

Exterior Property Maintenance Resolution of Miami Township

ADOPTED – _____, 2018
RESOLUTION # _____-2018

**MIAMI TOWNSHIP
MONTGOMERY COUNTY, OHIO**

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Table of Contents

CHAPTER 1 - ADMINISTRATION	2
SECTION 101 - GENERAL.....	2
SECTION 102 - APPLICABILITY.....	2
SECTION 103 - PROPERTY MAINTENANCE INSPECTION	3
SECTION 104 - DUTIES AND POWERS OF THE CODE OFFICIAL	3
SECTION 105 - NOTICE OF VIOLATION.....	4
SECTION 106 - CIVIL CITATIONS.....	5
SECTION 107 - PERMISSIBLE ANSWERS TO CIVIL CITATION	6
SECTION 108 - ADMISSION OF VIOLATIONS CHARGED IN CIVIL CITATION.....	6
SECTION 109 - EXPRESS DENIAL OF VIOLATION CHARGED IN CIVIL CITATION.....	7
SECTION 110 - IMPLICIT DENIAL OF VIOLATIONS CHARGED IN CIVIL CITATION.....	7
SECTION 111 - MUNICIPAL COURT PROCEEDINGS	7
SECTION 112 - APPEAL PROCESS	8
SECTION 113 - PENALTIES AND FINES	8
SECTION 114 - ABATEMENT AND OTHER LAWFUL REMEDIES	8
CHAPTER 2 DEFINITIONS	9
SECTION 201 - GENERAL.....	9
SECTION 202 - GENERAL DEFINITIONS	9
CHAPTER 3 - GENERAL REQUIREMENTS.....	14
SECTION 301 – GENERAL.....	14
SECTION 302 – EXTERIOR PROPERTY AREAS	14
SECTION 303 – EXTERIOR STRUCTURE	17
SECTION 304 - RUBBISH AND GARBAGE.....	18
SECTION 305 - EXTERMINATION	19

CHAPTER 1 - ADMINISTRATION

SECTION 101 - GENERAL

- 101.01 Title.** These regulations shall be known as the *Exterior Property Maintenance Resolution of Miami Township*, hereinafter referred to as "this resolution."
- 101.02 Scope.** The provisions of this code shall apply to all existing residential and nonresidential structures and all existing premises and constitute minimum requirements and standards for premises, structures, equipment and facilities within the unincorporated area of Miami Township, Montgomery County, Ohio; the responsibility of owners, operators and occupants; and for administration, enforcement and penalties. This resolution is promulgated under Miami Townships Limited Home Rule authority under Chapter 505 of Ohio Revised Code.
- 101.03 Intent.** This resolution shall be construed to secure its expressed intent, which is to ensure public health, safety and welfare insofar as they are affected by the continued occupancy and maintenance of structures and premises. Existing structures and premises that do not comply with these provisions shall be altered or repaired to provide a minimum level of health and safety as required herein. Repairs, alterations, additions to and changes of occupancy in existing buildings shall comply with all applicable Codes and Standards.
- 101.04 Severability.** If a section, subsection, sentence, clause or phrase of this resolution is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this resolution.

SECTION 102 - APPLICABILITY

- 102.01 General.** The provisions of this resolution shall apply to all matters affecting or relating to structures and premises, as set forth in **Section 101**. Where, in a specific case, different sections of this resolution specify different requirements, the most restrictive shall govern.
- 102.02 Maintenance.** Equipment, systems, devices and safeguards required by this resolution or a previous regulation or code under which the structure or premises was constructed, altered or repaired shall be maintained in good working order. No owner, operator or occupant shall cause any service, facility, equipment or utility which is required under this section to be removed from or shut off from or discontinued for any occupied dwelling, except for such temporary interruption as necessary while repairs or alterations are in progress. The requirements of this resolution are not intended to provide the basis for removal or abrogation of fire protection or safety systems and devices in existing structures. Except as otherwise specified herein, the owner or the owner's designated agent shall be responsible for the maintenance of buildings, structures and premises.
- 102.03 Application of Other Codes.** Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of all applicable Codes and Standards. Nothing in this resolution shall be construed to cancel, modify or set aside any provision of any existing Codes.
- 102.04 Existing Remedies.** The provisions in this resolution shall not be construed to abolish or impair existing remedies of Miami Township or its officers or agencies relating to the removal or demolition of any structure which is dangerous, insecure, unsafe, or unsanitary.

- 102.05 Workmanship.** Repairs, maintenance work, alterations or installations which are caused directly or indirectly by the enforcement of this resolution shall be executed and installed in a workmanlike manner and installed substantially in accordance with the manufacturer's installation instructions.
- 102.06 Historic Buildings.** The provisions of this resolution shall not be mandatory for existing buildings or structures designated as historic buildings when such buildings or structures are judged by the code official to be safe and in the public interest of health, safety and welfare.
- 102.07 Referenced Codes and Standards.** The codes and standards referenced in this resolution shall be considered part of the requirements of this resolution to the prescribed extent of each such reference. Where differences occur between provisions of this resolution and the referenced standards, the provisions of this resolution to the extent permitted by law, shall apply.

