to retard deterioration.
- D. **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.
- E. **HAZARDS.** Hazards and unsanitary conditions shall be eliminated.
- F. **OCCUPANCY.** No temporary buildings, trailers, recreational vehicles, tents, or garages shall be used temporarily or permanently as a residence in the course of construction.
- G. **STORAGE.** Except as provided for in other regulations of the Township, all outdoor storage of any kind shall be prohibited.

- H. **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 water cooling water shall be appropriately discharged into an approved drainage system.
- I. **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. Small swales can be mowed as part of the yard. Larger swales in meadow situations should be mowed less frequently in order to allow grasses to grow taller to retard runoff and prevent erosion. Swales in woodland areas should be left in their natural condition leaving understory growth to retard runoff and prevent erosion.
- J. **JUNK, INOPERABLE OR UNLICENSED VEHICLE.** No junk, inoperable, or unlicensed vehicle shall be located on any residential property, except when stored within a completely enclosed building.
- K. **COMMERCIAL VEHICLE.** No commercial vehicle with a gross vehicle weight rated in excess of 10,000 pounds, based on manufacturer's federal identification decal or serial number, or any commercial vehicle more than seven (7) feet in height, may be parked on any residential lot, except for commercial vehicles making service calls or vehicles being used to move personal goods to or from a subject property. Commercial vehicles used for Agriculture are exempt from this requirement when located in the "A" Agriculture District.
- L. **FURNITURE.** No furniture intended for indoor use may be stored outside, unless it is in a completely enclosed porch or patio room.
- M. **OFF STREET PARKING.** On residential tracts less than 40,000 sq. ft. in the "A" Agriculture District, and all tracts in residential districts, all open off-street parking areas shall be graded and surfaced with bituminous concrete (asphalt), Portland cement concrete, brick, cobble-stone or similar hard surface, except a space required for recreational or camping equipment as described in Article 38, Section 3801 of the Miami Township Zoning Resolution. 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.
- N. **TRAILERS AND RECREATIONAL VEHICLES.** If a trailer, utility trailer, camping or recreational equipment is parked or stored outside a garage, it shall be parked or stored to the rear of a line which is an

extension of the front wall of the house. On a corner lot; however, the camping or recreational equipment may not be stored at any side of the house toward a street. All camping or recreational equipment shall cover no more than 400 square feet of yard area, with a maximum of two (2) pieces of camping or recreational equipment permitted. The vehicles must be registered to a resident of the respective property. RV's and Utility Trailers may be parked for purposes of loading and unloading for forty-eight (48) hours.

5.05 VEGETATION

- A. VEGETATION CUTTING REQUIRED. All grass, weeds, or rank vegetation shall be periodically cut and in no case shall exceed a height of eight (8) inches.
- B. MAINTENANCE OF PLANTINGS. All plant materials, especially trees and shrubs, afflicted with decay, disease, insect infestation, or otherwise considered dangerous to other plant material shall be removed or appropriately treated. All sound plant materials, especially trees and shrubs, shall be properly maintained and not evidence signs of neglect.

5.06 STAIRWAYS

- A. EXTERIOR STAIRWAYS. All exterior stairways on all residential premises shall be in accordance with the following provisions:
 - 1) Stairways shall be maintained free of holes, grooves, and cracks which constitute a safety hazard;
 - 2) Stairways shall be maintained free of rotted or deteriorated supports;
 - 3) Stairways shall have treads of uniform width and risers of uniform height; and
 - 4) Stairway handrails and/or railings shall be firmly fastened and maintained in good condition. Where the absence of handrails and/or railings create a hazardous condition, the Enforcement Officer may require their installation in accordance with the provisions of the Montgomery County Building Code.

5.07 ACCESSORY STRUCTURES

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

ARTICLE VI

COMMERCIAL EXTERIOR PROPERTY MAINTENANCE STANDARDS

6.01 GENERAL PROVISIONS

Every commercial structure and commercial unit shall meet all of the provisions and requirements of the official Zoning Code, Building Code, Fire Code and Health Ordinance applicable to the structure and its intended and present use. Where these codes require the provision of a particular facility or equipment, or where they set a structural or installation standard, such related parts of every commercial structure and commercial 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.

The following Commercial Exterior Property Maintenance Standards are applicable to all commercial structures, commercial units, and portions of mixed-use structures which are devoted to commercial use, including all exterior and structural requirements, soundness and maintenance.

