

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

**ADOPTED
SEPTEMBER 10, 2018**

**AMENDED – RESOLUTION #10-19
JANUARY 14, 2019**

AMENDED - MAY 13, 2019

**Trustee Spieles
Trustee Seddelmeyer
Trustee Belton**

ARTICLE I **PURPOSE**

34.1 PURPOSE

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

- 1) Establishing minimum standards for maintaining residential, commercial and industrial environmental quality to preserve and achieve the presentable appearance of existing structures and premises; avoiding blighting effects of the substandard maintenance of structures and premises and their negative impact on the value of surrounding properties, eliminating hazardous conditions;
- 2) Fixing the responsibilities of owners, operators and occupants of structures and their premises and;
- 3) Providing for administration, enforcement and penalties.

ARTICLE II **TITLE**

34.2 TITLE

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

ARTICLE III **DEFINITIONS**

34.3 CONSTRUCTION OF LANGUAGE

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

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

34.4 DEFINITIONS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Exterior Property Maintenance Code: A code that establishes minimum standards for maintaining residential, commercial, and industrial environmental quality to preserve and achieve the presentable appearance of existing structures and premises; avoiding blighting effects of the substandard maintenance of structures and premises and their negative impact on the value of surrounding properties and eliminating hazardous conditions.

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

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

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

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

- a. The motor vehicle is without a license plate, or the motor vehicle's license plate has been expired for a period of more than three-(3) months;
- b. Grass, weeds, vegetation, or other forms of debris has grown or is located around the wheels, wheel wells or body frame of the motor vehicle substantiating the vehicles inoperability;
- c. The motor vehicle is without substantial components, including but not limited to windshield, side or back window, wheel rim(s), tire(s), door, fender, headlamp, engine, hood, muffler, transmission, or other similar major parts;

- d. The motor vehicle lacks the required safety equipment; and is apparently unsafe or hazardous to persons inside or outside the motor vehicle;
- e. The motor vehicle is without fully inflated tire(s), and / or has any type of support under it, example lift jack or bricks; or other means of physical support;
- f. The motor vehicle is apparently inoperable to the ordinary observer;
- g. The motor vehicle is substantially wrecked, severely damaged or damaged beyond economic repair.

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

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

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

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

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

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

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

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

Nuisance: Any offensive, annoying, unpleasant, or obnoxious activity or omission which results in such condition(s), that endangers life, health, gives offense to the senses, violates the laws of decency, or

unreasonably obstructs, annoys or disturbs the reasonable and comfortable use by another of his property, and includes, but is not limited to, the following:

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

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

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

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

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

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

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

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

- a. "Travel trailer" or "house vehicle": a non-self-propelled recreational vehicle that does not exceed an overall length of forty feet, exclusive of bumper and tongue or coupling. "Travel trailer" includes a tent-type fold-out camping trailer as defined in section 4518.01 of the Revised Code.

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

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

Rubbish: Rubbish includes both combustible and non-combustible waste materials, car parts, motors, and abandoned appliances. The term shall also include rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery, dust, and similar materials, as well as residue from the burning of wood, coal, and other combustible materials.

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

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

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

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

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

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

Suitably Screened or Fenced: A neat, orderly and healthy screen of evergreen or other suitable plant material not less than three (3) feet in height and with an expected normal growth of at least five (5) feet in height within two (2) years, protected by a galvanized wire link fence of at least five (5) feet in height. A wooden or masonry

fence or other landscaping may be substituted for the screening and wire link fence when appropriate. Bumper guards or wheel stops to prevent damage to the screen or fence by automobiles shall be provided when the required screen or fence surrounds parking lots or spaces.

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

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

Trailer: Any vehicle without motive power that is designed or used for carrying property or persons wholly on its own structure and for being drawn by a motor vehicle, and includes any such vehicle that is formed by or operated as a combination of a semitrailer and a vehicle of the dolly type such as that commonly known as a trailer dolly.

A vehicle used to transport agricultural produce or agricultural production materials between a local place of storage or supply and the farm when drawn or towed on a public road or highway at a speed greater than twenty-five miles per hour, and a vehicle that is designed and used exclusively to transport a boat between a place of storage and a marina, or in and around a marina, when drawn or towed on a public road or highway for a distance of more than ten miles or at a speed of more than twenty-five miles per hour. "Trailer" does not include a manufactured home or travel trailer.

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

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

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

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

ARTICLE IV

ADMINISTRATION AND ENFORCEMENT

34.4.1 APPLICATION OF EXTERIOR PROPERTY MAINTENANCE CODE

The provisions of the Exterior Property Maintenance Code shall apply to all premises and structures within Shawnee Township used for human habitation, commercial purposes, or industrial purposes which are now or may become in the future substandard with respect to structure, maintenance, proper drainage and sanitary conditions, or other similar conditions which otherwise constitute a public nuisance. This Exterior Property Maintenance Code shall apply to all zoning districts, planned unit developments, and mobile home parks within Shawnee Township, in Allen County, Ohio.

The existence of such conditions, factors or characteristics adversely affects public health, safety, morals and general welfare and leads to the continuation, extension and aggravation of blight and its attendant negative effect on surrounding property values. Therefore, adequate protection of the public requires the establishment and enforcement of these properly maintenance standards.

34.4.2 COMPLIANCE REQUIRED

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

34.4.3 CONFLICT OF LAWS

In any case where a provision of this Exterior Property Maintenance Code is found to be in conflict with a provision of any zoning, building, fire, safety, health, or other regulation, the provision of which establishes a higher standard for the promotion and protection of the safety and health, the conflicting provision shall prevail.

34.4.4 EXISTING REMEDIES

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

34.4.5 SEPARABILITY

If any section, subsection, paragraph, sentence, clause or phrase of this Exterior Property Maintenance Code is declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this Exterior Property Maintenance Code, which portions shall continue in full force and effect, and to this end the provisions of this Exterior Property Maintenance Code are hereby declared to be severable.

34.4.6 SAVING CAUSE

This Exterior Property Maintenance Code shall not affect violations of any other resolution, ordinance, code or regulation existing prior to the effective date of this Exterior Property Maintenance Code, and any violation of such shall be governed and shall continue to be punishable to the full extent of the law under the provisions of those ordinances, codes or regulations in effect at the time the violation was committed.

34.4.7 ENFORCEMENT OFFICERS

A. Enforcement Officers. The Township Trustees shall assign the duties of administering and enforcing this External Maintenance Property Code to an Enforcement Officer. The Zoning Inspector shall fulfil

the duties as the Enforcement Officer as outlined in this External Maintenance Property Code document. The Enforcement Officer may call upon any department, division or contractor of the Township for whatever assistance may be necessary to abate a violation of this Exterior Property Maintenance Code. The Enforcement Officer shall report to the Township Trustees.

- B. Liability. No officer, agent or employee of Shawnee Township shall be personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of duties under this Code.
- C. Interpretation Authority. The Enforcement Officer shall have authority to interpret and implement the provisions of this Code, to secure the intent thereof, and to designate requirements applicable because of local climate or other conditions.