SECTION 103 - PROPERTY MAINTENANCE INSPECTION

- 103.01 General.** The Community Development Department or its successor shall be responsible for the enforcement and application of this resolution. The Community Development Director or respective successor if the department name is changed shall be the official in-charge.
- 103.02 Inspectors.** The Community Development Director shall appoint inspectors in such numbers as it deems necessary to perform the duties required by this resolution. These inspectors shall report to the Community Development Director.

SECTION 104 - DUTIES AND POWERS OF THE CODE OFFICIAL

- 104.01 General.** The Community Development Director and the inspectors assigned to the Community Development Department shall enforce the provisions of this resolution.
- 104.02 Interpretation Authority.** The Community Development Director shall have authority to interpret and implement the provisions of this resolution; to secure the intent thereof; and to designate requirements applicable because of local climatic or other conditions.
- 104.03 Inspections.** The Community Development Director and/or inspectors assigned to the Community Development Department shall make all of the required inspections, or shall accept reports of inspection by approved agencies or individuals. All reports of such inspections by agencies outside of the Miami Township Community Development Department shall be in writing and be certified by an officer of such approved agency or by the responsible individual. The Community Development Director is authorized to engage experts as deemed necessary to report upon unusual technical issues that arise, subject to the approval of the Miami Township Administrator.
- 104.04 Identification.** The Community Development Director and inspectors assigned to the Community Development Department shall carry proper identification when inspecting structures or premises in the performance of their duties under this resolution.
- 104.05 Notices and orders.** The Community Development Director and inspectors assigned shall issue all necessary notices or orders to ensure compliance with this resolution.

104.06 Department Records. The Community Development Director shall keep official records of all business and activities of the Community Development Department which relate to this resolution. Such records shall be retained in the official records in such manner and for so long as is required by Miami Township's retention policy.

SECTION 105 - NOTICE OF VIOLATION

105.01 Civil Offense. It shall be a civil offense for a person, firm or corporation to be in conflict with or in violation of any of the provisions of this resolution.

105.02 Notice of Violation. The Community Development Director and/or inspectors shall serve a Notice of Violation (hereinafter referred to as "Notice" or "Notice of Violation") on all persons, firms, or corporations found to be in conflict with or in violation of any of the provisions of this resolution

105.03 Form of Notice of Violation. Whenever the Community Development Director and/or inspectors determines that there has been a violation of this resolution or has grounds to believe that a violation has occurred, notice shall be given in accordance with all the following:

- A. The Notice must be in writing; and
- B. The Notice shall be sent to the person, firm, or corporation listed by the Montgomery County Auditor's Office as owner of the property at issue; and
- C. The Notice must include a description of the property at issue which description is sufficient for identification purposes; and
- D. The Notice 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 resolution alleged to have been violated; and
- E. The Notice must include a description of the corrective action which must be taken to bring the property into compliance with the provisions of this resolution; and
- F. The Notice must include a deadline by which time the person receiving the Notice shall be required to take the necessary corrective action required to bring the property into compliance with the provisions of this resolution.
- G. The notice must include the amount of civil fine that will be assessed if the corrective action is not taken by the deadline (or any extension obtained as provided in **Section 105.05** of this resolution)

105.04 Method of Service. The Notice of Violation shall be deemed to be properly served if a copy thereof is:

- A. Delivered personally; or
- B. Sent by certified or first-class mail addressed to the owner of the property at issue at the address of the property; or
- C. Sent by certified or first-class mail addressed to the owner of the property at issue at the address listed as the owner's tax mailing address by the Montgomery County Auditor; or

- D. Sent by certified or first-class mail addressed to the owner of the property at issue at the owner's last known address; or
- E. Posted in a conspicuous place on or about the property at issue if another method of delivery of the Notice is returned showing that the Notice was not delivered.

105.05 Extension of Compliance Deadline. For good cause shown, the Community Development Director may, at his/her sole discretion, extend the deadline previously stated in the Notice of Violation for corrective action to bring a property into compliance. In the event such an extension is granted, the Community Development Director shall notify the owner of the property at issue of the extension in the same form and pursuant to the same method of service required by **Sections 105.03 and 105.04** of this code. Any such notice of extension shall specifically state the revised deadline by which time the person receiving the extension shall be required to take the necessary corrective action required to bring the property into compliance with the provisions of this resolution.

SECTION 106 - CIVIL CITATIONS

106.01 Civil Citation Issued. If a person, firm, or corporation to whom a Notice of Violation has been served does not bring the property at issue into compliance with the provisions of this resolution by the deadline established in the Notice of Violation or by the granted deadline extension, if any, such person shall be issued a Civil Citation (hereinafter referred to as "Citation" or "Civil Citation").

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

- A. The Citation must be in writing on a form specifically designated as a Civil Citation form;
- B. The Citation must include a statement advising the person charged that he/she must answer the citation within fourteen (14) days after the date on which the Citation is served upon him/her;
- C. The Citation must include a statement indicating the allowable answers that may be made and that the person will be afforded a court hearing if he/she denies committing the violation;
- D. The Citation must include a statement specifying that the answer must be made in person, or by mail, to the Miami Township Fiscal Officer;
- E. The Citation must include a statement indicating the amount of the fine arising from the violation;
- F. The Citation must include a statement advising the person of the violation charged, and the date, time and place of the violation charged; and
- G. The Citation must include the signature and affirmation of the Miami Township Police Officer if any, who issued the Citation.