6.02 STRUCTURAL SOUNDNESS AND MAINTENANCE OF COMMERCIAL STRUCTURES

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

- A. **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 lessen the capability of the foundation to support the building.
- B. **EXTERIOR WALLS AND SURFACES.** Exterior walls and other exterior surface materials shall be free of holes, cracks, loose or rotting boards and timbers or any other condition which might admit rodents, rain or dampness to the interior of the dwelling.
- C. **WINDOWS.** 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, and maintained so as to exclude adverse weather elements from entering the structure.

- D. **EXTERIOR DOORS.** Doors shall be maintained so as to be structurally sound, fit with frames so as to be weatherproof, windproof, and waterproof, and be provided with door hinges and door latches which are in good working condition.
- E. **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. Roof drainage shall be adequate to prevent rainwater from causing dampness in the exterior portion of the building.
- F. **GUTTERS.** Rain gutters, downspouts, leaders or other means of water diversion shall be provided to collect/conduct and discharge all water from the roof and maintained so as not to leak or cause dampness in the walls, ceiling, or basements or adversely affect adjacent properties.
- G. **CHIMNEYS.** Chimneys shall be free of cracks, holes or missing portions and maintained in sound condition.
- H. **PORCH.** Every porch 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, so as to be safe to use and kept in sound condition and in good repair.
- I. **STRUCTURAL MEMBER.** Structural member of a structure which has become deteriorated or damaged to the extent that it does not serve the purpose as originally intended shall be renewed, restored, repaired, or replaced as is necessary to serve the purpose as originally intended.
- J. **EXTERIOR SURFACE.** 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.
- K. **BASEMENT.** Basement or cellar hatchways shall be so constructed and maintained as to prevent the entrance of rodents, rain and surface drainage into the structure.
- L. **DECORATIVE FEATURES.** All cornices, entablatures, bell courses, corbels, terra cotta trim, wall facings, and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.

6.03 PAINT AND COATING MATERIALS

All paint and other coating materials shall be free of any lead. These materials shall also be free of dangerous substances banned from general use by authorized Federal, State, County, or Local Regulatory Agencies for health and safety reasons.

6.04 EXTERIOR PROPERTY AND STRUCTURE EXTERIORS

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

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

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

B. **MAINTENANCE.** The exterior of all premises and every structure thereon including but not limited to walls, roofs, cornices, chimneys, drains, towers, porches, landings, fire escapes, stairs, store fronts, signs, windows, doors, awnings, marquees, 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 the purpose of preservation.

All canopies, marquees, signs, awnings, exterior stairways, fire escapes, standpipes, exhaust ducts, porches, balconies, and similar overhanging extensions, and their supporting structures where exposed to public view, shall be maintained in good condition and shall not show evidence of ripping, tearing, or deterioration. Prohibited and obsolete signs shall be removed or replaced pursuant to the applicable sections of the Miami Township Zoning Resolution.

C. **FENCES AND WALLS.** All fences, retaining walls, or similar structures shall be anchored firmly in the ground, shall be constructed in a workmanlike manner and maintained in that same manner so that such approved fences, retaining walls, or similar structures shall always be in the state of good structural repair. If any fence, retaining wall, or similar structure is found not to be in the state of good structural repair, it shall be removed, replaced, or repaired as required. Except when constructed of materials that have been designed or manufactured to remain untreated, all fences shall

be treated periodically with paint or chemicals so as to retard deterioration.

- D. **YARDS.** All yards, courts, and lots shall be kept free of noxious weeds, overgrown grasses, debris and other materials which may cause a fire, health, safety hazard, or general unsightliness.
- E. **HAZARDS.** Hazards and unsanitary conditions shall be eliminated.
- F. **OCCUPANCY.** No temporary buildings, trailers, recreational vehicles, tents, or garages shall be used temporarily or permanently as a residence in the course of construction.
- 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 where such pooling or retention of water is part of a plan approved by the County Engineer. All condensate and waste cooling water shall be appropriately discharged into an approved drainage system.
- 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 trees and/or shrubs or discharge, empty, or place any material fill or waste into any swale so as to impede or divert drainage flow. Small swales can be mowed as part of the yard. Larger swales in meadow situations should be mowed less frequently in order to allow grasses to grow taller to retard runoff and prevent erosion. Swales in woodland areas should be left in their natural condition leaving the understory growth to retard runoff and prevent erosion.
- I. **JUNK, INOPERABLE OR UNLICENSED VEHICLE.** No junk, inoperable, or unlicensed vehicle shall be located on any commercial property, except when stored within a completely enclosed building or in a manner in conformance with the Miami Township Zoning Resolution.
- J. **COMMERCIAL VEHICLE.** No commercial vehicle over one (1) ton rated capacity and more than seven (7) feet in height, and not owned by or associated with an existing business on a subject property, may be parked on any commercial lot, except for commercial vehicles making service calls or deliveries to or from a subject property.
- K. **TRAFFIC MARKINGS.** All traffic markings such as directional arrows, lane division lines, parking space lines, stop signs, etc., shall be maintained so as to be clearly visible and easily recognized.
- L. **CONDUCT OF BUSINESS.**
 - 1) All business activity, except for off-street loading, shall be conducted within completely enclosed buildings.