34.4.8 ENFORCEMENT ACTION

Enforcement action shall be in the best interest of the community. Any enforcement action will be based on a verbal or written complaint filed to the Enforcement Officer or Township Trustee(s) by a resident residing within the Township. Anonymous complaints shall be handled on case by case basis with due consideration to the validity of the allegation(s) presented, nature and gravity of the violation, and proximity to the alleged violator to the complainant.

Enforcement may also be initiated by the Enforcement Officer based on observations, with consideration to the flagrant nature of the violation, and / or the numbers of previous abatements, warnings or violation notices that have been issued to the property owner.

34.4.9 INSPECTIONS

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

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

34.4.10 NOTICE OF VIOLATION

- A. Warning Notice of Violation.

A Warning Notice may be issued for the first occurrence of a violation of this Code. This notice outlines the alleged violation, sufficiently identifies the premises, and remedy sought within a reasonable time span. If the Recipient fails to correct the violation in the time allotted in the Warning Notice of Violation, then the resident shall then be issued a Notice of Violation letter.

The Township shall have the right to forego the issuing of a Warning Notice and may proceed to issuance of a Violation Letter. The issuance of a Warning Notice shall not be a prerequisite to the issuance of a Notice of Violation. There shall be no right of appeal from the issuance of a Warning Notice. Warning Notice shall be sent by U.S. Regular Mail to the owner of the property as identified by Allen County Auditor's Office.

- B. Notice of Violation.

1. Content. Whenever the Enforcement Officer determines that there is a violation of the provisions of this Code, he may give notice of such violation to the person or persons responsible as identified by the Allen County Auditor's Office, therefore and order compliance, as hereinafter provided. Such notice and order shall:
 - a. Must be in writing;
 - b. Shall be sent to the person or persons responsible for the violation as well as the person, firm, or corporation listed by the Allen County Auditor's Office as owner of the property;
 - c. Must include a description of the property sufficient for identification purposes;
 - d. Must include a statement of the violation or violations determined to exist on the property with specific references to the section or sections of this Code alleged to have been violated;
 - e. Must include a description of the corrective action which must be taken to bring the property into compliance with the provisions of this Code; and
 - f. Must include a deadline by which time the Recipient of the Notice shall be required to take the necessary corrective action required to bring the property into compliance with the provisions of this Code.
 - g. Must state the right of the violator to file an appeal of the Notice with the Maintenance Code Appeals Board within ten-(10) calendar days of receiving the Notice.

 2. Service. A Notice of Violation shall be deemed properly served if one-(1) or more of the following methods are used:
 - a. By personal delivery to the owner or occupant(s) of the premises, or by leaving the Notice at the premises with a person of suitable age and discretion; or
 - b. By certified mail, deposited in a United States Post Office, addressed to the person or persons responsible at his/their last known address according to Allen County Auditor's Office, with return receipt requested; or If a certified mail envelope is returned with endorsement showing that the envelope is unclaimed, then service shall be sent by ordinary mail, and the mailing shall be evidenced by a certificate of mailing which shall be filed by the Enforcement Officer. Service shall be deemed complete when the fact of mailing is entered of record, provided that the ordinary mail envelope is not returned by the postal authorities with an endorsement showing failure of delivery; or
 - c. By posting a copy of the Notice in a conspicuous place on the premises found in violation. The Enforcement Officer shall document the posting of this notice with a camera. In addition, a single notice of the violation shall be posted in the general circulation in the Lima News identifying the owner(s) of the property, last known address of the owner(s), parcel identification, nature of the violation, and date to bring violation into compliance; or
 - d. For a junk or inoperable motor vehicle(s) as an addition or alternative to providing service as described above, Enforcement Officer serve the Notice by attaching it to a conspicuous place on the exterior of the vehicle.
- C. Extension of Compliance Deadline.

For good cause shown, the Enforcement Officer may, at his/her sole discretion, extend the

deadline previously stated in the Notice of Violation for corrective action to bring a property into compliance. In the event such an extension is granted, the Enforcement Officer shall notify the Recipient of the extension in the same form and pursuant to the same method of service required by Section 34.4.10(C) of this Code. Any such notice of extension shall specifically state the revised deadline by which time the person receiving the extension shall be required to take the necessary corrective action required to bring the property into compliance with the provisions of this Code.

D. Civil Remedies.

If the recipient of a Notice of Violation does not comply with the Notice of Violation within the stated period of time, the Board of Trustees may institute an action for injunction, mandamus, or abatement or any other appropriate action or proceeding to enjoin, correct, or abate such violation.

34.4.11 EXTERNAL PROPERTY MAINTENANCE APPEALS BOARD

A. Appeals Board.

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

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

in its opinion ought to be made. Failure to secure a majority vote shall be deemed a confirmation of the decision of the Enforcement Officer.

B. Hearings.

Any Recipient of a Notice of Violation or Violation Citation 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.

The notice of appeal shall be filed in the office of the Enforcement Officer on forms provided by the Township. The appeal shall be filed within ten-(10) calendar days after the date of the notice and order, revocation, or denial of permit. Upon receipt of such a petition and payment of a one-hundred dollars (\$100.00) for the appeal application fee, the Appeals Board shall set a time and place for the hearing.

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

C. Findings.

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

1. That a violation exists on the property.
2. That appellant was served with a Notice of Violation or Violation Citation provided for in Sections 34.04.10 (C) (1),(2),(3),(4).
3. That the Notice of Violation or Violation Citation stated the specific nature of the violation, the corrective action needed to be taken to abate the violation, and a specific time period within which to abate the violation.
4. That within the time period stipulated in the Notice of Violation or Violation Citation, the appellant failed to comply with the Notice of Violation or Violation Citation by not abating the violation, and/or by not bringing the violation into compliance with the Shawnee Township Exterior Property Maintenance Code.
5. That upon expiration of the date required for compliance in the Notice of Violation or Violation Citation, the property owner violated specific provisions of the Shawnee Township Exterior Property Maintenance Code and/or conditions imposed by the Appeals Board.

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

34.4.12 VIOLATION CITATIONS

The Enforcement Officer is authorized and directed to provide Violation Citations which shall be used for the purposes of giving due notice and summons to the person or persons responsible for violations of this Code.

- A. Contents. Violation Citations are issued for 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:
1. The Violation Citation must be in writing on a form specifically designated as a Violation Citation form;
 2. The Violation Citation must include a statement advising the person charged that he/she must answer the Violation Citation within ten-(10) calendar days after the date on which the Violation Citation is served upon him/her;
 3. The Violation 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;
 4. The Violation Citation must include a statement specifying that the answer must be made in person, or by mail, to the Shawnee Township Fiscal Officer;
 5. The Violation Citation must include a statement indicating the amount of the penalty arising from the violation;
 6. The Violation Citation must include a statement advising the person of the violation charged, and the date, time, and place of the violation charged; and
 7. The Violation Citation must include the signature and affirmation by the Code Enforcement Officer that the property owner received notice of the Violation Citation.

- B. Payment of Penalty. When a Violation Citation as herein provided is served, the Recipient shall appear at the place or places designated upon such Violation Citation within thirty-(30) calendar days and shall pay the penalty for the violation noted on the Violation Citation.

