

**PROPERTY MAINTENANCE CODE**

**MONTVILLE TOWNSHIP  
MEDINA COUNTY, OHIO**



**MONTVILLE TOWNSHIP PROPERTY MAINTENANCE CODE**

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## ARTICLE I

### PURPOSE

#### 1.01 PURPOSE

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

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

## ARTICLE II

### TITLE

#### 2.01 TITLE

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

#### 2.02 SOURCE

Pursuant to Ohio Revised Code Section 505.73(A), the Montville Township Board of Trustees has adopted by resolution this existing structures code. The code follows the Model Exterior Property Maintenance Code for Townships prepared by the Miami Valley Regional Planning Commission in January of 1993, which is the most current edition as of December 1, 2014.

This Code is not intended to govern any subject matter addressed by the State of Ohio and/or Medina County Residential Building Code.

## ARTICLE III

### DEFINITIONS

#### 3.01 CONSTRUCTION OF LANGUAGE

For the purpose of this PMC certain terms or words shall be interpreted as follows:

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

#### 3.02 DEFINITIONS

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

ACCESSORY BUILDING: A subordinate building detached from, but located on the same lot as, the principal or main building, the use of which is incidental and accessory to that of the main building or use and which is constructed subsequent to construction of the principal building or establishment of the principal use of the land.

ACCESSORY STRUCTURES: Anything constructed or erected, the use of which requires permanent or temporary location on the ground or attached to something having a permanent or temporary location on the ground, including, but not limited to buildings, signs, billboards, pergolas, roadside stands, fences, walls used as fences, decks, pools, sheds, or off-street parking facilities that are secondary to the primary structure.

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

BUILDING CODE: The most current edition of the state of Ohio Building Code, Ohio Mechanical Code, Ohio Plumbing Code, Residential Code of Ohio (Ohio Administrative Code 4101:1, 2, 3, & 8) or such other code as may be officially designated by Medina County Commissioners for the regulation of construction, alteration, addition, repair, removal, demolition, use, location,

occupancy, and maintenance of all buildings and structures or other document as approved by the Medina County Commissioners.

**BUILDING, EXTERIOR:** A part, surface, or region that is on the outside of a structure.

**COMMERCIAL:** Anything constructed or erected, related to or used in the buying and selling of goods and services occupied with or engaged in commerce or work intended for commerce, the use of which requires permanent or temporary location on the ground or attached to something having a permanent or temporary location on the ground, including, but not limited to buildings, signs, billboards, pergolas, roadside stands, fences, walls used as fences, decks, pools, sheds, or off-street parking facilities

**EXTERIOR PROPERTY AREAS:** Shall include exterior of the building, open and/or unused area, principal exterior, premise, shared land, exterior of building, accessory buildings, exterior primary and accessory areas, yards, parking lots, swing set accessory, fences, pools, 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.

**GRAFFITI:** In addition to its usual and customary meaning of defacing walls or structures with pictures, symbols, messages or slogans, “graffiti” shall also mean any letter, numeral, figure, emblem, insignia, picture, outline, character, spectacle, delineation, announcement, word, phrase, diagram, symbol, sketch, inscription or representation wherein the contents: depict or represent any sexual activity or sexual organs; make explicit or implicit references to criminal activities or groups which promote or are involved in criminal activity; make explicit or implicit references to swearing or fighting words; include defamatory references about any person or personal relationships; or include any marking, of any kind, which results in damage to, defacing or marring of, or discolor of, any sidewalk, street or public lands, or the exterior surface of a wall, fence, door, building, or other structure, whether publicly or privately owned not having an approved sign permit from the Montville Township Zoning Office.

**JUNK/RUBBISH:** Bones, litter and manufactured goods including, but not limited to any scrap iron, tin, glass, brass, copper, lead or zinc and all other scrap metals and their alloys, rags, used cloth, used rubber, used rope, used tinfoil, used bottles, old and used machinery, used tools, used appliances, used fixtures, used utensils, used building materials, used boxes or crates; including both combustible and non-combustible waste materials, vehicle parts, motors, and abandoned appliances. The term rubbish shall also include but not limited to used and unused rags, cartons, boxes, wood, packing material, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery, dust, pipe or pipe fittings, and used tires that are so worn,

deteriorated or obsolete as to make them unusable in their existing condition, but are subject to being dismantled or recycled, and similar materials, as well as residue from the burning of wood, coal, and other combustible materials.

INDUSTRIAL: Anything constructed or erected, to fulfill a specific function in industry or to support or house equipment, raw materials, or communication lines, the use of which requires permanent or temporary location on the ground or attached to something having a permanent or temporary location on the ground, including, but not limited to buildings, signs, billboards, pergolas, roadside stands, fences, walls used as fences, decks, sheds, or off-street parking facilities.

INOPERABLE OR JUNK VEHICLE: Any motor propelled vehicle or accessory to same, which is, or is in the process of being, wrecked, or dismantled such that the engine, wheels, or other parts have been removed or on which the engine, wheels or other parts have been altered, damaged or otherwise so treated that the vehicle is incapable of being driven under its own motor power. A vehicle, including but not limited to cars, trucks, buses, motorcycles, trailers, and boats, shall be deemed a junk or inoperable vehicle whenever any of the following occur:

- 1) The vehicle is without a valid current registration and/or license plate;
- 2) The vehicle is apparently inoperable;
- 3) The vehicle is without fully inflated tires and/or has any type of support under it;
- 4) The vehicle has a substantially damaged or missing window, windshield, door, motor, transmission, or other similar major part;
- 5) The vehicle is left on private property without permission of the person having the right of possession of the property;
- 6) A trailer or other item(s) has been left on public lands, unattached to motive power, in violation of notice by an Enforcement Official to remove same from all public properties.

LANDSCAPED AREA: An area that is permanently devoted to and maintained for the growing of trees, shrubs, grass or other plant material, and may include non-living durable materials such as rocks, decorative walls and fences, but shall exclude paving.

OWNER: “Owner” means and includes the owner of record of the subject property, whether public or private, at the time of the placement or discovery of graffiti or a public nuisance; or at a subsequent time, the beneficial owner under a land contract, the contract purchaser, or that person, persons, or trust in whose name the general taxes for the last preceding year were paid, except that “owner” shall not include Montville Township.

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

PARKING LOTS: An outdoor paved area made up of marked parking spaces where motor vehicles may be stored for the purposes of temporary off-street parking; also known as a parking area.

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

PUBLIC NUISANCE: includes the following:

- 1) The physical condition or use of any premises regarded as a public nuisance as defined herein or at common law; or
- 2) Any physical condition, use, or occupancy of any premises or its appurtenances considered an attractive nuisance to children, including but not limited to junk, inoperable or unlicensed vehicles, abandoned wells, shafts, basements, excavations, abandoned refrigerators; or
- 3) Any premises which have improperly working drainage facilities; or
- 4) Any premises designated by fire, police, or public health authorities as unsafe for human habitation or use; or
- 5) Any premises, which are manifestly capable of being a fire hazard, or are manifestly unsafe or unsecured so as to endanger life, limb or property; or
- 6) Any premises which are unsanitary, or which are littered with rubbish and/or junk.

PUBLIC LANDS: Shall mean parks, playgrounds, trails, paths and other recreational areas and open spaces; scenic and historic sites, schools and other buildings and structures; and other places that are owned by a public entity such as the federal, state or local government, and where the public is directly or indirectly invited to visit or permitted to congregate.; any street, highway, or public right of way, and any other publicly owned property or facility.