- 2) All storage of trash and garbage containers and/or dumpsters shall be effectively screened from view in a manner approved by the Enforcement Officer.
- 3) All storage of materials, goods or products, including inoperable vehicles, shall be within a completely enclosed building. Exception: Those businesses which are permitted or conditionally permitted under the terms of the Miami Township Zoning Resolution to conduct business or maintain outdoor storage of materials, goods or products out-of-doors are excepted from compliance with this and Subparagraph 1.

M. **EXTERIOR LIGHT FIXTURES.** Exterior lighting fixtures over steps, paths, walkways, courts, drives and parking lots shall be neatly maintained in operable condition and lighted for sufficient periods of time before and after business hours to provide for pedestrian and employee safety and properly aimed so as not to shine on adjacent properties (per local Zoning Regulation).

6.05 **VEGETATION**

- A. **VEGETATION CUTTING REQUIRED.** All grass, weeds or rank vegetation shall be periodically cut and in no case shall exceed a height of eight (8) inches.
- B. **MAINTENANCE OF PLANTINGS.** All plant materials, especially trees and shrubs, afflicted with decay, disease, insect infestation, or otherwise considered dangerous to other plant material shall be removed or appropriately treated. All sound plant materials, especially trees and shrubs, shall be properly maintained and not evidence signs of neglect.

6.06 **STAIRWAYS**

- A. **EXTERIOR STAIRWAYS.** All exterior stairways on all commercial premises shall be in accordance with the following procedures:
 - 1) Stairways shall be maintained free of holes, grooves, and cracks which constitute a safety hazard;
 - 2) Stairways shall be maintained free of rotted or deteriorated supports;
 - 3) Stairways shall have treads of uniform width and risers of uniform height; and
 - 4) Stairway handrails and/or railings shall be firmly fastened and maintained in good condition. Where the absence of handrails and/or railings create a hazardous condition, the Enforcement Officer may require their installation in accordance with the provisions of the Montgomery County Building Code.

6.07 ACCESSORY STRUCTURES

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

ARTICLE VII

INDUSTRIAL EXTERIOR PROPERTY MAINTENANCE STANDARDS

7.01 GENERAL PROVISIONS

Every industrial structure and industrial use shall meet all provisions and requirements of the official Zoning Code, Building Code, Fire Code, and Health Ordinance applicable to the structure and its intended and present use. Where these codes require the provision of a particular facility or equipment, or where they set a structural or installation standard, such related parts of every industrial structure and industrial use 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.

The following Industrial Exterior Property Maintenance Standards are applicable to all industrial structures, industrial uses, and portions of mixed-use structures which are devoted to industrial use, including all exterior and structural requirements, soundness and maintenance.

7.02 STRUCTURAL SOUNDNESS AND MAINTENANCE OF INDUSTRIAL STRUCTURES

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

- A. 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 lessen the capability of the foundation to support to building.
- B. EXTERIOR WALLS AND SURFACES. Exterior walls and other exterior surface materials shall be free of holes, cracks, loose or rotting boards and timbers or any other condition which might admit rodents, rain or dampness to the interior of the building.
- C. WINDOWS. 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, and maintained so as to exclude adverse weather elements from entering the structure.

- D. **EXTERIOR DOORS.** Doors shall be maintained so as to be structurally sound, fit within frames so as to be weatherproof, windproof, and waterproof and be provided with door hinges and door latches which are in good working condition.
- E. **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. Roof drainage shall be adequate to prevent rain water from causing dampness in the interior portion of the building.
- F. **GUTTERS.** Rain gutters, downspouts, leaders or other means of water diversion shall be provided to collect/conduct and discharge all water from the roof and maintained so as not to leak or cause dampness in the walls, ceiling, or basements or adversely affect adjacent properties.
- G. **CHIMNEYS.** Chimneys shall be free of cracks, holes or missing portions and maintained in sound condition.
- H. **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.
- I. **EXTERIOR SURFACE.** 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.
- J. **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.

7.03 **PAIN AND COATING MATERIALS**

All paint and other coating materials shall be free of any lead. These materials shall also be free of dangerous substances banned from general use by authorized Federal, State, County, or Local Regulator Agencies for health and safety reasons.