Upon payment of the penalty as provided within the time limit provided herein, no further action will be taken to prosecute the violation noted on the Violation Citation, provided remedial action, if necessary, is taken. If the violation is corrected and the assessment noted on the Violation Citation is paid in full within ten-(10) days of the post marked mailing date of the Citation Tag, the assessments shall then be reduced by fifty-(50) percent subject to additional citations and assessment.

- C. Notice and Future Violation. The Violation Citation, as herein provided, shall be sufficient notice, summons, and legal service thereof for the purpose specified thereon; provided, however, that the use of such Violation Citations shall not prohibit the issuance of either additional Violation Citations or legal notices of violation, in the event such violation is continued or repeated.

- D. Establishment of Penalty Schedule by Township Trustees. The Township Trustees shall adopt by resolution a violation citation penalty schedule.

- E. Additional Penalty. When a Violation Citation has been issued pursuant to this section, an amount established by the Township Trustees is hereby assessed on the violator. Failure to pay the penalty within a period of thirty-(30) calendar days after the date of service of the Violation Citation shall constitute a minor misdemeanor, punishable as provided in Section 4.99 of the Shawnee Township Zoning Resolution, assessments may also be attached to the property taxes for the property in question.

34.4.13 PROSECUTION

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

The Enforcement Officer may also present the case to the Lima City Prosecutor's Office for additional action should civil or other penalties fail to correct the violation.

34.4.14 ABATEMENT OF VIOLATION BY TOWNSHIP AND COST RECOVERY

- A. The imposition of the penalties herein prescribed shall not preclude the Shawnee Township Attorney from instituting appropriate action to restrain, correct, or abate a violation, or to prevent illegal occupancy of a building, structure or premises, or to stop an illegal act, conduct, business or utilization of the building, structure, or premises.
- B. Should the nuisance not be abated by the expiration of the time stated in the notice or order of the Enforcement Officer or any extensions granted or such additional time as the Exterior Property Maintenance Code Appeals Board may grant, the Enforcement Officer may call on any department, division, or contractor of the Township for whatever assistance may be necessary to abate the aforesaid nuisance or may, by private contract, abate such nuisance and the cost of the contract will be paid for from Township funds. All costs for abating such nuisance shall be recovered in the following manner:
 - 1. The owner(s) shall be billed directly by certified mail deposited with the United States Post Office. In the event that the certified mail envelope is returned with endorsement showing that the envelope is unclaimed, then service shall be sent by ordinary mail and the mailing shall be evidenced by a certificate of mailing which shall be filed by the Enforcement Officer.
 - 2. If the costs are not so recovered within thirty (30) days of receipt of the mailing, the Township may collect the cost in accordance with the Ohio Revised Code and/or assess the cost to the owner via liens approved by the Township Trustees.

34.4.15 RULEMAKING AUTHORITY

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

34.4.16 TRANSFER OF OWNERSHIP

It shall be unlawful for the owner of any building or structure who has received a Notice of Violation to sell, transfer, mortgage, lease or otherwise dispose of the property to another until the provisions of the Notice of Violation have been complied with, or until such owner shall first furnish the grantee, transferee, mortgagee, or lessee a true copy of any Notice of Violation issued by the Enforcement Officer. The owner shall also furnish to the Enforcement Officer a signed and notarized statement from the grantee, transferee, mortgagee, or lessee, acknowledging the receipt of such Notice of Violation and fully accepting the responsibility, without condition, for making the corrections or repairs required by such Notice of Violation.

34.4.17 ABANDONMENT OF CONSTRUCTION PROJECT

Any building or structure for which a zoning permit has been issued, and except for circumstances beyond the property owner's control (e.g., unavailable supplies, inclement weather, etc.), all construction work shall be diligently pursued to completion. Any construction project upon which there is no substantial work has been undertaken for a period of twelve-(12) months shall be deemed abandoned. Upon any construction project being deemed abandoned, all buildings or structures not completed to the degree such buildings or structures have been indicated on the plans submitted in support of a building permit, and all building materials and construction equipment shall be removed from the site. All construction projects and other improvement projects, including landscaping improvements, shall be completed within twelve (12) months from the date of the commencement of such construction project or improvement.

34.4.18 IMPOUNDING OF JUNK MOTOR VEHICLES

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

34.4.19 PERIODIC REVIEW

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

34.4.20 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. Any person, firm, or corporation who is issued a Violation Citation shall be penalized in the following amounts:
 - 1. In the amount of fifty dollars (\$50.00) for the first offense;
 - 2. In the amount of one hundred dollars (\$100.00) for the second offense;
 - 3. In the amount of two hundred fifty dollars (\$250.00) for the third offense; and
 - 4. In the amount of five hundred dollars (\$500.00) for fourth and each subsequent offense.

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

- C. In addition to the penalty imposed by this Section, Shawnee Township will charge an administrative fee for the processing of all Violation Citations paid out to the Shawnee Township Fiscal Officer. The administrative fee shall be fifty dollars (\$50.00) for each Citation paid out.
- D. Each time a Violation Citation is issued for the same violation, it shall be deemed a separate offense and each day the offense continues is a separate offense.
- E. In addition to other remedies provided for in this Code, upon expiration of the Notice of Violation the Enforcement Officer may cause the noxious weeds, rank vegetation, trees or bushes to be cut and destroyed and all costs billed to the property owner. If the costs are not so recovered within thirty (30) days of receipt of the mailing, the Township may collect the cost in accordance with the Ohio Revised Code and/or assess the cost to the owner via liens approved by the Township Trustees.

Upon failure of the owner, lessee, occupant, or person or legal entity having charge of a property to cut and destroy weeds after service of a Notice of Violation, he/she shall be subject to the filing of a Violation Citation in accordance with the provisions of this Code. Nothing in this section shall prevent the Township from utilizing the nuisance provisions pertaining to noxious weeds outlines in the Ohio Revised Code as an alternative to, or in conjunction with, the enforcement provisions outlined in this Code.

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

ARTICLE V
EXTERIOR PROPERTY MAINTENANCE STANDARDS

34.5.1 SCOPE

A. Scope

The provisions of this chapter shall govern the minimum conditions and the responsibilities of persons for maintenance of structures, equipment and exterior property within all zoning districts of Shawnee Township.

B. Responsibility

The “owner” of the premises shall maintain the structures and exterior property in compliance with these requirements, except as otherwise provided for in this code. A person shall not occupy as owner-occupant or permit another person to occupy premises which are not in a sanitary and safe condition and which do not comply with the requirements of this chapter. The following standards are applicable to all residential structures, dwelling units, residential portions of mixed use structures, and all dwelling units located in commercial buildings.