RESIDENTIAL: Anything constructed or erected; a residence that is a site-built home; a structure that contains one or more dwelling units and is four stories or less above grade; a condominium, rental residential unit or other residential dwelling unit that is part of a larger structure, if the property interest in the unit is separate from the property interest in the larger structure; a modular home constructed off-site; a manufactured home, whereas the use requires permanent or temporary location on the ground or attached to something having a permanent or temporary location on the ground, including, but not limited to buildings, signs, billboards, pergolas, roadside stands, fences, walls used as fences, decks, pools, sheds, or off-street parking facilities.

SHARED LAND: Shared land is land owned collectively or by one person, but over which other people have certain traditional rights not limited to maintenance and passage. "Shared land" does not mean state-owned or public land, but land that is owned by private individuals or corporations.

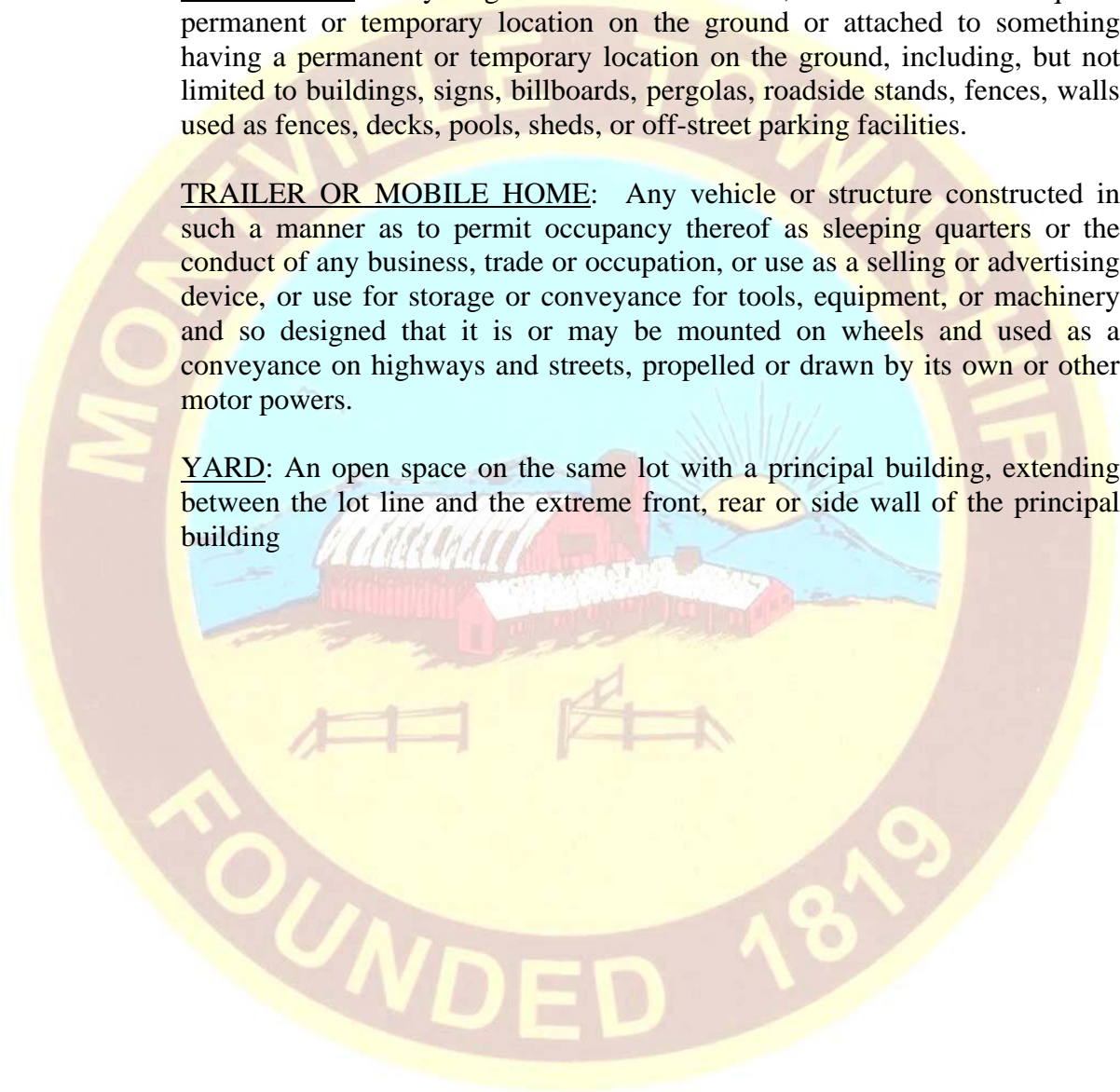


SIGN: Any identification, description, illustration, object or device which is affixed to or integrated into a building or structure or land, or otherwise situated on a lot and which is intended to announce, direct or advertise by any means including letters, words, figures, designs, colors, symbols, fixtures, or images.

STRUCTURE: Anything constructed or erected, the use of which requires permanent or temporary location on the ground or attached to something having a permanent or temporary location on the ground, including, but not limited to buildings, signs, billboards, pergolas, roadside stands, fences, walls used as fences, decks, pools, sheds, or off-street parking facilities.

TRAILER OR MOBILE HOME: Any vehicle or structure constructed in such a manner as to permit occupancy thereof as sleeping quarters or the conduct of any business, trade or occupation, or use as a selling or advertising device, or use for storage or conveyance for tools, equipment, or machinery and so designed that it is or may be mounted on wheels and used as a conveyance on highways and streets, propelled or drawn by its own or other motor powers.

YARD: An open space on the same lot with a principal building, extending between the lot line and the extreme front, rear or side wall of the principal building



## ARTICLE IV

### ADMINISTRATION AND ENFORCEMENT

#### **4.01 APPLICATION OF PROPERTY MAINTENANCE CODE**

The provisions of the PMC shall apply to all premises, structures and public lands within Montville Township used either for human habitation or for commercial, industrial, or public purposes, which are now, or may become in the future, substandard with respect to structure, maintenance, proper drainage, sanitary conditions, or which otherwise constitute a public nuisance. The existence of such conditions, factors or characteristics adversely affects public health, safety, morals, public convenience, comfort, prosperity or general welfare, and leads to the continuation, extension and aggravation of blight and its attendant negative affects on surrounding property values. Adequate protection of the public, therefore, requires the establishment and enforcement of this Maintenance Code.

#### **4.02 COMPLIANCE REQUIRED**

Every portion of a building or premises used or intended to be used for residential, commercial, or industrial purposes, shall comply with the provisions of the PMC, irrespective of when such building was constructed, altered or repaired, or premises occupied, except as hereinafter provided.

#### **4.03 CONFLICT OF LAWS**

In any case where a provision of the PMC is found to be in conflict with a provision of any federal, state, county, 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.

#### **4.04 EXISTING REMEDIES**

Nothing in the PMC shall be interpreted to abolish, impair, or prevent the execution of any existing remedies of Montville Township, or its officers or agents, related to the abatement of a public nuisance.

#### **4.05 SEPARABILITY**

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

#### **4.06 SAVING CLAUSE**

The PMC shall not affect violations of any other resolution, ordinance, code or regulation existing prior to the effective date of this PMC, 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 resolutions, ordinances, codes or regulations in effect at the time the violation was committed.

#### **4.07 ENFORCEMENT OFFICERS**

- A. Enforcement Officers. The administration and enforcement of this PMC shall be operated and controlled by the Zoning Office. Enforcement may include a call upon any department, division or contractor of the Township or other agencies, departments, experts or persons as deemed necessary for whatever assistance may be necessary to abate a violation of this PMC.
- B. Liability. No officer, agent or employee of Montville 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.

#### **4.08 INSPECTIONS**

Township personnel enforcing the provisions of this PMC are authorized to make inspections of building exteriors and premises located within Montville Township. For the purpose of making such inspections, and upon showing appropriate identification, Enforcement Officers are hereby authorized to examine and survey, at any reasonable hour, all residential, commercial, industrial, and other premises.