106.03 Method of Service. The Civil Citation shall be deemed to be properly served if it is:

- A. Delivered personally by the bailiff for the Miamisburg Municipal Court or any other person not less than 18 years of age, who is not a party and has been designated by order of the municipal court to make personal service; or
- B. Sent by certified or express mail, return receipt requested with instructions to the delivering postal employee to show to whom it was delivered, the date of delivery, and the address where it was delivered, addressed to the owner of the property at issue at the address listed as the owner's tax mailing address maintained by the Montgomery County Auditor; or
- C. Sent by certified or express mail, return receipt requested with instructions to the delivering postal employee to show to whom it was delivered, the date of delivery, and the address where it was delivered, to the owner of the property at issue at the owner's last known address; or
- D. Delivered personally to the usual place of residence of the owner of the property at issue to the owner or some person of suitable age and discretion then residing at that residence by the bailiff of the Miamisburg Municipal Court or any other person not less than 18 years of age, who is not a party and has been designated by order of the municipal court to make residence service; or
- E. Any other method of service permitted by the Ohio Rules of Civil Procedure.

SECTION 107 - PERMISSIBLE ANSWERS TO CIVIL CITATION

107.01 Permissible Answers. Any person, firm, or corporation to whom a Civil Citation has been served may answer said Citation in one of the following ways:

- A. Admission that the person, firm, or corporation committed the violation charged, filed in the manner and within the time permitted by **Section 108** of this code; or
- B. Express denial of the violations charged by the person, firm, or corporation charged, filed in the manner and within the time permitted by **Section 109** of this code; or
- C. Implicit denial of the violations charged by the failure of the person, firm, or corporation charged to file an answer or pay the fine set forth in the Civil Citation within the time permitted by **Sections 108 and 109** of this code.

SECTION 108 - ADMISSION OF VIOLATIONS CHARGED IN CIVIL CITATION

108.01 Admission of Guilt. Persons, firm, or corporations served with Civil Citations may admit commission of the violations charged by paying the fine set forth in the Civil Citation as required by **Sections 108.02 and 108.03** of this code.

108.02 Admission of Guilt of Violations Charged in Civil Citations & Payment of Fine by Hand Delivery. Persons, firms or corporations served with Civil Citations may admit the violations charged in the Civil Citation by paying the fine or fines set forth in the Civil Citation in person to the Township Fiscal Officer. Such payments must be hand-delivered within fourteen (14) days of the date that the Civil Citation was served upon such person, firm, or corporation.

108.03 Admission of Guilt of Violations Charged in Civil Citations & Payment of Fine by Mail. Persons, firms or corporations served with Civil Citations may admit the violations charged in the Civil Citation by paying the fine or fines set forth in the Civil Citation by mailing the payment, postage prepaid, to the Miami Township Fiscal Officer, 2700 Lyons Road Miami Township, Ohio 45342. Such admissions/payments must be received by the Fiscal Officer no later than fourteen (14) days after the date that the Civil Citation was served upon such person, firm, or corporation.

108.04 Effect of Admission and Payment of Fine. Persons, firms, or corporations who admit guilt as to the violation charged in a Civil Citation issued against them and who pay the fine set forth in the Citation are in no way absolved from resolving, removing, repairing, or otherwise abating the condition which resulted in the issuance of the Civil Citation. If such persons, firms, or corporations fail to resolve, remove, repair, or otherwise abate that condition, Miami Township may continue to issue Civil Citations each day it determines that the condition continues to violate the provisions of this code. Civil Citations issued for such continuing, unresolved violations of this code need not be preceded by additional Notices of Violation as the initial Notice of Violation shall suffice to notify the person, firm, or corporation involved as to the nature of the violation charged. Further, the admission of guilt and payment of the fines set forth in the Civil Citation shall in no way preclude the Miami Township Board of Township Trustees from instituting, by and through its Law Director or otherwise, appropriate action to enjoin, restrain, correct or abate a violation, or to prevent illegal occupancy of a building, structure or premises, or to stop an illegal act, conduct, business or utilization of the building, structure or premises.

SECTION 109 - EXPRESS DENIAL OF VIOLATION CHARGED IN CIVIL CITATION

109.01 Express Denial of Violation Charged in Civil Citations & Hand Delivery of Denial.

Persons, firms or corporations served with Civil Citations may deny the violation charged in the Civil Citation by expressly denying the violation in writing and presenting the denial in person to the Miami Township Fiscal Officer. Such denials must be hand-delivered within fourteen (14) days of the date that the Civil Citation was served upon such person, firm, or corporation.

109.02 Express Denial of Violation Charged in Civil Citations & Mailing of Denial. Persons, firms or corporations served with Civil Citations may deny the violations charged in the Civil Citation by expressly denying the violations in writing and by delivering or mailing the denial, postage prepaid, to the Miami Township Fiscal Officer, 2700 Lyons Road Miami Township, Ohio 45342. Such denials must be received by the Fiscal Officer no later than fourteen (14) days after the date that the Civil Citation was served upon such person, firm, or corporation.

SECTION 110 - IMPLICIT DENIAL OF VIOLATIONS CHARGED IN CIVIL CITATION

110.01 Implicit Denial of Violations. Persons, firms, or corporations who fail to either expressly deny the violation charged in the Civil Citation issued against them in the manner and within the time permitted by **Section 109** of this code or who fail to admit the violations charged in the Civil Citation issued against them by paying the fine or fines set forth in the Civil Citation in the manner and within the time permitted by **Section 108** of this code shall be deemed to have denied the violation charged.