34.5.2 STRUCTURAL SOUNDNESS AND MAINTENANCE OF ALL DWELLINGS

- A. General Maintenance. All exterior property and premises shall be maintained in a clean, safe, and sanitary condition. The owner, lessee, occupant, or person or entity having charge of the property shall keep all parts of the exterior property in a clean and sanitary condition. No premises shall be in a condition that constitutes a health hazard, safety hazard, or general nuisance.
- B. Protective Treatment. All exterior surfaces including, but not limited to, doors, door and window frames, cornices, porches, trim, balconies, 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.
- C. Foundations. Foundations shall support the building at all points and shall be free of all holes and cracks which admit rodents, water or dampness to the interior of the building or reduce the capability of the foundation to support the building.
- D. Exterior Walls and Surfaces. Exterior walls and other exterior surface materials shall be free of holes, cracks, loose or rotting boards and timbers or any other condition which might admit rodents, rain or dampness to the interior of the dwelling. Except for materials that have been designed or manufactured to remain untreated, all exterior wood, composition or metal surfaces shall be protected from the elements by paint or other protective covering. Surfaces shall be maintained so as to be kept clean and free of flaking, loose or peeling paint or covering. All 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.
- E. Windows, 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. Skylights, doors, and frames shall be kept in sound condition, good repair and weather tight.

- F. Exterior Doors. Doors shall be maintained so as to be structurally sound, fit within frames so as to be weatherproof, windproof, and water-proof and be provided with door hinges and door latches which are in good working condition.
- G. 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.
- H. Gutters and Roof Drains. Rain gutters, downspouts, leaders or other means of water diversion shall be provided to collect/conduct and discharge all water from the roof and maintained so as not to leak or cause dampness in the walls, ceiling, or basements or adversely affect adjacent properties. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions.
- I. Chimneys and Towers. All chimneys, cooling towers, smoke stacks, and similar appurtenances shall be maintained structurally safe and sound, and in good repair. All exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather- coating materials, such as paint or similar surface treatment.
- J. Porches and Decks. Every porch or deck shall be so constructed and maintained so as to be free of missing, defective, rotting or deteriorated foundations, supports, floors, other members, and steps thereto, and kept in sound condition and in good repair.
- 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.
- M. 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.
- N. 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.
- O. Sidewalks and driveways. All sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair, and maintained free from hazardous conditions.
- P. Building Security. Doors, windows or hatchways for dwelling units shall be provided with devices designed to provide security for the occupants and property within.

34.5.3 PAINT AND COATING

Within all zoning districts, all paint and other coating materials shall be free of dangerous substances banned from general use by authorized federal, state, county, or local regulatory agencies for health and safety reasons.

34.5.4 EXTERIOR PROPERTY AND STRUCTURE EXTERIORS

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

- A. Exterior Space. The exterior open space around every dwelling shall be improved and maintained so as to provide for:
 - 1) The immediate diversion of water away from buildings, and proper drainage of the lot;
 - 2) Grass, plantings, or other suitable ground cover to prevent soil erosion which is, or may become, detrimental to the structures, lot use, or adjacent lots and structures;
 - 3) Walks, parking areas, and driveways of either concrete, asphalt, pavers, or a similar surface, all of which are of sound construction and properly maintained; and
 - 4) Exterior steps which are of sound construction and properly maintained, free of hazardous conditions.
- B. Maintenance. The exterior of all premises and every structure thereon, including but not limited to walls, roofs, cornices, chimneys, drains, towers, porches, landings, stairs, signs, windows, doors, awnings, swimming pools, fences, and all surfaces thereof, shall be maintained so as to avoid any blighting effects on neighboring properties, and shall be painted or protected where necessary for purposes of preservation. All canopies, signs, awnings, exterior stairways, exhaust ducts, porches, all swimming pools, fences, decks, balconies, and similar overhanging extensions, where exposed to public view, shall be maintained in good condition, and shall not show evidence of ripping, tearing, or deterioration.
- C. Yards. All yards, courts, and lots shall be kept free of overgrown grasses, debris, and other materials which may cause a fire, health, safety hazard, or general unsightliness.
- D. Hazards. Hazards and unsanitary conditions shall be eliminated.
- E. Occupancy. No temporary buildings, trailers, recreational vehicles, tents, garages, barns or similar abodes shall be used either temporarily or permanently as a residence during the course
- F. Grading. All premises shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of water thereon, or within any structure located thereon.
- G. Drainage. All portions of all premises shall be so graded that there is no pooling of water or recurrent entrance of water into any part of any building except when such pooling or retention of water is part of a plan approved by the County Engineer. All condensate and waste cooling water shall be appropriately discharged into an approved drainage system.
- H. Drainage Swales. Swales are to be maintained by the owners of the parcels on which they are located, and at no time will anyone plant shrubs and/or trees, or discharge, empty, or place any material, fill or waste into any swale so as to divert or impede drainage flow.
- I. 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 a state of good structural repair. If any fence, retaining wall, or similar structure is found not to be in a 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.

- J. 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 property, except for commercial vehicles making service calls or vehicles being used to move personal goods to or from a subject property.
- K. Furniture. No furniture intended for indoor use may be stored outside, unless it is in a completely enclosed porch or patio room.
- L. Off Street Parking. Parking and/or storing of any vehicle on a lawn or dirt surface shall be prohibited. Tracts with nonconforming gravel driveways may have gravel parking areas, but in no case shall a landscaped area (i.e., neither paved nor graveled) be used as an open off-street parking area.
- M. Trailers and Recreational Vehicles. If a licensed and operable trailer, utility trailer, watercraft, camping or recreational equipment is parked or stored outside a garage, it shall be parked or stored along the side or rear of the residence. RV's and Utility Trailers shall not be parked within the side yard set-back distance within that zoned district. RV's and Utility Trailers may be parked for purposes of loading and unloading for forty- eight (48) hours.
- N. Street Numbers. Each structure to which a street number has been assigned shall have such number displayed in a position easily observed and readable from the public right-of-way. All numbers shall be at least four (4) inches in height.
- O. 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.
- P. Sanitation. All exterior property and premises shall be maintained in a clean, safe, and sanitary condition. The owner, lessee, occupant, or person or entity having charge of the premises shall keep that part of the exterior property which such person or entity occupies or controls in a clean and sanitary condition of construction on a site or for any other reason.

34.5.5 UNCONTROLLED VEGETATION, GRASS AND NOXIOUS WEEDS

- A. Residential Lawn Mowing Required.
 - 1. No person or entity owning, leasing, occupying or having charge of land within the Township shall fail to keep such property free and clear of all noxious (brush, briars, burrs, vines, Russian thistle, Canadian thistle, common thistle, wild lettuce, wild mustard, wild parsnip, ragweed, ironweed, et. al.) weeds and rank vegetation or fail to cut all such weeds and vegetation on land owned or in his or her possession whenever such weeds or vegetation have grown to a height of eight (8) inches or more during the annual growing season from April 1st to November 1st . This includes but not limited to all residential, agricultural, or commercial parcels where a dwelling structure is in a habituated or uninhabited condition.
 - 2. In addition to the requirement of paragraph (A)(1) hereof, no person shall permit any grass or weeds to grow to a height of eight (8) inches or more on any section of public

right-of-way, including an easement area, contiguous to his or her property and on his or her property side of any pavement traveled by motor vehicles.