#### **4.09 NOTICE OF VIOLATION**

A. Content. Whenever Enforcement Officers determine there is a violation of the provisions of this Code, notice of such violation must list the property owner, his/her heirs, assigns, and/or successors responsible if applicable and necessary, and such Notice may order compliance as hereinafter provided. Such Notice and order shall:

- 1) Shall be in writing;
- 2) Shall include a description of the real estate sufficient for identification;
- 3) Shall include a statement of the reason or reasons why Notice is being issued;
- 4) Shall include a correction order allowing a reasonable time for the repairs and improvements required to bring the property into compliance with the provisions of this Code; and
- 5) Shall state the right of an aggrieved person to file an appeal of the Notice with the Maintenance Code Appeals Board within twenty (20) days of receipt of said Notice.

B. Service: A Notice of Violation shall be deemed properly served if one or more of the following methods are used:

- 1) By personal delivery to the owner or occupant(s) of the premises, or by leaving the Notice at the premises with a person of suitable age and discretion; or
- 2) By certified mail, deposited in a United States Post Office, addressed to the person or persons responsible at his/their last known address, with return receipt requested. If a certified mail envelope is returned with endorsement showing that the envelope is unclaimed, then service shall be sent by ordinary mail, and the mailing shall be evidenced by a certificate of mailing which shall be filed by the Enforcement Officer. Service shall be deemed complete when the fact of mailing is entered of record, provided that the ordinary mail envelope is not returned by the postal authorities with an endorsement showing failure of delivery; or
- 3) By posting a copy of the Notice form in a conspicuous place on the premises found in violation and publishing a legal notice in a newspaper of general circulation in Montville Township. The legal notice shall identify the owners of the property, the last address, if known, of the owners, the parcel identification, and the location and nature of the violation; or
- 4) For a junk motor vehicle, as an addition or alternative to providing service as described above, enforcement officials may provide service by affixing a Notice of Violation in a conspicuous place to the exterior of the vehicle.

#### **4.10 PROPERTY MAINTENANCE CODE APPEALS**

- A. Appeals Board. To implement the purposes and requirements of this PMC, there is hereby created the PMC Appeals Board, hereinafter referred to as the Board. For the purposes of this Code, the Montville Township Board of Zoning Appeals (BZA) shall function as the PMC Appeals Board.
- 1) Procedure. Said Board may adopt rules of procedure not inconsistent with this Code. No member of the Board shall take part in any hearing or determination in which he or she has a personal or financial interest. Three (3) members of the Board in attendance at any meeting shall constitute a quorum.
  - 2) Authority. The Board shall hear all appeals relative to the enforcement of this Code, and, by concurring vote of a majority of its members, may reverse, affirm or modify, wholly or in part, the decision appealed from; and the Board shall make such order or determination as in its opinion ought to be made. Failure to secure a majority BZA opinion to modify a Notice of Violation shall be deemed a confirmation of decisions by the Enforcement Officer.
- B. Hearings. Any person affected by any Notice of Violation which has been issued in connection with enforcement of any provision of this PMC, may request, and shall be granted, a hearing on the matter before the PMC Appeals Board, provided that such person shall properly file an appeal, on forms provided by Montville Township, in the Montville Township administrative offices. Such appeal shall be filed within twenty (20) days after the date of the Notice and Order. Upon receipt of such an appeal, the PMC Appeals Board shall set a time and place for hearing, and shall give the appellant petitioner written notice thereof by first class mail postmarked at least ten (10) days prior to such hearing. Hearing will be scheduled within a reasonable time. At such hearing, the appellant shall be given an opportunity to be heard, and to show cause why any item appearing on such Notice and Order should be modified or withdrawn. The failure of the appellant or their representative to appear at such hearing and state a basis of appeal shall have the same effect as if no petition were filed.
- C. Findings. Prior to sustaining any Notice of Violation and compliance order, the PMC Appeals Board shall make the following findings:
- 1) The violator was served with a Notice of Violation and/or Citation Tag as provided for in Sections 4.09 and 4.11.
  - 2) The Citation Tag and/or Notice of Violation that was served stated the specific nature of the violation, corrective action needed to abate the violation, and a specific time period for violation abatement.

- 3) Within the time period stipulated in the Citation Tag and/or Notice of Violation, the appellant failed to comply with the Notice of Violation by not bringing affected premises into compliance with the Montville Township PMC.
  - 4) Upon expiration of the date indicated for compliance in the Notice of Violation, the property was being maintained in violation of specific provisions of the Montville Township PMC and/or conditions imposed by the Appeals Board as modification of a previous compliance order.
- D. Authority of Appeals Board. Within a reasonable time after the close of the public hearing, the Appeals Board shall render a decision sustaining, modifying, or negating any item appearing on the Notice and Order. The appellant shall be notified in writing of such action.

#### **4.11 CITATION TAGS**

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

- A. Contents: Citation Tags shall be put in writing on an appropriate form, state the nature of the violation, refer to the section or sections of this Code that have been violated, and state the appropriate assessment or penalty therefore.
- B. Payment of Assessment: When a Citation Tag has been served, such person or persons named shall appear at the place or places designated upon such tag, and shall pay the assessment for the violation noted on the Citation Tag. Upon full payment of the assessment, within the time limit specified, no further action will be taken to prosecute the violation noted on the citation, provided remedial action, if necessary, is taken.
- C. Notice and Future Violation: The Citation Tag, as herein provided, shall be sufficient notice, summons, and legal service thereof for the purposes specified thereon; provided, however, that the use of such tags shall not prohibit the issuance of either additional Citation Tags or additional legal notices of violation in the event violations are continued or repeated.
- D. Establishment of Fee Schedule by Township Trustees: Prior to the issuance of any Citation Tag, the Board of Montville Township Trustees shall adopt by resolution a Citation Tag assessment fee schedule. From time to time, and upon its own motion, said Township Trustees may modify the Citation Tag assessment fee schedule.

- E. Penalty Assessment: When a violation citation tag has been issued pursuant to this section, an amount established by the Township Trustees is hereby assessed on the violator. If the assessment is received and paid within the seventy-two (72) hour period immediately following the issuance of the citation tag, all assessments are reduced by fifty percent (50%). Failure to pay the assessment within a period of thirty (30) days after the date of service of the citation tag shall constitute a minor misdemeanor, punishable as provided in Section 4.99 of this Code. Assessments may also be attached to the property taxes for the property in question. New citations and/or assessments may be applied every twenty-four (24) hours until violations are corrected.

#### **4.12 PROSECUTION**

In case any Notice of Violation order is not promptly complied with or properly appealed, an Enforcement Officer may request the Township Attorney to institute an appropriate action or proceeding at law to exact the penalty provided in Section 4.99 of this Code, and in addition thereto, may ask the Township Attorney to proceed at law or in equity against the persons responsible for a violation for purposes of seeking abatement of such nuisance.

#### **4.13 ABATEMENT OF NUISANCE BY MONTVILLE TOWNSHIP AND COST RECOVERY**

Should a nuisance not be abated at the expiration of the time stated in the Notice of Violation issued by an Enforcement Officer, or during any extensions granted, or during such additional time as the PMC Appeals Board may grant, the Enforcement Officer shall be authorized at any time thereafter to: 1) either request a court to authorize entry upon private and/or shared property to take such action as is deemed appropriate to abate the nuisance; or 2), in the case of public lands, effect removal of the public nuisance. These remedies shall exist in addition to any remedies provided elsewhere in this Maintenance Code. In abating such nuisance, the Enforcement Officer may call on any department, division, or contractor of the Township for whatever assistance may be necessary to abate the aforesaid nuisance; or may, by private contract, abate such nuisance, with the cost of the abatement contract 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 the certified mail envelope is returned with an endorsement showing that the envelope has been unclaimed, then service shall be sent by ordinary mail and the mailing shall be evidenced by a certificate of mailing filed by the Enforcement Officer.