SECTION 111 - MUNICIPAL COURT PROCEEDINGS

111.01 Referral to Municipal Court. If the person, firm, or corporation issued a Civil Citation either expressly or implicitly denies the violation charged in the Citation within fourteen (14) days after service of the Civil Citation, the Miami Township Fiscal Officer or Community Development Director shall notify the Miamisburg Municipal Court of the denial so that a hearing can be set.

- 111.02 Municipal Court Hearings.** Municipal Court hearings are conducted according to the Rules of Civil Procedure and the court determines whether the violation is proven by the Township by a preponderance of the evidence. If the court determines that the violation has been proven, it will order the violator to pay the fine.
- 111.03 Payment of Fine After Determination of Guilt.** Persons, firms, or corporations found to have violated the provisions of this code charged in the Civil Citation must pay the fines assessed by the court within ten (10) days after the judgment. Failure to pay the fine within this time period will result in the placement of a lien on the property at issue and/or the collection of the amount due in any manner authorized by law.

SECTION 112 - APPEAL PROCESS

- 112.01 Appeal.** Persons, firms, or corporations wishing to appeal an adverse determination by the Miamisburg Municipal Court may file an appeal with the Second District Court of Appeals within thirty (30) days after the judgment.

SECTION 113 - PENALTIES AND FINES

- 113.01 Violation Penalties.** Any person, firm, or corporation who violates a provision of this code shall be issued a Civil Citation in the following amounts:
- A. In the amount of one hundred dollars (\$100.00) for the first offense;
 - B. In the amount of two hundred fifty dollars (\$250.00) for the second offense;
 - C. In the amount of five hundred dollars (\$500.00) for the third offense;
 - D. In the amount of one thousand dollars (\$1,000.00) for fourth and each subsequent offense.
- 113.02 Continuing Violations.** Each day that a violation continues after due notice has been served shall be deemed a separate offense.

SECTION 114 - ABATEMENT AND OTHER LAWFUL REMEDIES

- 114.01 Emergency Measures.** Nothing in the provisions of this resolution shall prohibit the Community Development Director from taking any action authorized by law, without regard to the provisions of this resolution 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.

CHAPTER 2 DEFINITIONS

SECTION 201 - GENERAL

- 201.01 Scope.** Unless otherwise expressly stated, the following terms shall, for the purposes of this resolution, have the meanings shown in this chapter.
- 201.02 Interchangeability.** Words stated in the present tense include the future; words stated in the masculine gender include the feminine and neuter; the single number includes the plural, and the plural, the singular.
- 201.03 Terms not defined.** Where terms are not defined in this resolution the usual and customary definition shall apply.
- 201.04 Parts.** Whenever the words "dwelling unit", "dwelling", "premises", "building", or "story" are stated in this resolution, they shall be construed as though they were followed by the words "or any part thereof".

SECTION 202 - GENERAL DEFINITIONS

- 202.01 APPROVED.** Approved by the code official.
- 202.02 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.
- 202.03 BASEMENT.** That portion of a building which is partly or completely below grade.
- 202.04 CIVIL CITATION.** Citation issued pursuant to **Section 106** of this code.
- 202.05 COMMUNITY DEVELOPMENT DIRECTOR.** The official who is charged with the administration and enforcement of this resolution, or any duly authorized representative.
- 202.06 COURTESY NOTICE.** A letter, pamphlet, or other informational item informing a property owner of a concern on their property and a timeframe to come into compliance. This notice is given with the intent to inform and educate property owners of the resolution and general or specific issues, but is not considered a formal violation notice. This notice is not mandatory and is provided only at the discretion of the Director or Inspector.
- 202.07 DETERIORATION.** To weaken, disintegrate, corrode, rust or decay and lose effectiveness.
- 202.08 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.
- 202.09 EASEMENT.** An interest in land or property reserved for present or future use by a person or agency other than legal fee owner(s) of the property. The easement shall be permitted to be for use under, on or above a property.

- 202.10 EXTERIOR PROPERTY.** The open space on the premises and on adjoining property under the control of owners or operators of such premises. Exterior Property shall include such open areas as carports and other storage areas open and visible to passersby.
- 202.11 EXTERMINATION.** The control and elimination of insects, rats or other pests by eliminating their harborage places; by removing or making inaccessible materials that serves as their food; by spraying, fumigating, and trapping or by any other approved pest elimination method.
- 202.12 GARBAGE.** The animal or vegetable waste resulting from the handling, preparation, cooking and consumption of food.
- 202.13 IMMINENT DANGER.** A condition which could cause serious or life-threatening injury or death at any time.
- 202.14 INFESTATION.** The presence, within or contiguous to, a structure or premises of insects, rats, vermin or other pests.
- 202.15 INOPERABLE.** Vehicles shall be deemed to be inoperable when they meet any of the following criteria:
- A. Not capable of moving in forward or reverse under its own power and or not capable of being legally operated on a public roadway, or waterway in the case of boats and other watercraft; or
 - B. Any vehicle or motor vehicle which cannot be legally operated on public streets or highways by reason of lacking the equipment required by State Motor Vehicle Code and /or other laws of the State of Ohio; or
 - C. Any vehicle or motor vehicle which is not currently licensed, or for which the vehicle registration has expired, or which is not capable of being licensed for operation upon the public streets and highways under the provisions of the State Motor Vehicle Code, or other applicable provisions of the laws of the State of Ohio.
- 202.16 INSPECTORS.** Persons authorized by the Community Development Director. Inspectors are charged with initial administration and enforcement of this resolution, under the direction and supervision of the Community Development Director.
- 202.17 JUNK OR UNLICENSED VEHICLE.** A vehicle, including but not limited to collector's vehicles, cars, trucks, buses, trailers and boats, shall be deemed a junk or inoperable vehicle whenever all of the following occur and as may be amended pursuant to **ORC 505.173**:
- Three model years old, or older;
 - Apparently inoperable;
 - Extensively damaged, including, but not limited to, any of the following: missing wheels, tires, engine, or transmission.
- 202.18 NEGLECT.** The lack of proper maintenance for a building or structure.