B. Vacant Lot Mowing Required

1. Vacant residential zoned parcels, vacant residential parcels in in platted sub-divisions, vacant parcels in within residential planned unit developments, vacant commercial parcels with a residential structure; all lawn grasses, weeds, rank and uncontrolled vegetation (excluding ornamental or decorative grasses) shall be periodically cut throughout the annual growing season (April 1st through November 1st), and in no case shall vegetation and lawn grass height exceed a height of eight (8) inches or more.
2. Vacant Agricultural lots (those not utilized for agricultural purposes) greater than one acre and less than five acres shall be periodically mowed and maintained throughout the growing season (April 1st through November 1st) a minimum of three-(3) times a year during the designate months of May, July, and September, with the first cutting occurring no later than June 1 of each given year. In addition, grass, weeds, briers, wild / noxious trees and rank overgrown vegetation within these lots shall be mowed, cut and maintained to present a professional and up-kept appearance, and shall not exceed a height limit of twelve-(12) inches. Agricultural parcels over five-(5) acres in size are exempt from this lawn mowing requirement.
3. Commercial and Industrial Lots may be designed as “naturalized locations”. This shall be based on the physical location within the Township as well as aesthetic surroundings and green space areas adjacent to residential properties, and business locations. These naturalized locations may be designated solely on a “case by case” basis, after review and consideration by the Board of Trustees, through application by the owner of the property requesting the special accommodation. Approval or disapproval will be based recommendation by Board of Trustees during a regular scheduled Township meeting. The Enforcement Officer shall keep and maintain this list of designated naturalized locations. This list shall be reviewed annually by the Board of Trustees and updated accordingly.

C. Maintenance of Plantings

All plant materials, trees and shrubs, afflicted with decay, disease, insect infestation, or otherwise considered dangerous to other plant material or pose a potential fall hazard to adjoining property owners shall be trimmed, removed or appropriately treated to reduce or prevent said hazard. All sound plant materials, especially trees and shrubs, shall be properly maintained within residential properties with no evident signs of neglect or allowed to become overgrown, unsightly, or a nuisance to adjoining properties. Property owners who have fallen trees and/ or tree limbs that pose a hazard to others shall be responsible for removal of said tree or limb hazard within reasonable time frame but no more than sixty-(60) days.

D. Vegetation in Right of Way / Visual Obstruction.

No person owning, leasing, operating, occupying or having charge of land within the Township shall permit trees, bushes, shrubs, or other growth to overhang or block any part of a sidewalk, roadway, or fall within the roadway. The Township shall have the authority to remove said vegetation should it constitutes a hazard to persons walking or vehicular traffic utilizing the roadway.

E. Repeated Violations

Whenever an Enforcement Officer determines there is a violation of Articles 34.5.5 (A) & (B), notice shall be given as provided in Section 34.4.10, except that it shall be permissible for the Enforcement Officer only to provide such notice to the person in charge of the property once annually, thereby permitting all subsequent enforcement actions in a given year to be undertaken without notice.

34.5.6 PROCEDURES FOR WEED AND GRASS CUTTING

Whenever an Enforcement Officer determines there is a violation 34.5.5 the notice shall be given as provided in Section 34.4.10 (Notice of Violation). Notice of such violation shall be provided to the person or persons responsible for the property, as identified by the Allen County Auditor's Office. Such Notice of Violation shall:

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

34.5.7 FAILURE TO COMPLY WITH NOTICE TO CUT WEEDS, RANK VEGETATION, FERAL TREES, BRUSH OR BUSHES.

In addition to other remedies provided for in this Code, upon expiration of the Notice of Violation, an Enforcement Officer may cause noxious weeds, rank vegetation, trees, or bushes to be cut and destroyed, with all costs thereof billed to the property owner, to include any administrative fees as set by the Shawnee Board of Township Trustees. If billed costs are not recovered within thirty (30) days of receipt of the mailing described in this Code, the Township may collect the cost in accordance with the Ohio Revised Code, Section 505.87 as an assessment upon the tax duplicate of the property.

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

This invoice shall be sent by certified mail, deposited in a United States Post Office, addressed to the person or persons responsible at his/their last known address according to Allen County Auditor's Office, with return receipt requested; or If a certified mail envelope is returned with endorsement showing that

the envelope is unclaimed, then service shall be sent by ordinary mail, and the mailing shall be evidenced by a certificate of mailing which shall be filed by the Enforcement Officer.

Service shall be deemed complete when the fact of mailing is entered of record, provided that the ordinary mail envelope is not returned by the postal authorities with an endorsement showing failure of delivery.

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

If after the third-(3rd) attempt to facilitate the abatement for the mowing violation has been unsuccessful, and the violation continues to exist, the case will be referred to Allen County Common Pleas Court by the Township Attorney to facilitate additional legal action, or referred to Lima City Prosecutors Office by the Enforcement Officer for additional action.

34.5.8 USE OF COMMERCIAL MOTOR VEHICLES, TRAILERS AND RECREATIONAL VEHICLES

- A. Commercial Motor Vehicles. Within residential property locations, no commercial motor vehicles in excess of one (1) ton, to include commercial tractors, automobiles, trucks, buses, house trailers, semi-trailers, or recreational vehicles shall be parked or stored on any property or upon a public roadway within a residential zoning district other than in a completely enclosed building. Exception noted for those commercial vehicles conveying the necessary tools, materials, and equipment to a premises where labor using such tools, materials, and equipment is to be performed during the actual time of parking.
- B. Private and Commercial Trailers.
 - 1. No licensed and operable commercial dual axel trailer, single axel utility trailer, watercraft/trailer, camper or recreational vehicles, or equipment shall be parked on a public roadway, street, Cal de sac, or within the road right of way at any time for more than 24 hours.
 - 2. Within residential locations, the parking or storage of any trailer shall be permitted along the side or back yard. Parking of any trailer shall be prohibited within the front yard or front driveway.
- C. Recreational Vehicles.
 - 1. Within residential locations, the parking or storage of any recreational vehicle, camper or house trailer shall be permitted along the side yard or back yard. Parking of any recreational vehicle, camper or house trailer shall be prohibited within the front yard or front driveway. Parking may be temporarily permitted for a period of 48 hours within the front yard or driveway for the purpose of upkeep and maintenance activities.
 - 2. No living quarters shall be maintained nor any business conducted in such recreation vehicle unless otherwise permitted in Subdivision Covenants and Deed Restrictions.

34.5.9 JUNK

Within all zoning districts of Shawnee Township, the accumulation or storage of junk, junk vehicles, disabled or inoperative machinery or equipment, vehicles or machinery parts, rags, or any other

discarded objects or debris defined as junk in Section 4738.05(A) of the Ohio Revised Code or in such statute as it may hereafter be amended shall be prohibited outside of a completely enclosed roofed facility or outside of an existing, registered, approved salvage yard in order to protect residents from conditions conducive to the infestation and breeding of vermin, insects, and rodents.