- 2) In the case of removal or abatement on public lands, the person(s) responsible for creating the nuisance shall be held liable to the fullest extent of the law and included but not limited to the costs, fees, fines, damages, and/or prosecution.
- 3) If the costs are not so recovered within thirty (30) days of receipt of the mailing described in Section 4.13(1), the Township may collect the cost in accordance with the Ohio Revised Code.

#### **4.14 RULEMAKING AUTHORITY**

Enforcement Officers shall have such 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 as granted by the Township Board of Trustees. Such rules shall not have the effect of abrogating: 1) policies contained in this Code; or 2) fire protection requirements specifically provided for in this Code; or 3) violating approved public safety practice.

#### **4.15 TRANSFER OF OWNERSHIP**

It shall be unlawful for the owner of any building or structure who has received a notice of violation to sell, transfer, mortgage, lease or otherwise dispose of same 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 an Enforcement Officer and shall furnish to the code official a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging receipt of such Notice of Violation and fully accepting the responsibility, without condition, for making the corrections or repairs required by such Notice of Violation. Assessments may also be attached to the property taxes for the property in question.

#### **4.16 ABANDONMENT OF CONSTRUCTION PROJECT**

All construction work shall be diligently pursued to completion on any building or structure for which a zoning and/or building permit has been issued, unless forestalled by circumstances beyond the property owner's control (including but not limited to, labor strikes, inclement weather). Any construction project upon which no substantial work has been undertaken for a period of six (6) months and which has not provided notification in writing to the township zoning inspector as to lapse in construction, shall be deemed abandoned. Such notification shall be filed every ninety (90) with the zoning



inspector with any project experiencing a lapse in construction. 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, as well as all building materials and construction equipment, shall be removed from the site with sixty (60) days. Upon approval from the zoning inspector, the building structures shall be secured; any and all building material, equipment, and/or construction related items shall be secured and stored; and the property otherwise maintained in accordance with the characteristics of the surrounding neighborhood.

#### **4.17 IMPOUNDING OF INOPERABLE OR JUNK MOTOR VEHICLES**

Notwithstanding other provision of this PMC, 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. Upon collection of vehicle information, the township police department may be employed in the removal and designation of the removal company and place of storage.

#### **4.18 VEGETATION AND WEED CUTTING**

- A. No person owning or being in possession of platted subdivision land or land less than one acre within the Township shall fail to keep such property free and clear of all noxious weeds, or fail to cut all such weeds and vegetation on land either owned or in their possession, whenever such weeds or vegetation have grown to a height of eight (8) inches or more.
- B. With the exception of agricultural exemptions, land greater than one acre, owned or possessed by any person or entity must be kept free and clear of all noxious weeds and rank vegetation, all such weeds and vegetation must be cut whenever such weeds or vegetation have grown to a height of eight (8) inches or more for the one acre of land surrounding any and all building improvements.
- C. In addition to the requirement of Section 4.18 (A), no person shall permit any grass or weeds to grow to a height of eight (8) inches or more on any section of public right of way, including any easement areas contiguous to their property and on their property side of any pavement traveled by motor vehicles.
- D. No person shall permit trees, bushes, shrubs, or other growth to overhang or block any part of either a sidewalk or unpaved, but traveled, portion of a street for a height of seven (7) feet above said surface; or to

overhang or block any part of a paved street or traffic/safety sign for a height of fourteen (14) feet above the surface.

**4.18.1 NOTIFICATION FOR WEED CUTTING**

Whenever an Enforcement Officer determines there is a violation of Sections 4.18, A. or B., notice shall be given as provided in Section 4.09, 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.

**4.18.2 FAILURE TO COMPLY WITH NOTICE TO CUT WEEDS, TREES OR BUSHES**

In addition to other remedies provided for in this Code, upon expiration of the Notice of Violation, 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. If billed costs are not recovered within thirty (30) days of receipt of the mailing described in Section 4.13(A), the Township may collect the cost in accordance with the Ohio Revised Code.

**4.99 VIOLATIONS AND PENALTIES**

- A. No person shall violate any provision of, or fail to conform to, the requirements of this PMC, nor fail to comply with any order made thereunder.
- B. Whoever violates any section of this Code shall be guilty of a minor misdemeanor, and may be fined not more than one hundred dollars (\$100.00). A separate offense shall be deemed committed each day on which a violation occurs or continues.
- C. The application of the penalty provided in subsection B hereof shall not be held to prevent the enforced removal of prohibited conditions.

## ARTICLE V

### RESIDENTIAL PROPERTY MAINTENANCE STANDARDS

#### 5.01 APPLICATION OF MAINTENANCE STANDARDS

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

#### 5.02 STRUCTURAL SOUNDNESS AND MAINTENANCE OF DWELLINGS

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

- 1) Foundations. Foundations shall support the building at all points and shall be free of holes and cracks which may admit rodents, water, or dampness to the interior of the building, or which may lessen the capability of the foundation to support the building.
- 2) Exterior Walls and Surfaces. Exterior walls and other exterior surface materials shall be free of holes, cracks, loose or rotting boards and timbers, or any other condition which might admit rodents, water, or dampness to the interior of a dwelling.
- 3) Windows. Windows shall be fully supplied with window glass or an approved substitute which is glazed and without open cracks or holes. Sashes shall be in good condition, properly fitted within frames, capable of being easily opened and held in position by hardware, and shall be maintained so as to exclude adverse weather elements from entering the structure.
- 4) Exterior Doors. Doors shall be maintained so as to be structurally sound; fit within frames so as to be weatherproof, windproof, and water-proof; and shall be provided with door hinges and/or tracks and door latches which are in good working condition.
- 5) Roof. Roof members, roof coverings, and flashing shall be structurally sound and tight so as to prevent the entrance of moisture, and shall be maintained by renewal, repair, waterproofing or other suitable means. Roof drainage shall be adequate to prevent rain water from causing dampness within the building.

- 6) Gutters. Rain gutters, downspouts, leaders or other means of water diversion shall be provided to collect, conduct, and discharge all water from the roof, and such appurtenances shall be maintained.
- 7) Chimneys. Chimneys shall have appropriate flashing and be free of cracks, holes, missing portions and mortar, and shall be maintained in sound condition.
- 8) Porch. Every porch shall be so constructed and maintained so as to be free of missing, defective, rotted, or deteriorated foundations, supports, floors, railings, and steps thereto, so as to be safe to use, and porch elements shall be kept in sound condition and in good repair.
- 9) Exterior Surfaces. Except for materials that have been designed to remain untreated, all exterior wood, composition, or metal surfaces shall be protected from the elements by paint or other protective covering. Surfaces shall be properly secured and maintained so as to be kept clean and free of flaking and loose or peeling paint.
- 10) Basement. Basement or cellar hatchways shall be so constructed and maintained as to prevent the entrance of rodents, rain, and surface drainage into a structure.
- 11) Decorative Features: All cornices, entablatures, bell courses, corbels, terra cotta trim, stucco, wall facings and similar decorative features shall be maintained in good repair, with proper anchorage, and in a safe condition.

### **5.03 PROPERTY AND STRUCTURE EXTERIORS**

All buildings, and the exterior of all premises, shall be properly maintained so as to achieve an appearance characteristic to the neighborhood and avoid blighted 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, gravel (where permitted), 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, fire escapes, stairs, signs, windows, doors, awnings, and all surfaces thereof, shall be maintained so as to avoid any

blighting effects on neighboring properties, and shall be painted or protected where necessary for purposes of preservation. All canopies, signs, awnings, exterior stairways, fire escapes, standpipes, exhaust ducts, porches, balconies, and similar overhanging extensions, where exposed to public view, shall be maintained in good condition, and shall not show evidence of ripping, tearing, or deterioration.