- 202.19 NOTICE OF VIOLATION.** A written notice which complies with **Section 105** of this resolution.
- 202.20 NOXIOUS WEED.** Any plant or plant product that can directly or indirectly injure or cause damage to crops (including nursery stock or plant products), livestock, poultry, or other interest of agriculture, irrigation, navigation, the natural resources of the United States, the public health, or the environment.
- 202.21 OCCUPANCY.** The purpose for which a building or portion thereof is utilized or occupied.
- 202.22 OCCUPANT.** Any individual living or sleeping in a building, or having possession of a space within a building.
- 202.23 OPENABLE AREA.** That part of a window, skylight or which is available for unobstructed ventilation and which opens directly to the outdoors.
- 202.24 OPERATOR.** Any person who has charge, care or control of a structure or premises which is let or offered for occupancy.
- 202.25 OWNER.** Any person, agent, operator, firm or corporation having a legal or equitable interest in the property; or recorded in the official records of the state or county as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.
- 202.26 PERSON.** An individual, corporation, partnership or any group acting as a unit.
- 202.27 PREMISES.** A lot, plot or parcel of land, easement or public way, including any structures thereon.
- 202.28 PUBLIC WAY.** Any street, alley or similar parcel of land essentially unobstructed from the ground to the sky, which is deeded, dedicated or otherwise permanently available to the public for public use.
- 202.29 RECREATIONAL AND UTILITY VEHICLES AND EQUIPMENT.**

Vehicular, portable structures or objects designed and constructed to be used as temporary dwellings for travel, recreational and vacation uses, and utility uses, including:

A. Boat and Boat Trailers.

Boats, floats and rafts, plus the customary equipment to transport same on streets and highways.

B. Motor Homes.

Self-propelled recreational vehicles constructed with permanently installed facilities for cold storage, cooking and consuming of food and for sleeping.

C. Travel Trailers.

Non-self-propelled recreational vehicles not exceeding an overall length of thirty-five (35) feet, exclusive of bumper and tongue or coupling, and including tent-type fold-out camping trailers as defined in Section 4517.01 (R) of the Revised Code of the State of Ohio as amended.

D. Truck Campers.

Non-self-propelled recreational vehicles, without wheels for road use, and designed to be placed upon and attached to a motor vehicle.

E. Utility Trailers.

Any non-self-propelled vehicle so designed, constructed, reconstructed, or added to by means of accessories in such manner as will permit the unit to be used to transport materials or goods.

- 202.30 RUBBISH.** Combustible and noncombustible waste materials except garbage; the term shall include but not be limited too, the residue from burning of wood, coal, coke and other combustible materials; paper, rags, cartons, boxes, wood, excelsior, rubber, plastic, leather, tree branches, yard trimmings, tin cans, bottles, metals, mineral matter glass, crockery and dust and other similar materials. The term shall also include inoperable and broken appliances, electronics, discarded or broken furniture and household equipment and other general trash and debris.
- 202.31 SIGN.** A name, identification, description, display or illustration which is affixed to or painted upon or represented directly or indirectly upon a building, structure or piece of land; or affixed to the glass on the outside or inside of a window so as to be seen from the outside of a building and which directs attention to an object, product, place, activity, person, institution, organization, or business.
- 202.32 STRUCTURE.** That which is built or constructed on premises or a portion thereof.
- 202.33 SWALE.** A low-lying or depressed area designed to direct water runoff across a property to an appropriate outlet.
- 202.34 SWIMMING POOL.** Any structure intended for swimming or recreational bathing that is designed to hold or capable of holding water to a depth of more than twenty-four (24) inches. The water level depth is the level that water could reach before it spills out. This includes in-ground, above-ground and on-ground swimming pools, hot tubs and spas.
- 202.35 TENANT.** A person, corporation, partnership or group: whether or not the legal owner of record, occupying a building or portion thereof as a unit.
- 202.36 VENTILATION.** The natural or mechanical process of supplying conditioned or unconditioned air to, or removing air from, any space.
- 202.37 WEEDS AND RANK VEGETATION.** Any plants or shrubs exceeding eight (8) inches in height, which are excessively vigorous in growth, malodorous and/or flagrant, or tends to choke out plants that are more desirable and which does not include agricultural crops such as hay and pasture or vegetation planted for some useful or ornamental purpose.
- 202.39 WORKMANLIKE.** Executed in a skilled manner; e.g., generally plumb, level, square, in line,

undamaged and without marring adjacent work.