34.5.10 PARKING AND STORAGE OF INOPERABLE, UNLICENSED OR DISABLED MOTOR VEHICLES

A. Inoperable, Unlicensed or Disabled Motor Vehicles Prohibited in All Zoning Districts.

Within all zoning districts, and in accordance with this Exterior Property Maintenance Code; any inoperable, unlicensed or disabled motor vehicle stored on public or private property within the unincorporated area of Shawnee Township for more than thirty-(30) days, shall be completely concealed from public view, which shall be accomplished either by means of buildings, including being housed in a garage, or other suitable completely enclosed structure, or by fences terrain, or other suitable screening (including vegetation, so long as concealment is not effected by seasonal changes in the type of vegetation relied upon) from all sides of the property).

B. Definition of Inoperable, Unlicensed or Disabled Motor Vehicle

For the purpose of this Exterior Property Maintenance Code, an Inoperable, Unlicensed or Disabled Motor Vehicle shall be prohibited and defined as a motor vehicle that has remained in the same or similar location for a period of thirty-(30) days or more and said vehicle(s) is parked in the open, not concealed completely within an enclosed structure, garage or other acceptable completely enclosed building or by fences, terrain, or other suitable screening. In addition, the disabled or inoperable motor vehicle shall exhibit any one-(1) of the additional elements.

1. The motor vehicle is without a license plate, or the motor vehicle's license plate has been expired for a period of more than three-(3) months;
2. Grass, weeds, vegetation, or other forms of debris has grown or is located around the wheels, wheel wells or body frame of the motor vehicle substantiating the vehicles inoperability;
3. The motor vehicle is without substantial components, including but not limited to windshield, side or back window, wheel rim(s), tire(s), door, fender, headlamp, engine, hood, muffler, transmission, or other similar major parts;
4. The motor vehicle lacks the required safety equipment; and is apparently unsafe or hazardous to persons inside or outside the motor vehicle;
5. The motor vehicle is without fully inflated tire(s), and / or has a type of support under it, example lift jack or bricks; or other means of physical support;
6. The motor vehicle is apparently inoperable to the ordinary observer;
7. The motor vehicle is substantially wrecked, severely damaged or damaged beyond economic repair.

C. Nothing in this Exterior Property Maintenance Code shall prohibit the open storage or keeping of a historic motor vehicle or collectors motor vehicle, as defined by Ohio Revised Code, Section 4501.01, except that an unlicensed collectors motor vehicle or unlicensed

historical motor vehicle shall be concealed from off-premises viewing, by means of a building, fencing, vegetation, terrain, or other suitable obstruction.

- D. Exception will be an approved motor vehicle salvage yard, motor vehicle recycler yards, or commercial motor vehicle dealerships actively engaged in business activities. In addition, individual private sales of motor vehicles shall be permitted provided signage on the motor vehicle indicates the motor vehicle is in fact "for sale" and vehicle is moved periodically (every 30 days) from its location. Motor Vehicle Salvage Yard or Motor Vehicle Recycler Operators shall have a current and valid licensure through the Auditor's Office of the State of Ohio, as well as a valid Vendor or Business License through the Allen County Auditor's Office. Said yards shall be properly fenced to prevent view from adjoining property owners.

34.5.11 JUNK MOTOR VEHICLES

- A. Definition of Junk Motor Vehicle(s).

In accordance with Ohio Revised Code, Section 505.173 -As used in this section, "junk motor vehicle" means a motor vehicle that meets all of the following criteria:

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

- B. Junk Motor Vehicles Prohibited within All Zoning Districts.

- 1. Within all zoning districts, and in accordance with O.R.C. § 505.173 and this Exterior Property Maintenance Code; any junk, inoperable or unlicensed motor vehicle stored on public or private property in the unincorporated area of the Township for more than thirty-(30) days, shall be completely concealed from public view, which shall be accomplished either by means of buildings, including being housed in a garage, or other suitable completely enclosed structure, or by fences, terrain, or other suitable screening (including vegetation, so long as concealment is not effected by seasonal changes in the type of vegetation relied upon) from all sides of the property).
- 2. Exception will be an approved motor vehicle salvage yard or motor vehicle recycler yards which shall be located within the Industrial / Manufacturing District of the Township, or non-conforming location within a BIV Commercial District.
- 3. Motor Vehicle Salvage Yard or Motor Vehicle Recycler Operators shall have a current and valid licensure through the Auditor's Office of the State of Ohio, as well as a valid Vendor or Business License through the Allen County Auditor's Office. Said yards shall be properly fenced to prevent view from adjoining property owners.

34.5.12 PROCEDURE FOR REMOVAL OF DISABLED, INOPERABLE, UNLICENSED OR JUNK MOTOR VEHICLES

- A. Disabled, Inoperable, Unlicensed or Junk Motor Vehicle Removal Procedures

1. The Enforcement Officer shall send a Violation Notice by certified mail, return receipt requested, to the person having right to the possession of the property on which an inoperable, disabled, abandoned, unlicensed, scrapped or junk motor vehicle is kept or stored, that within ten-(10) days of receipt of the Violation Notice the inoperable, disabled, abandoned, unlicensed motor vehicle shall be either removed from its current location or shall be made completely concealed from public view.

This shall be accomplished by means of buildings, including being housed in a garage, or other suitable completely enclosed structure, or by fences, terrain, or other suitable screening (including vegetation, so long as concealment is not effected by seasonal changes in the type of vegetation relied upon) from all sides of the property.

2. 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.
3. If the motor vehicle is found inoperable, disabled, abandoned, unlicensed, scrapped or junk on a public street, notice shall be posted on the windshield, or any available window on the motor vehicle. The Enforcement Officer shall document the posting of the Violation Notice with a camera. If the Identity of the owner of the motor vehicle is unknown, then the Enforcement Officer shall obtain the owners identity through records request from the Ohio Bureau of Motor Vehicles.
4. For the purposes of this Section, the fact the vehicle is left is prima-facie evidence of a willful failure to comply with the Notice of Violation.
5. If after, the first ten-(10) day period of which the Notice of Violation letter was sent directing the owner to comply it is found that the inoperable, disabled, abandoned, unlicensed, or junk motor vehicle(s) remain in their current condition and in violation of this Code, then the Enforcement Officer shall send a Violation Citation to owner of the land on which the motor vehicle is stored. The Violation Citation shall include the applicable penalty fee assessment and administrative fee for first offense. Notice shall be sent by certified mail, return receipt requested, to the person having right to the possession of the property on which an inoperable, disabled, abandoned, unlicensed, motor vehicle is kept or stored.

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.

6. Payment of the Violation Citation shall be consistent with Section 34.4.12 of this Code.
7. If the inoperable, disabled, abandoned, unlicensed motor vehicle is so left after three-(3) consecutive Violation Citations have been issued affording separate ten-(10) day periods to bring the motor vehicle(s) into compliance and the penalty

assessments constant with those Violation Citations have shown little to no deterrent effect, then the Board of Township Trustees or Enforcement Officer (Zoning Authority) shall serve written notice of its intention to remove or cause the removal of the vehicle on the owner of the land and any holders of liens of record on the land.

8. The Board of Trustees in consultation with the Township Attorney may institute an action for injunction, mandamus, or abatement or any other appropriate action or proceeding to enjoin, correct, or abate such violation.