- C. Yards. All yards, courts, and lots shall be kept free of overgrown grasses, noxious weeds, debris, and other materials which may cause a fire, health, safety hazard, or not in accordance with the general characteristics of the neighborhood.
- D. Hazards. Hazards and unsanitary conditions shall be eliminated.
- E. Occupancy. No temporary buildings, trailers, recreational vehicles, tents, garages, barns or similar abodes shall be used either temporarily or permanently as a residence during the course of construction on a site or for any other reason.
- F. Storage. Except as provided for in other regulations of the Township, outdoor storage of any kind shall be prohibited.
- G. Drainage. All portions of premises shall be graded so 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 a County approved drainage system.
- H. Drainage Swales. Swales are to be maintained by owners of the parcels on which they are located. At no time shall shrubs and/or trees be planted; nor shall any material, fill or waste be discharged, emptied, or placed into any swale so as to divert or impede drainage flow. Small swales can be mowed as part of the yard. Larger swales, in meadow situations, should be mowed less frequently in order to allow taller grasses to grow in order to retard runoff and prevent erosion. Swales in woodland areas shall be left in their natural condition, leaving understory growth to retard runoff and prevent erosion, in accordance with the Montville Township Zoning Resolution Chapter 570.
- I. Fences. All fences and similar structures shall be anchored firmly in the ground and shall be constructed in a workmanlike manner and maintained in that same manner so that such fences or similar structures shall always be in a state of good structural repair or, in the alternative, such structures shall be removed or replaced. All fences shall be treated periodically so as to retard deterioration.

- J. Junk, Inoperable or Unlicensed Vehicle. No junk, inoperable, or unlicensed vehicle shall be located on any residential property or public lands, or in violation of applicable zoning district regulations, except when stored within a completely enclosed building.

#### **5.04 VEGETATION**

- A. Vegetation Cutting Required. All grass and weeds shall be periodically cut so as not to exceed a height of eight (8) inches.
- B. Maintenance of Plantings. All plant materials, especially trees and shrubs, afflicted with decay, disease, insect infestation, or otherwise considered dangerous to other plant materials, shall be removed or appropriately treated. All sound plant materials, especially trees and shrubs, shall be properly maintained.

#### **5.05 STAIRWAYS/RAMPS**

- A. Exterior Stairways/Ramps. Exterior stairways on all residential premises shall be kept in accordance with the following provisions:
- 1) Free of holes, grooves, and cracks which constitute a safety hazard;
  - 2) Free of rotted or deteriorated supports;
  - 3) Stairway handrails and/or railings shall be firmly fastened and maintained in good condition. Where the absence of handrails and/or railings creates a hazardous condition, an Enforcement Officer may require installation in accordance with the provisions of the Medina County Building Code.
  - 4) Wheelchair ramps must be maintained according to ADA requirements.

#### **5.06 ACCESSORY STRUCTURES**

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

#### **5.07 PLACEMENT OF GARBAGE CONTAINERS**

All residential garbage/garbage containers shall be placed for pick-up at the curb or designated location by trash hauler. No garbage/garbage container shall be placed at the curb or designated location earlier than 24 hours preceding scheduled pickup, and all such containers shall be removed within

24 hours after pickup. All garbage containers shall either be in an enclosed building or placed behind the front building line.

- A. Multi-Family Dwelling Units. All multi-family dwelling units utilizing a dumpster for trash removal must locate the dumpster to the rear of the structure. If a multi-family unit does not use a dumpster, residents must follow the same requirements as defined in Section 5.07, "Placement of Garbage Containers."
- B. Bundling of Trash. If trash is of such nature that it cannot be put in regulation containers, it shall be placed in a manner as specified by the trash hauler, and placed at the curb or road side as specified under Section 5.07 "Placement of Garbage Containers."
- C. Report of Collection Failures. Every owner, occupant, tenant or lessee is required to maintain surveillance over the garbage and trash storage, handling and collection on his premises.
- D. Bulk Trash Pick-Up. Unless special arrangements have been made with the trash hauler prior to placement, bulk items shall not be placed at the curb earlier than 48 hours preceding the scheduled pickup.
- E. Penalty. In addition to penalties specified in Section 4.99, "Violations and Penalties", violations of section 5.07 may result in the township abating the violation at the property owner's expense.