202.40 YARD. An open space on the same lot with a structure.

CHAPTER 3 - GENERAL REQUIREMENTS

SECTION 301 – GENERAL

- 301.01 Scope.** The provisions of this resolution shall govern the minimum conditions and the responsibilities of persons for maintenance of structures, equipment and exterior property for all areas within the unincorporated portion of the Township.
- 301.02 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 resolution. A person shall not occupy as owner-occupant or permit another person to occupy premises which are not in a sanitary and safe condition and which do not comply with the requirements of this code. Occupants of a dwelling unit are responsible for keeping in a clean, sanitary and safe condition that part of the premises which they occupy and control.
- 301.03 Vacant Structures and Land.** All vacant structures and premises thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety.

SECTION 302 – EXTERIOR PROPERTY AREAS

- 302.01 Accessory Structures.** All accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in good repair, including, but not limited to, painting, replacement of broken or damaged boards or panels, replacement of missing or damaged components, and removal of any vegetation growing within, through or against such fence or structure that compromises the integrity of said fence or structure.
- 302.02 Commercial Vehicle Parking.** 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.
- 302.03 Defacement of Property.** No person shall willfully or wantonly damage, mutilate or deface any exterior surface of any structure or building on any private or public property by placing thereon any marking, carving or graffiti. It shall be the responsibility of the owner to restore said surface to an approved state of maintenance and repair.
- 302.04 Furniture.** No furniture intended, designed, or constructed primarily for indoor use may be stored outside, unless it is in a completely enclosed porch or patio room.
- 302.05 Junk, Inoperable or Unlicensed Vehicle.** No junk, inoperable or unlicensed vehicle shall be located on any property, except when stored within a completely enclosed building or as part of a permitted vehicle salvage operation.

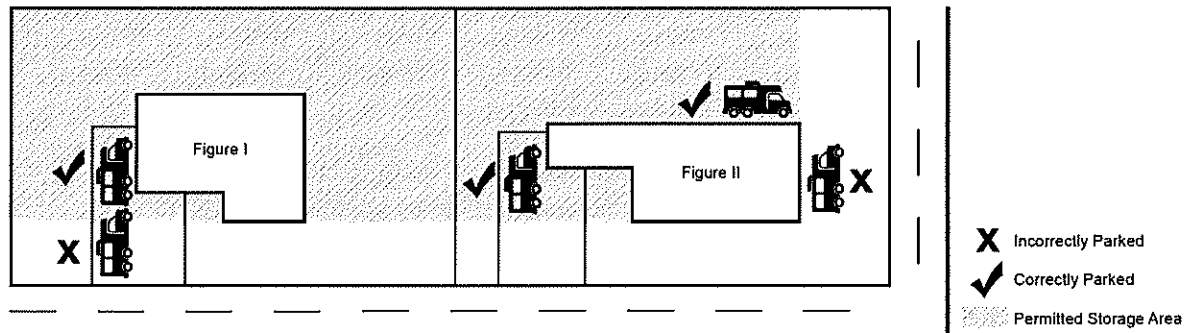
302.06 Light Fixtures, Exterior. Exterior lighting fixtures over steps, paths, walkways, courts, drives and parking lots shall be neatly maintained in operable condition and lighted for sufficient periods of time before and after business hours to provide for pedestrian and employee safety and property aimed so as not to shine on adjacent property per the Miami Township Zoning Resolution. Lighting shall follow the requirements of any approved lighting plan and or the Miami Township Zoning Resolution as may be applicable regarding illumination levels and color temperature limits.

302.07 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.

302.08 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 herein. 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.

302.09 Recreational Vehicles and Trailers, Boats, Camping Equipment and Utility Trailer Storage, hereinafter referred to as Recreational and Utility Vehicles and Equipment, is permitted subject to the following conditions:

- A. Parked or stored Recreational and Utility Vehicles and Equipment shall not have fixed connections to electricity, water, gas, or sanitary sewer facilities, and at no time shall this equipment be used for living or housekeeping purposes.
- B. If the Recreational and Utility Vehicles and 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 furthest front wall of the house (As shown in Figure I). On a corner lot, however, the Recreational and Utility Vehicles and Equipment may not be stored at any side of the house toward a street (As shown in Figure II). All Recreational and Utility Vehicles and Equipment shall cover no more than four hundred (400) square feet of yard area, with a maximum of two (2) pieces of Recreational and Utility Vehicles and Equipment permitted. The vehicles and trailers must be registered to a resident of the respective property.



- C. Notwithstanding the provisions of subparagraph B, Recreational and Utility Vehicles and Equipment may be parked anywhere on the premises, for loading or unloading purposes, for a

period of not more than two (2) forty-eight (48) hour intervals within any thirty (30) day period, with each forty-eight (48) hour interval beginning from the point when the vehicle or equipment is first placed on the property and ending forty-eight (48) hours later, regardless of whether the vehicle remained on the property for the entire forty-eight (48) hour interval with no more than two (2) intervals occurring within any thirty (30) day period, at which point the vehicle shall not be permitted at the front of the property until at least thirty (30) calendar days shall have passed, provided it is properly hitched for the entire forty-eight (48) hour interval to an operable and properly licensed vehicle capable of legally conveying said Recreational and Utility Vehicles and Equipment.