B. Notice for Removing Disabled, Inoperable, Unlicensed and / or Junk Motor Vehicles from Private or Public Property: (Per Allen County Prosecutors Office Directives)

1. The owner of the land as well as lien holder of record of the land shall be provided thirty-(30) calendar days to remove said vehicle(s) or enter into a written agreement with the board of Township trustees a plan of action for the removal or storage of said junk motor vehicle(s). The notice provided shall generally describe the vehicle(s) to be removed as well as indicating all of the following:
 - a. The Enforcement Officer or Board of Township Trustees has determined that the vehicle is a junk and/or inoperable motor vehicle;
 - b. If the owner of the land fails to remove the vehicle within thirty days after service of the notice, the Enforcement Officer or Board of Township Trustees may remove or cause the removal of the vehicle;
 - c. Any expenses the board incurs in removing or causing the removal of the vehicle may be entered upon the tax duplicate and become a lien upon the land from the date of entry;
 - d. The board shall serve the notice under this division by sending it by certified mail, return receipt requested, to the owner of the land, if the owner resides in the unincorporated territory of the Township or if the owner resides outside the unincorporated territory of the Township and the owner's address is known or ascertainable through an exercise of reasonable diligence.
 - e. The board also shall send notice in such manner to any holders of liens of record on the land. If a notice is sent certified mail is refused or unclaimed, or if an owner's address is unknown and cannot reasonably be ascertained by an exercise of reasonable diligence, the board shall publish the notice once in a newspaper of general circulation in the Township before the removal of the vehicle, and, if the land contains any structures, the board also shall post the notice on the principal structure on the land.
 - f. A notice sent by certified mail shall be deemed to be served for purposes of this section on the date it was received as indicated by the date on a signed return receipt. A notice given by publication shall be deemed to be served for purposes of this section on the date of the newspaper publication.

5. The salvage dealer or scrap metal processing facility will then file one original affidavit to the Clerk of Courts, and keep the other copy for their own records.
 6. Within 30 days, after the affidavit is filed, with the Clerk of Courts, the Clerk will then issue the salvage certificate of title, which will be free and clear of all liens and encumbrances, no later than 30 days after the salvage dealer or scrap metal processing facility presents the affidavit to the Clerk of Courts.
- D. Penalty Assessment for Junk and Inoperable Motor Vehicles:
1. When a Property Code Violation citation has been issued pursuant to this section, an amount established by the Township Trustees is shall hereby be assessed no more than Fifty-(\$50.00) dollars per vehicle for the first offense and no more than one-hundred (\$100.00) per vehicle for each subsequent separate offense. Failure to pay the assessment within a period of thirty (30) days after the date of service of the violation citation shall constitute a minor misdemeanor, punishment as provided in this property maintenance code. Assessments may also be attached to the property taxes for the property in question.
 2. Any inoperable motor vehicle or junk motor vehicle ordered into storage that remains unclaimed for a period of thirty (30) days may be disposed of at a motor vehicle salvage dealer or scrap metal processing facility owned by or under contract with the Township for the disposal of such motor vehicles, or may be sold by the Township or licensed auctioneer at a public auction, after giving notice thereof by advertisement, published once a week for two successive weeks in a newspaper of general circulation in the Township. Any moneys accruing from the disposition of an unclaimed motor vehicle that are in excess of the expenses resulting from the removal and storage of the vehicle shall be credited to the general fund of the Township.
 3. Towing and Storage Charge; Recovery of Impounded Vehicle. The owner of any inoperable or junk vehicle order into storage pursuant to this resolution may reclaim it upon payment of any expenses or charges incurred in its removal, as well as upon presentation of proof of ownership, which shall be evidenced by a certificate of title to the motor vehicle.

34.5.13 OBJECTIONABLE, NOXIOUS, OR DANGEROUS USES, PRACTICES, OR CONDITIONS

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

- A. The use or storage of flammable or explosive materials not adequately protected by fire-fighting and fire-protection equipment or by such safety devices as are normally required for such activities;
- B. Activities involving the use and storage of flammable and explosive materials are not removed from adjacent facilities or activities to a distance compatible with the potential danger involved;
- C. Radioactivity or air pollution present in violation of the regulations of the Ohio Environmental Protection Agency;

- D. Hazardous wastes present in violation of the regulations of the Ohio Environmental Protection Agency;
- E. Objectionable noise as determined by the Zoning Inspector due to volume, frequency or beat;
- F. Vibration discernible by the Zoning Inspector without instruments present on an adjoining lot or property;
- G. Direct or reflected glare which is visible from any street or from any property not within a manufacturing district;
- H. Erosion caused by wind or water carrying objectionable substances onto any adjacent lot or property.

34.5.13 POULTRY AND ANIMAL HUSBANDRY IN ALL ZONING DISTRICTS

- A. In accordance with Ohio Revised Code Section 519.21 and this External Property Maintenance Code, the keeping and rearing of poultry, waterfowl, farm, and ranch animals to include but not limited to chickens, roosters, ducks, turkey, geese, ducks, rabbits, goats, swine, alpaca, llamas, cattle, horses, mules, buffalo, shall be prohibited within residential zoned locations or residential dwellings on commercial lots, when the lot area is less than one-(1) acre in size.
 - 1. A temporary exemption may apply for 4H or school related projects. Documentation from the 4H Project Manager, or School Principal shall be required and kept on file with the zoning inspector outlining breed of animals or poultry, quantity, duration of the project to include start as well as completion date.
- B. In addition, lots greater than one-(1) acre but less than five-(5) acres; the keeping of poultry and animal husbandry shall be permitted. Exception shall be those parcels within a platted subdivision where over 35 % of the lots are developed as residential or commercial use. Then a “conditional use variance” by the Zoning Board of Appeals would be required for keeping said animals.
- C. All animal waste shall be properly stored and disposed of, so as not to be objectionable at the site’s property line. All animals, their housing and their outdoor pasture/recreation areas shall be properly maintained so as not to become a nuisance to adjoining properties.
- D. Any loud, offensive, or objectionable noises, calls or other disturbing actions shall be kept to minimum and not be unreasonable in nature or a nuisance to adjacent property owners.
- E. All structures used to house non-commercial livestock shall be prohibited from placement in the front yard.
- F. All outdoor pasture/recreation areas shall be enclosed with some form of fencing as to prevent the escape of animals. Such fencing must be setback at least eight-(8) feet from all property lines.

34.5.14 MOUNDING, RAISED BEDS AND OTHER EARTH WORKS

In all zoning districts, no land shall be graded, cut, or filled so as to create a mound with a slope exceeding a vertical rise of one (1) foot for each three (3) feet of horizontal distance between abutting lot lines. Major cuts, excavation, grading, and filling, where the same materially changes the site and its relationship with the

surrounding areas or materially affects such areas, shall not be permitted if such excavation, grading and filling will result in a slope exceeding a vertical rise of one (1) foot for each three (3) feet of horizontal distance between abutting lot lines or adjoining tracts of land, except where the Zoning Inspector has determined that adequate provision is made to retain runoff and eliminate the negative consequences of standing water.