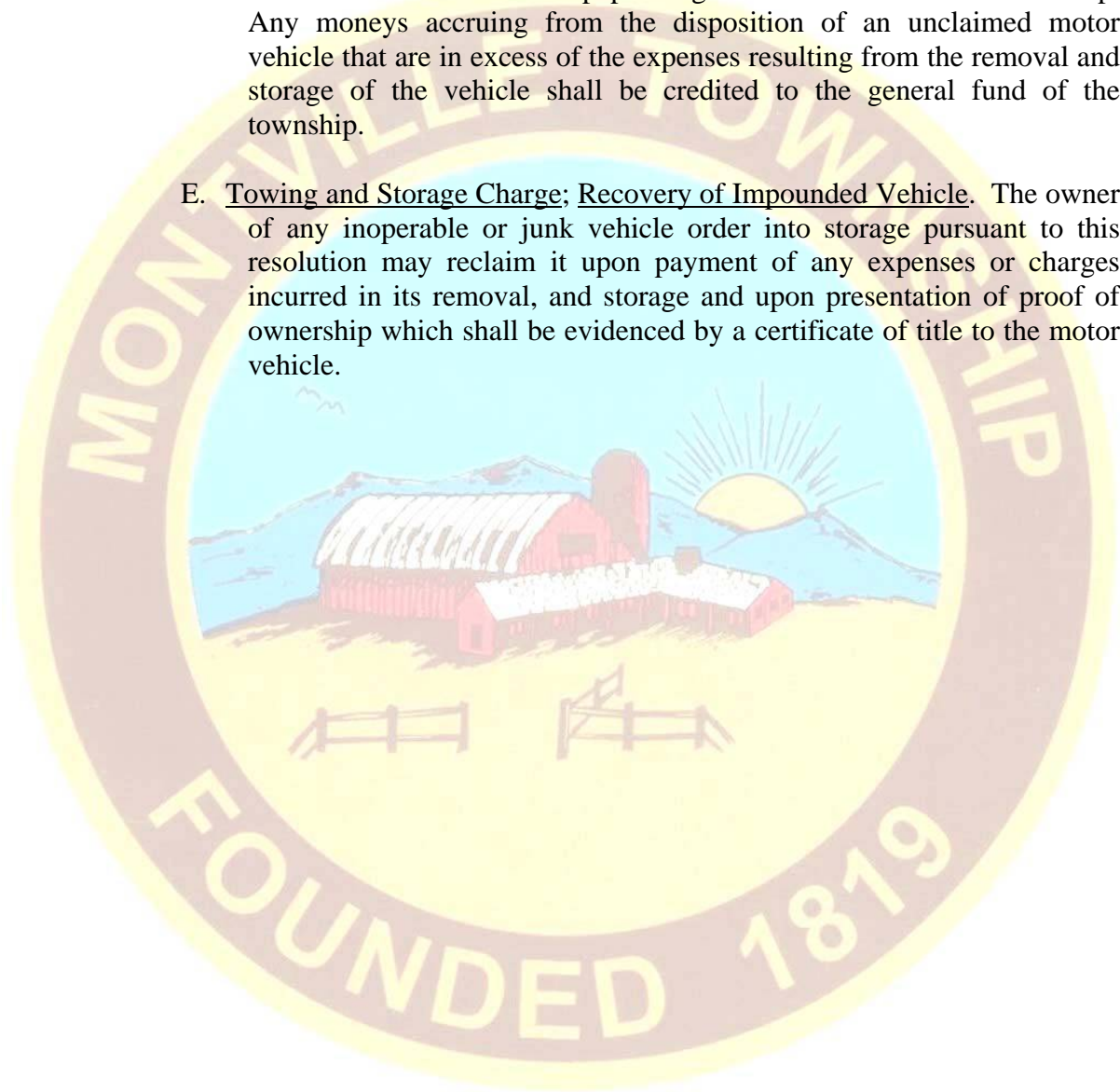
#### **5.08 JUNK, INCLUDING INOPERABLE OR JUNK MOTOR VEHICLES**

- A. Storage of Inoperable or Junk Motor Vehicle on Private Property. No inoperable or junk motor vehicle shall be maintained on any private property unless such vehicle is stored within a completely enclosed building. Ohio Revised Code 4513.60
- B. Parking of Inoperable or Junk Motor Vehicles and Other Items on Public Lands. No trailer, storage container, inoperable or junk motor vehicle or other item owned privately shall be maintained on any public lands or in any road right of way.
- C. Impounding of Inoperable or Junk Motor Vehicle and Other Items. In addition to other remedies provided by law, the enforcement officer may advise the police department of the violation of Section 5.08 for enforcement and/or removal/impounding of the vehicle(s) pursuant to Montville Township Resolution No. 051005.01 executed May 10, 2005 and/or Ohio Revised Code Sections 4513.60-4513.63.

D. Disposition of Inoperable or Junk Motor Vehicles Ordered into Storage.

Any inoperable 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 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.

E. 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, and storage and upon presentation of proof of ownership which shall be evidenced by a certificate of title to the motor vehicle.





## ARTICLE VI

### COMMERCIAL PROPERTY MAINTENANCE STANDARDS

#### 6.01 GENERAL PROVISIONS

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

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

#### 6.02 STRUCTURAL SOUNDNESS AND MAINTENANCE OF COMMERCIAL STRUCTURES

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

- 1) Foundations. Foundations shall support the building at all points and shall be free of holes and cracks which may admit rodents, water, or dampness to the interior of the building, or which may lessen the capability of the foundation to support the building.
- 2) Exterior Walls and Surfaces. Exterior walls and other exterior surface materials shall be free of holes, cracks, loose or rotting boards and timbers, or any other condition which might admit rodents, water, or dampness to the interior of a dwelling.
- 3) Windows. Windows shall be fully supplied with window glass or an approved substitute which is glazed and without open cracks or holes. Sashes shall be in good condition, properly fitted within frames, capable of being easily opened and held in position by hardware, and shall be

maintained so as to exclude adverse weather elements from entering the structure.

- 4) Exterior Doors. Doors shall be maintained so as to be structurally sound; fit within frames so as to be weatherproof, windproof, and waterproof; and shall be provided with door hinges and/or tracks and door latches which are in good working condition.
- 5) Roof. Roof members, roof coverings, and flashing shall be structurally sound and tight so as to prevent the entrance of moisture, and shall be maintained by renewal, repair, waterproofing or other suitable means. Roof drainage shall be adequate to prevent rain water from causing dampness within the building.
- 6) Gutters. Rain gutters, downspouts, leaders or other means of water diversion shall be provided to collect, conduct, and discharge all water from the roof, and such appurtenances shall be maintained so as not to leak or cause dampness in the walls, ceiling, or basements or adversely affect adjacent properties.
- 7) Chimneys. Chimneys shall have appropriate flashing and be free of cracks, holes, missing portions and mortar, and shall be maintained in sound condition.
- 8) Porch. Every porch shall be so constructed and maintained so as to be free of missing, defective, rotted, or deteriorated foundations, supports, floors, railings, and steps thereto, so as to be safe to use, and porch elements shall be kept in sound condition and in good repair.
- 9) Exterior Surfaces. Except for materials that have been designed to remain untreated, all exterior wood, composition, or metal surfaces shall be protected from the elements by paint or other protective covering. Surfaces shall be properly secured and maintained so as to be kept clean and free of flaking and loose or peeling paint.
- 10) Basement. Basement or cellar hatchways shall be so constructed and maintained as to prevent the entrance of rodents, rain, and surface drainage into a structure.
- 11) Decorative Features: All cornices, entablatures, bell courses, corbels, terra cotta trim, stucco, wall facings and similar decorative features shall be maintained in good repair, with proper anchorage, and in a safe condition.

### 6.03 EXTERIOR PROPERTY AND STRUCTURE EXTERIORS

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

- A. Exterior Space. The exterior open space around 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, fire escapes, stairs, signs, windows, doors, awnings, and all surfaces thereof, shall be maintained so as to avoid any blighting effects on neighboring properties, and shall be painted or protected where necessary for purposes of preservation. All canopies, signs, awnings, exterior stairways, fire escapes, standpipes, exhaust ducts, porches, balconies, and similar overhanging extensions, where exposed to public view, shall be maintained in good condition, and shall not show evidence of ripping, tearing, or deterioration.
- C. Yards. All yards, courts, and lots shall be kept free of overgrown grasses, noxious weeds, debris, and other materials which may cause a fire, health, safety hazard, or general unsightliness.
- D. Hazards. Hazards and unsanitary conditions shall be eliminated.
- E. Occupancy. No temporary buildings, trailers, recreational vehicles, tents, garages, barns or similar abodes shall be used either temporarily or permanently as a residence during the course of construction on a site or for any other reason.
- F. Storage. Except as provided for in other regulations of the Township, outdoor storage of any kind shall be prohibited.
- G. Drainage. All portions of premises shall be graded so 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 a County approved drainage system.

- H. Drainage Swales. Swales are to be maintained by owners of the parcels on which they are located. At no time shall shrubs and/or trees be planted; nor shall any material, fill or waste be discharged, emptied, or placed into any swale so as to divert or impede drainage flow. Small swales can be mowed as part of the yard. Larger swales, in meadow situations, should be mowed less frequently in order to allow taller grasses to grow in order to retard runoff and prevent erosion. Swales in woodland areas shall be left in their natural condition, leaving understory growth to retard runoff and prevent erosion. In accordance with the Montville Township Zoning Resolution Chapter 570.
- I. Fences. All fences and similar structures shall be anchored firmly in the ground and shall be constructed in a workmanlike manner and maintained in that same manner so that such fences or similar structures shall always be in a state of good structural repair or, in the alternative, such structures shall be removed or replaced. All fences shall be treated periodically so as to retard deterioration.
- J. Junk, Inoperable or Unlicensed Vehicle. No junk, inoperable, or unlicensed vehicle shall be located on any residential property or public lands, or in violation of applicable zoning district regulations, except when stored within a completely enclosed building.
- K. Traffic Markings. All traffic markings such as directional arrows, lane division lines, parking space lines, stop signs, etc., shall be maintained so as to be clearly visible and easily recognized which shall conform with the county highway regulations and state law.
- L. Conduct of Business.
  - 1) All business activity, except for off-street loading, shall be conducted within completely enclosed buildings.
  - 2) All storage of trash and garbage containers and/or dumpsters shall be effectively screened from view in a manner approved by the final site plan review per the Montville Township Zoning Commission.
  - 3) All storage of materials, goods or products, including inoperable vehicles, shall be within a completely enclosed building.
- M. Exterior Light Fixtures. Exterior lighting fixtures over steps, paths, walkways, courts, drives and parking lots shall be neatly maintained in operable condition as approved by the final site plan review per the Montville Township Zoning Commission.

- N. Noise. No noise in excess of 60 decibels shall emanate from a commercial use when it is adjacent to a residential use. Noise levels shall be measured at the property line between uses.