D. All Recreational and Utility Vehicles and Equipment shall be kept in operable condition and good repair and carry a current year's license and registration. The ground area under and immediately surrounding where such Recreational and Utility Vehicles and Equipment is stored shall be maintained free of weeds, overgrowth, debris and mud. If the ground area on which the vehicles or equipment is stored cannot be maintained free of mud then the vehicles and equipment must be placed on a gravel or hard surface of pavers, concrete or asphalt.

302.10 Rodent Harborage. All structures and exterior property shall be kept free from rodent harborage and infestation. Where rodents are found, they shall be promptly exterminated by approved processes which will not be injurious to human health. After extermination, proper precautions shall be taken to eliminate rodent harborage and prevent re-infestation

302.11 Sanitation. All exterior property and premises shall be maintained in a clean, safe and sanitary condition. The occupant shall keep that part of the exterior property which such occupant occupies or controls in a clean and sanitary condition.

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

302.13 Swimming Pools. Swimming pools shall be properly maintained and treated to prevent the growth of algae and shall contain such operating circulation systems as to prevent stagnation of water or creation of an environment hospitable to the growth of mosquitos and other similar larvae. This provision is not intended to prevent the normal and customary enclosure of a pool during winter months. Pools shall be free of visible tears, missing or broken components, rust and other similar deterioration. Pools shall have and properly maintain any required fencing, covers, and locks as required per the zoning certificate and/or Miami Township Zoning Resolution.

302.14 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.

302.15 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. This provision shall not apply to agricultural crops and fields being actively maintained for the production of hay and other agricultural products or lots in an agricultural or floodplain district in excess of five (5) acres in area or lots within a public park or other area designated by a government jurisdiction as a wildlife or nature preserve, except that the area surrounding structures on such lots shall be cut and maintained.

- 302.16 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. Yards shall be maintained free of barren or open areas of soil that may cause erosion or generation of dust. Yards shall be maintained with a vegetative cover of grass, rock, or other ornamental plants except for a well maintained and orderly garden actively used for the growth of food or other ornamental plants, forested areas with naturally occurring barren areas beneath trees and similar areas.

SECTION 303 – EXTERIOR STRUCTURE

- 303.01 General.** The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare.
- 303.02 Protective Treatment.** All exterior surfaces, including but not limited to, doors, door and window frames, awnings, cornices, porches, trim, balconies, signs, decks and fences shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces 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 water tight. All metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion and all surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.
- 303.03 Basement Hatchways.** Every basement hatchway shall be maintained to prevent the entrance of rodents, rain and surface drainage water.
- 303.04 Building Security.** Doors, windows or hatchways for dwelling units shall be provided with devices designed to provide security for the occupants and property within.
- 303.05 Chimneys and Towers.** All chimneys, cooling towers, smoke stacks, and similar appurtenances shall be maintained structurally safe and sound, and in good repair free of cracks, holes or missing portions. 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.
- 303.06 Decorative Features.** All cornices, belt 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.
- 303.07 Doors.** All exterior doors, door assemblies and hardware shall be maintained in good condition. Locks at all entrances to dwelling units, rooming units and guestrooms shall tightly secure the door.
- 303.08 Exterior Walls.** All exterior walls shall be free from holes, breaks, and loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent deterioration.
- 303.09 Foundation Walls.** All foundation walls shall be maintained plumb and free from open cracks and breaks and shall be kept in such condition so as to prevent the entry of water, rodents and other pests.
- 303.10 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. Gutters and downspouts shall be situated in a manner such that they do not

discharge directly onto an adjacent property unless part of a storm water system approved by Montgomery County.

- 303.11 Handrails and Guards.** Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.
- 303.12 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.
- 303.13 Roofs and Drainage.** The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions.
- 303.14 Signs.** Prohibited signs or signs that are related to a business that no longer operates on the premises on which the sign is located with the exception of approved off-premise outdoor advertising shall be removed.
- 303.15 Stairways, Decks, Porches and Balconies.** Every exterior stairway, deck, porch and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads.
- 303.16 Structural Members.** All structural members shall be maintained free from deterioration, and shall be capable of safely supporting the imposed dead and live loads.
- 303.17 Window, Skylight, Doors and Frames.** Windows shall be fully supplied with window glass or an approved substitute which is glazed and is without open cracks or holes, shall have sashes in good condition which fit within frames, be capable of being easily opened and held in position by hardware, and maintained so as to exclude adverse weather elements from entering the structure.

SECTION 304 - RUBBISH AND GARBAGE

- 304.01 Accumulation of Rubbish or Garbage.** All exterior property and premises, of every structure, carport, deck, and patio shall be free from any accumulation of rubbish or garbage.
- 304.02 Disposal of Rubbish.** Every occupant of a structure shall dispose of all rubbish in a clean and sanitary manner by placing such rubbish in approved containers.
 - A. Rubbish Storage Containers.** The owner of occupied premises shall supply approved covered containers for rubbish, and the owner of the premises shall be responsible for the removal of rubbish. Such containers shall not be stored or placed outside unless placed at the side or rear of a home in the case of residential properties, except for a twenty-four (24-hour) period prior to and following the designated trash collection day for the property, during which time such containers or bags and other items for disposal may be placed in a neat and orderly manner at the curb or edge of the property for pickup. This provision does not apply to designated common waste bins located at an apartment complex or other similar facility.
 - B. Appliances.** Appliances such as refrigerators, air conditioners and similar equipment not in operation shall not be discarded, or abandoned on premises.