34.5.15 DRAINAGE CONTROL

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

34.5.16 PARKING IN FRONT YARD PROHIBITED

In Residential Zoned Districts, the parking or storing of any automobiles, pick-up trucks, campers or recreational vehicles within the front lawn shall be prohibited, when;

The motor vehicle is parked in the same or similar location in excess of ten-(10) days or results in grass and vegetation to cease where the motor vehicle was stored for the extended period of time.

Exception shall be motor vehicle in the process of being sold whereas advertisement and signage indicates such sale is in progress. Motor Vehicle shall be periodically moved every ten-(10) days.

34.5.17 FENCE USES AND MAINTENANCE

As used in this Section, a fence is generally a barrier intended to create privacy or protection, confine pets, and define the boundaries of a property. Fences may be constructed of wood, vinyl, brick, stone, steel, aluminum, as well as other materials. Fences and walls are interchangeable for the purposes of this Section.

In addition, Fences in all zoned locations shall be maintained in good condition, kept up in repair, repaired as needed in timely fashion, and kept free of debris, weeds, and vegetation. A working gate and lock shall be required to allow access to/from. Fences shall be painted, treated, or other suitable form of preventative maintenance measure utilized to maintain its up kept condition. Fences within all zoning district shall require an approved zoning permit prior to construction.

34.5.18 SCREENING OF ACCESSORY USES

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

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

34.5.19 REGULATION OF SWIMMING POOLS

A. Above Ground Swimming Pool Requirements

1. No private swimming pool, exclusive of portable swimming pools with a diameter of less than twelve (12) feet) or with an area of less than one hundred (100) square feet, shall be allowed in any residential district or commercial district except as an accessory use, and shall comply with the following requirements:
 - a. Above Ground Swimming Pools in excess of 12 feet in diameter may be located anywhere on the premises except in required front yard, provided that it shall not be located closer than fifteen (15) feet to any property line;
 - b. Above ground swimming pools with a height of forty-eight (48) inches or higher, require no fence if the pool is free of any cross bars and the ladder is withdrawn when the pool is not in use and placed where small children cannot reach it.
 - c. Swimming Pools less than forty-eight inches in height shall require fencing around the perimeter of the pool a minimum of forty-eight-(48) inches in height to prevent uncontrolled access or falls into the pool.
 - d. Above Ground Swimming Pools with a Platform, Deck or Terrace, shall not have direct access between the patio door and swimming pool. The enclosure blocking access to the pool shall be a minimum of forty-eight-(48) inches in height. Owner shall be responsible for controlling the access to the Terrace or Platform area as to prevent accidental falls or drowning by means of a self-locking gate and latch on the inner side of the gate.

B. In-Ground Swimming Pool Requirements

1. In- Ground Swimming Pools shall be no closer than fifteen-(15) feet from any property line.
2. The in-ground swimming pool or the entire property area upon which it is located shall be walled or fenced in such a manner as to prevent uncontrolled access by children from the street and from adjacent properties.
3. Swimming pools exceeding twelve (12) feet in diameter or length as applicable to the shape of the pool and has greater than two (2) feet of depth capacity for water shall be enclosed or protected by an adequate wall or fence at least forty-eight (48) inches high which the enclosure shall include a door with a locking device installed on the inner side, with automatic closing capability. Landscaping, hedges, or other soft fencing is not acceptable barrier. Electronic pool covers may be utilized to enhance security, but shall not be a substitute for the wall or fencing requirement.

C. Temporary Seasonal Swimming Pools –

1. Temporary seasonal swimming pools are permitted and shall conform to set back requirements concerning placement consistent with above ground swimming pool regulations.

2. Temporary Seasonal Swimming Pools in excess of twelve-(12') feet in diameter shall be required to meet the same set back placement requirements and safety precautions as a permanent above ground swimming pool.

D. Maintenance

1. Permanent In-Ground Swimming Pools, Above-Ground Swimming Pools and Temporary Seasonal Above-Ground Swimming Pools shall be maintained in a clean and sanitary condition, and shall not be allowed to degrade and harbor uncontrolled algae growth, green or and stagnate water, or harbor vegetation, debris, aquatic, or other insect infestation.
2. Temporary Seasonal Swimming Pools shall be cared for and present an up kept appearance, and shall not be allowed to remain collapsed, torn, partially disassembled or otherwise an apparently unusable condition within public view.
3. Spas and Hot Tubs: Spas and hot tubs must be maintained in a clean and sanitary condition and be maintained in good condition.

- E. Above Ground Swimming Pools in excess of twelve-(12) feet in diameter and In-Ground Swimming Pools require zoning permit. Temporary Seasonal Swimming Pools do not require a permit.

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

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

34.5.21 MAINTENACE OF ACCESSORY STRUCTURES

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

34.5.22 UPKEEP OF VACANT STRUCTURES AND LAND

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

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

34.5.23 JUNK, RUBBISH, GARBAGE AND DEBRIS ACCUMULATION PROHIBITED

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

34.5.24 BURNING OF RUBBISH, TRASH, OR NOXIOUS DEBRIS PROHIBITED

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

35.5.25 PROPER DISPOSAL OF YARD WASTE MATERIALS

- A. Yard waste materials placed at the curbside for collection and removal are the responsibility of the owner, the agent of the owner, or the person in control of the premises. Yard waste materials from a dwelling shall not be co-mingled with other waste.
- B. Yard waste materials, such as leaves, twigs, limbs, and branches shall be placed at the curbside or along the road right of way, within the frontage area of the residence. Yard waste shall not be placed in the public street, or roadway as to pose a hazard to vehicles or others walking in the immediate area.

35.5.26 SIGNAGE

- A. If any sign is determined to be unmaintained, abandoned or defective in any manner defined herein, such signs are hereby declared to be a public nuisance by reason that continued lack of use and maintenance results in a blighting influence on nearby properties and is considered to be an overall detriment to the Township. An abandoned or defective sign is any sign or billboard that meets any of the following criteria:
 - 1. A sign associated with an abandoned non-conforming use.
 - 2. Any sign that remains after a business has ceased operations or is closed to the public for one hundred eighty (180) consecutive days. Seasonal businesses are exempt from this determination.
 - 3. Any sign that is not maintained in accordance with this Code.
 - 4. Any sign that is structurally defective, in need of repair, or is otherwise a hazard to public safety or aesthetically incompatible with the surrounding property as permitted by law.
- B. When the Code Enforcement Officer finds, upon investigation, that a sign has been abandoned or defective as defined herein, the Enforcement Officer shall notify the owner of said sign, together with the owner of the land on which the sign is located, of his/her findings. Such notice shall advise the owners that the sign and its supporting structure has been declared abandoned or is in need of repair and must be removed or repaired within thirty (30) days from the date of the said notice at the owner's expense.

- C. Sign Maintenance. All signage and incidental landscaping and/ or lighting shall be maintained in good condition and shall not show evidence of deterioration. Neither lighting nor signage shall be permitted to be posted on trees or utility poles.
- D. Visibility Triangles. All signage shall be located outside of all visible triangles at intersections and ingress and egress points, and shall not be located in such a manner as to constitute a traffic or safety hazard.
- E. Any sign found to be a safety or traffic hazard may be immediately removed by the Enforcement Officer for good cause.

END