#### **6.04 VEGETATION**

- A. Vegetation Cutting Required. All grass, weeds or rank vegetation shall be periodically cut and in no case shall exceed a height of eight (8) inches.
- B. Maintenance of Plantings. All plant materials, especially trees and shrubs, afflicted with decay, disease, insect infestation, or otherwise considered dangerous to other plant material shall be removed or appropriately treated. All sound plant materials, especially trees and shrubs, shall be properly maintained.

#### **6.05 STAIRWAYS**

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

#### **6.06 ACCESSORY STRUCTURES**

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

#### **6.07 JUNK, INCLUDING MOTOR VEHICLES**

- A. Storage of Inoperable or Junk Motor Vehicle on Private Property. No inoperable or junk motor vehicle shall be maintained on any private property unless such vehicle is stored within a completely enclosed building. Ohio Revised Code 4513.60

- B. Parking of Inoperable or Junk Motor Vehicles and Other Items on Public Lands. No trailer, storage container, inoperable or junk motor vehicle or other item owned privately shall be maintained on any public lands or in any road right of way.
- C. Impounding of Inoperable or Junk Motor Vehicle and Other Items. In addition to other remedies provided by law, the enforcement officer may advise the police department of the violation of Section 6.07 for enforcement and/or removal/impounding of the vehicle(s) pursuant to Montville Township Resolution No. 051005.01 executed May 10, 2005 and/or Ohio Revised Code Sections 4513.60-4513.63.
- D. Disposition of Inoperable or Junk Motor Vehicles Ordered into Storage. Any inoperable 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.
- E. Towing and Storage Charge; Recovery of Impounded Vehicle. The owner of any inoperable or junk vehicle ordered into storage pursuant to this resolution may reclaim it upon payment of any expenses or charges incurred in its removal, and storage and upon presentation of proof of ownership which shall be evidenced by a certificate of title to the motor vehicle.

## **6.08 GRAFFITI**

- A. Prohibited Conduct
- 1) No person shall inscribe, draw, or otherwise place or cause to be placed, any graffiti upon the surface of any building, structure, wall or surface of other property, including, but not limited to sidewalks, walls, building, fences and signs, that is publicly or privately owned.
  - 2) No parent or legal guardian shall knowingly permit any minor child in his or her custody or control to violate Paragraph A.1 hereof.

- 3) The parent or legal guardian of a minor defendant who resides with such parent or legal guardian at the time of the offense may be held liable for any fine or condition of restitution or reparation imposed by a court upon a minor for violations of this section, provided that such minor has not paid such fine or made restitution or reparation within the time ordered by the court, and further provided that such parent or legal guardian has been served with summons of notice to appear, whether in the original caused or in any subsequent proceedings arising there from.

B. Removal by Owner

It shall be the duty of the owner of the structure or wall or other private property, upon which any graffiti is placed or made, to remove, eradicate or eliminate such inscription or representation with fourteen days of the occurrence unless granted additional time by the Township.

C. Removal by the Township

- 1) The Township shall have the right but not the duty to remove graffiti from the exterior of private property if the owner informs the Township of the presence of such graffiti and of the owner's inability to remove it. Prior to the Township entering any private property to remove graffiti, the owner must sign a statement authorizing removal by the Township and agreeing to pay the reasonable cost of such removal and to allow the recording of a lien against the real estate upon which the work was performed if the cost is not paid to the Township within thirty (30) days of the date of the invoice sent to the owner. The owner must also sign a release holding the Township harmless from any claims, damages or suits brought for damages pursuant to any adverse or injurious effects of such chemicals or from the actions taken by the Township commencing work on the property. If the property owner does not remove the graffiti within the time specified or extended time requested and granted by the township, or if the Township is unable to perform the work at the request of the owner, the owners shall be subject to the penalties provided in subsection 4.11 E.
- 2) If the Township performs the graffiti removal pursuant to Paragraph C.1 hereof, it shall be entitled to a lien upon which the work was performed for the cost of the removal.
- 3) If the owner of private property fails to remove graffiti and fails to comply with the notices to remove graffiti, the Township shall cause the removal of the graffiti from the owner's property and may employ the necessary labor to perform such task. All expenses incurred shall be paid out of any money in written return to the Auditor of Medina County with a statement of the charges for services in graffiti removal, together with a proper amounts

shall be entered upon the tax duplicate, shall constitute a lien upon such lands from the date of the entry, and shall be collected as other taxes and returned to the Township with the General Fund. The remedy provided for this subsection shall be subject to the penalties provided in subsection 4.11 E.

## ARTICLE VII

### INDUSTRIAL PROPERTY MAINTENANCE STANDARDS

#### 7.01 GENERAL PROVISIONS

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

The following industrial exterior property maintenance standards are applicable to all industrial structures, industrial uses, and portions of mixed use structures which are devoted to industrial use, including all exterior and structural requirements, soundness and maintenance.

#### 7.02 STRUCTURAL SOUNDNESS AND MAINTENANCE OF INDUSTRIAL STRUCTURES

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

- 1) Foundations. Foundations shall support the building at all points and shall be free of holes and cracks which may admit rodents, water, or dampness to the interior of the building, or which may lessen the capability of the foundation to support the building.
- 2) Exterior Walls and Surfaces. Exterior walls and other exterior surface materials shall be free of holes, cracks, loose or rotting boards and



timbers, or any other condition which might admit rodents, water, or dampness to the interior of a dwelling.

- 3) Windows. Windows shall be fully supplied with window glass or an approved substitute which is glazed and without open cracks or holes. Sashes shall be in good condition, properly fitted within frames, capable of being easily opened and held in position by hardware, and shall be maintained so as to exclude adverse weather elements from entering the structure.
- 4) Exterior Doors. Doors shall be maintained so as to be structurally sound; fit within frames so as to be weatherproof, windproof, and waterproof; and shall be provided with door hinges and/or tracks and door latches which are in good working condition.
- 5) Roof. Roof members, roof coverings, and flashing shall be structurally sound and tight so as to prevent the entrance of moisture, and shall be maintained by renewal, repair, waterproofing or other suitable means. Roof drainage shall be adequate to prevent rain water from causing dampness within the building.
- 6) Gutters. Rain gutters, downspouts, leaders or other means of water diversion shall be provided to collect, conduct, and discharge all water from the roof, and such appurtenances shall be maintained so as not to leak or cause dampness in the walls, ceiling, or basements or adversely affect adjacent properties.
- 7) Chimneys. Chimneys shall have appropriate flashing and be free of cracks, holes, missing portions and mortar, and shall be maintained in sound condition.
- 8) Porch. Every porch shall be so constructed and maintained so as to be free of missing, defective, rotted, or deteriorated foundations, supports, floors, railings, and steps thereto, so as to be safe to use, and porch elements shall be kept in sound condition and in good repair.
- 9) Exterior Surfaces. Except for materials that have been designed to remain untreated, all exterior wood, composition, or metal surfaces shall be protected from the elements by paint or other protective covering. Surfaces shall be properly secured and maintained so as to be kept clean and free of flaking and loose or peeling paint.
- 10) Basement. Basement or cellar hatchways shall be so constructed and maintained as to prevent the entrance of rodents, rain, and surface drainage into a structure.

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

### **7.03 EXTERIOR PROPERTY AND STRUCTURE EXTERIORS**

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

- A. Exterior Space. The exterior open space around 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, fire escapes, stairs, signs, windows, doors, awnings, and all surfaces thereof, shall be maintained so as to avoid any blighting effects on neighboring properties, and shall be painted or protected where necessary for purposes of preservation. All canopies, signs, awnings, exterior stairways, fire escapes, standpipes, exhaust ducts, porches, balconies, and similar overhanging extensions, where exposed to public view, shall be maintained in good condition, and shall not show evidence of ripping, tearing, or deterioration.
- C. Yards. All yards, courts, and lots shall be kept free of overgrown grasses, noxious weeds, debris, and other materials which may cause a fire, health, safety hazard, or general unsightliness.
- D. Hazards. Hazards and unsanitary conditions shall be eliminated.
- E. Occupancy. No temporary buildings, trailers, recreational vehicles, tents, garages, barns or similar abodes shall be used either temporarily or permanently as a residence during the course of construction on a site or for any other reason.