304.03 Disposal of Garbage. Every occupant of a structure shall dispose of garbage in a clean and sanitary manner by placing such garbage in an approved garbage disposal facility or approved garbage container.

A. Containers. The operator of all establishments producing garbage shall provide, and at all times cause to be utilized, approved leak proof containers provided with close-fitting covers for the storage of such materials until removed from the premises for disposal.

SECTION 305 - EXTERMINATION

305.01 Infestation. All structures shall be kept free from insect and rodent infestation. Insects or rodents found in any structure shall be promptly exterminated by approved processes that will not be injurious to human health. After extermination, proper precautions shall be taken to prevent re-infestation.

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

**PREPARED BY:
MIAMI VALLEY REGIONAL PLANNING COMMISSION
400 MIAMI VALLEY TOWER – SUITE 400
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
MODIFICATION TO THE
PROPERTY MAINTENANCE CODE
RESOLUTION # 44-2007 DATED FEBRUARY 27, 2007**

RESOLUTIONS AVAILABLE UPON REQUEST

MIAMI TOWNSHIP EXTERIOR PROPERTY MAINTENANCE CODE

TABLE OF CONTENTS

		PAGE
ARTICLE I	PURPOSE	I-1
	SECTION 1.01 MISSION	I-1
ARTICLE II	TITLE	II-1
	SECTION 2.01 TITLE	II-1
ARTICLE III	DEFINITIONS	III-1
	SECTION 3.01 CONSTRUCTION OF LANGUAGE	III-1
	SECTION 3.02 DEFINITIONS	III-1
ARTICLE IV	ADMINISTRATION AND ENFORCEMENT	IV-1
	SECTION 4.01 APPLICATION OF EXTERIOR PROPERTY MAINTENANCE CODE	IV-1
	SECTION 4.02 COMPLIANCE REQUIRED	IV-1
	SECTION 4.03 CONFLICT OF LAWS	IV-1
	SECTION 4.04 EXISTING REMEDIES	IV-1
	SECTION 4.05 SEPARABILITY	IV-1
	SECTION 4.06 SAVING CLAUSE	IV-2
	SECTION 4.07 ENFORCEMENT OFFICIALS	IV-2
	SECTION 4.08 INSPECTIONS	IV-2
	SECTION 4.09 NOTICE OF VIOLATION	IV-2
	SECTION 4.10 EXTERIOR PROPERTY MAINTENANCE CODE APPEALS	IV-3
	SECTION 4.11 CITATION TAGS	IV-5
	SECTION 4.12 PROSECUTION	IV-5
	SECTION 4.13 ABATEMENT OF NUISANCE BY TOWNSHIP AND COST RECOVERY	IV-6
	SECTION 4.14 RULEMAKING AUTHORITY	IV-6
	SECTION 4.15 TRANSFER OF OWNERSHIP	IV-6
	SECTION 4.16 ABANDONMENT OF CONSTRUCTION PROJECT	IV-7
	SECTION 4.99 VIOLATIONS AND PENALTIES	IV-7

	PAGE
ARTICLE V RESIDENTIAL EXTERIOR PROPERTY MAINTENANCE STANDARDS	V-1
SECTION 5.01 APPLICATION OF MAINTENANCE STANDARDS	V-1
SECTION 5.02 STRUCTURAL SOUNDNESS AND MAINTENANCE OF DWELLINGS	V-1
SECTION 5.03 PAINT AND COATING MATERIALS	V-2
SECTION 5.04 EXTERIOR PROPERTY AND STRUCTURE EXTERIORS	V-2
SECTION 5.05 VEGETATION	V-5
SECTION 5.06 STAIRWAYS	V-5
SECTION 5.07 ACCESSORY STRUCTURES	V-5
ARTICLE VI COMMERCIAL EXTERIOR PROPERTY MAINTENANCE STANDARDS	VI-1
SECTION 6.01 GENERAL PROVISIONS	VI-1
SECTION 6.02 STRUCTURAL SOUNDNESS AND MAINTENANCE OF COMMERCIAL STRUCTURES	VI-1
SECTION 6.03 PAINT AND COATING MATERIAL	VI-3
SECTION 6.04 EXTERIOR PROPERTY AND STRUCTURE EXTERIORS	VI-3
SECTION 6.05 VEGETATION	VI-5
SECTION 6.06 STAIRWAYS	VI-5
SECTION 6.07 ACCESSORY STRUCTURES	VI-6
ARTICLE VII INDUSTRIAL EXTERIOR PROPERTY MAINTENANCE STANDARDS	VII-1
SECTION 7.01 GENERAL PROVISIONS	VII-1
SECTION 7.02 STRUCTURAL SOUNDNESS AND MAINTENANCE OF INDUSTRIAL STRUCTURES	VII-1
SECTION 7.03 PAINT AND COATING MATERIALS	VII-2
SECTION 7.04 EXTERIOR PROPERTY AND STRUCTURE EXTERIORS	VII-2
SECTION 7.05 VEGETATION	VII-5
SECTION 7.06 STAIRWAYS	VII-5
SECTION 7.07 ACCESSORY STRUCTURES	VII-5

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 phrase of this Exterior Property Maintenance Code is declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this Exterior Property Maintenance Code, which shall continue in full force and

effect, 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 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 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 **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 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.