7.04 **EXTERIOR PROPERTY AND STRUCTURE EXTERIORS**

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

- A. **EXTERIOR SPACE.** The exterior open space around each structure shall be maintained or so improved so as to provide for:
- 1) The immediate diversion of water away from buildings and proper drainage of the lot;
 - 2) Grass, plantings or other suitable ground cover to prevent soil erosion which is or may become detrimental to the structures, lot use or adjacent lots and structures; and
 - 3) Yard-walks, parking areas, driveways and exterior steps which are of a permanently hard, dust free surface of sound construction and properly maintained.

- B. **MAINTENANCE.** The exterior of all premises and every structure thereon including but not limited to walls, roofs, cornices, chimneys, drains, towers, fire escapes, stairs, store fronts, signs, windows, doors, awnings, marquees, 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 the purpose of preservation.

All canopies, marquees, signs, awnings, exterior stairways, fire escapes, standpipes, exhaust ducts, and similar overhanging extensions, including their supporting structures 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 Miami Township Zoning Resolution.

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

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

- E. **HAZARDS.** Hazards and unsanitary conditions shall be eliminated.

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

- 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 trees and/or shrubs or discharge, empty, or place any material fill or waste into any swale so as to impede or divert drainage flow. Small swales can be mowed as part of the yard. Larger swales in meadow situations should be mowed less frequently in order to allow grasses to grow taller to retard runoff and prevent erosion. Swales in woodland areas should be left in their natural condition leaving the understory growth to retard runoff and prevent erosion.
- I. **JUNK, INOPERABLE OR UNLICENSED VEHICLE.** No junk, inoperable, or unlicensed vehicle shall be located on any industrial property, except when stored within a completely enclosed building or in a manner in conformance with the Miami Township Zoning Resolution.
- J. **COMMERCIAL VEHICLE.** Except as provided for in the Miami Township Zoning Resolution, no commercial vehicle over one (1) ton rate capacity and more than seven (7) feet in height, and not owned by or associated with an existing business on a subject property, may be parked on any industrial lot, except for commercial vehicles making service calls or deliveries to or from a subject property.
- K. **TRAFFIC MARKINGS.** All traffic markings such as directional arrows, lane division lines, parking space lines, stop signs, etc., shall be maintained so as to be clearly visible and easily recognized.
- L. **CONDUCT OF BUSINESS.**
- 1) All business activity, except for off-street loading, shall be conducted within completely enclosed buildings.
 - 2) All storage of trash and garbage containers and/or dumpsters shall be effectively screened from view in a manner approved by the Enforcement Officer.
 - 3) All storage of materials, goods or products, including inoperable vehicles, shall be within a completely enclosed building. Exception: Those businesses which are permitted or conditionally permitted under the terms of the Miami Township Zoning Resolution to conduct business or maintain outdoor storage of materials, goods or products out-of-doors are excepted from compliance with this and Subparagraph 1.

- M. **EXTERIOR LIGHT FIXTURES.** Exterior lighting fixtures over steps, paths, walkways, courts, drives and parking lots shall be neatly maintained in operable condition and lighted for sufficient periods of time before and after working hours to provide for pedestrian and employee safety and properly aimed so as not to shine on adjacent properties (per local Zoning Regulation).

7.05 **VEGETATION**

- A. **VEGETATION CUTTING REQUIRED.** All grass, weeds or rank vegetation shall be periodically cut and in no case shall exceed a height of eight (8) inches.
- B. **MAINTENANCE OF PLANTINGS.** All plant materials, especially trees and shrubs, afflicted with decay, disease, insect infestation, or otherwise considered dangerous to other plant material shall be removed or appropriately treated. All sound plant materials, especially trees and shrubs, shall be properly maintained and not evidence signs of neglect.

7.06 **STAIRWAYS**

- A. **EXTERIOR STAIRWAYS.** All exterior stairways on all industrial premises shall be in accordance with the following provisions:
- 1) Stairways shall be maintained free of holes, grooves, and cracks which constitute a safety hazard;
 - 2) Stairways shall be maintained free of rotted or deteriorated supports;
 - 3) Stairways shall have treads of uniform width and risers of uniform height; and
 - 4) Stairway handrails and/or railings shall be firmly fastened and maintained in good condition. Where the absence of handrails and/or railings create a hazardous condition, the Enforcement Officer may require their installation in accordance with the provisions of the Building Code.

7.07 **ACCESSORY STRUCTURES**

- A. **ACCESSORY STRUCTURES.** All structures accessory to the industrial use, including signs, shall be maintained structurally sound and in good repair or shall be razed to grade level and debris removed from the premises.