- F. Storage. Except as provided for in other regulations of the Township, outdoor storage of any kind shall be prohibited.
- G. Drainage. All portions of premises shall be graded so 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 a County approved drainage system.
- H. Drainage Swales. Swales are to be maintained by owners of the parcels on which they are located. At no time shall shrubs and/or trees be planted; nor shall any material, fill or waste be discharged, emptied, or placed into any swale so as to divert or impede drainage flow. Small swales can be mowed as part of the yard. Larger swales, in meadow situations, should be mowed less frequently in order to allow taller grasses to grow in order to retard runoff and prevent erosion. Swales in woodland areas shall be left in their natural condition, leaving understory growth to retard runoff and prevent erosion. In accordance with the Montville Township Zoning Resolution Chapter 570.
- I. Fences. All fences and similar structures shall be anchored firmly in the ground and shall be constructed in a workmanlike manner and maintained in that same manner so that such fences or similar structures shall always be in a state of good structural repair or, in the alternative, such structures shall be removed or replaced. All fences shall be treated periodically so as to retard deterioration.
- J. Junk, Inoperable or Unlicensed Vehicle. No junk, inoperable, or unlicensed vehicle shall be located on any residential property or public lands, or in violation of applicable zoning district regulations, except when stored within a completely enclosed building.
- K. Traffic Markings. All traffic markings such as directional arrows, lane division lines, parking space lines, stop signs, etc., shall be maintained so as to be clearly visible and easily recognized which shall conform with the county highway regulations and state law.
- L. Conduct of Business.
- 1) All business activity, except for off-street loading, shall be conducted within completely enclosed buildings.
  - 2) All storage of trash and garbage containers and/or dumpsters shall be effectively screened from view in a manner approved by the final site plan review per the Montville Township Zoning Commission.
  - 3) All storage of materials, goods or products, including inoperable vehicles, shall be within a completely enclosed building.

M. Exterior Light Fixtures. Exterior lighting fixtures over steps, paths, walkways, courts, drives and parking lots shall be neatly maintained in operable condition and lighted for sufficient periods of time before and after business hours to provide for pedestrian and employee safety and properly aimed so as not to shine on adjacent properties as approved by the final site plan review per the Montville Township Zoning Commission.

N. Noise. No noise in excess of 60 decibels shall emanate from a commercial use when it is adjacent to a residential use. Noise levels shall be measured at the property line between uses.

**7.04 VEGETATION**

A. Vegetation Cutting Required. Including landscaped areas, all grass, weeds shall be periodically cut and in no case shall exceed a height of eight (6) inches.

B. Maintenance of Plantings. Including landscaped areas, all plant materials, especially trees and shrubs, afflicted with decay, disease, insect infestation, or otherwise considered dangerous to other plant material shall be removed or appropriately treated. All sound plant materials, especially trees and shrubs, shall be properly maintained and not evidence signs of neglect.

**7.05 STAIRWAYS**

Exterior Stairways. All exterior stairways on all industrial premises shall be in accordance with the following provisions:

- 1) Stairways shall be maintained free of holes, grooves, and cracks which constitute a safety hazard;
- 2) Stairways shall be maintained free of rotted or deteriorated supports;
- 3) Stairways shall have treads of uniform width and risers of uniform height; and
- 4) Stairway handrails and/or railings shall be firmly fastened and maintained in good condition. Whereas the absence of handrails and/or railings creates a hazardous condition, the Enforcement Officer may require their installation in accordance with the provisions of the Building Code.

**7.06 ACCESSORY STRUCTURES**

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

## **7.07 JUNK, INCLUDING MOTOR VEHICLES**

- A. A. Storage of Inoperable or Junk Motor Vehicle on Private Property. No inoperable or junk motor vehicle shall be maintained on any private property unless such vehicle is stored within a completely enclosed building. Ohio Revised Code 4513.60
- B. Parking of Inoperable or Junk Motor Vehicles and Other Items on Public Lands. No trailer, storage container, inoperable or junk motor vehicle or other item owned privately shall be maintained on any public lands or in any road right of way.
- C. Impounding of Inoperable or Junk Motor Vehicle and Other Items. In addition to other remedies provided by law, the enforcement officer may advise the police department of the violation of Section 7.07 for enforcement and/or removal/impounding of the vehicle(s) pursuant to Montville Township Resolution No. 051005.01 executed May 10, 2005 and/or Ohio Revised Code Sections 4513.60-4513.63.
- D. Disposition of Inoperable or Junk Motor Vehicles Ordered into Storage. Any inoperable 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.
- E. Towing and Storage Charge; Recovery of Impounded Vehicle. The owner of any inoperable or junk vehicle ordered into storage pursuant to this resolution may reclaim it upon payment of any expenses or charges incurred in its removal, and storage and upon presentation of proof of ownership which shall be evidenced by a certificate of title to the motor vehicle.

## **7.08 GRAFFITI**

- A. Prohibited Conduct
- 4) No person shall inscribe, draw, or otherwise place or cause to be placed, any graffiti upon the surface of any building, structure, wall or surface of other property, including, but not limited to

sidewalks, walls, building, fences and signs, that is publicly or privately owned.

- 5) No parent or legal guardian shall knowingly permit any minor child in his or her custody or control to violate Paragraph A.1 hereof.
- 6) The parent or legal guardian of a minor defendant who resides with such parent or legal guardian at the time of the offense may be held liable for any fine or condition of restitution or reparation imposed by a court upon a minor for violations of this section, provided that such minor has not paid such fine or made restitution or reparation within the time ordered by the court, and further provided that such parent or legal guardian has been served with summons of notice to appear, whether in the original caused or in any subsequent proceedings arising there from.

**B. Removal by Owner**

It shall be the duty of the owner of the structure or wall or other private property, upon which any graffiti is placed or made, to remove, eradicate or eliminate such inscription or representation with fourteen days of the occurrence unless granted additional time by the Township.

**C. Removal by the Township**

- 1) The Township shall have the right but not the duty to remove graffiti from the exterior of private property if the owner informs the Township of the presence of such graffiti and of the owner's inability to remove it. Prior to the Township entering any private property to remove graffiti, the owner must sign a statement authorizing removal by the Township and agreeing to pay the reasonable cost of such removal and to allow the recording of a lien against the real estate upon which the work was performed if the cost is not paid to the Township within thirty (30) days of the date of the invoice sent to the owner. The owner must also sign a release holding the Township harmless from any claims, damages or suits brought for damages pursuant to any adverse or injurious effects of such chemicals or from the actions taken by the Township commencing working on the property. If the property owner does not remove the graffiti within the time specified or extended time requested and granted by the township, or if the Township is unable to perform the work at the request of the owner, the owners shall be subject to the penalties provided in subsection 4.11 E.
- 2) If the Township performs the graffiti removal pursuant to Paragraph C.1 hereof, it shall be entitled to a lien upon which the work was performed for the cost of the removal.
- 3) If the owner of private property fails to remove graffiti and fails to comply with the notices to remove graffiti, the Township shall

cause the removal of the graffiti from the owner's property and may employ the necessary labor to perform such task. All expenses incurred shall be paid out of any money in written return to the Auditor of Medina County with a statement of the charges for services in graffiti removal, together with a proper amounts shall be entered upon the tax duplicate, shall constitute a lien upon such lands from the date of the entry, and shall be collected as other taxes and returned to the Township with the General Fund. The remedy provided for this subsection shall be subject to the penalties provided in subsection 4.11 E.

