

**EXTERIOR PROPERTY MAINTENANCE CODE  
FOR  
AMERICAN TOWNSHIP**

**ALLEN COUNTY, OHIO**

**AMENDED - JULY 27, 2023**

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**RESOLUTION: 07-31- 23**

**A resolution to amend to the American Township Zoning Resolution, under Article 22- External Property Maintenance Code – Specifically Articles 22.1 through Article 22.8.02**

- WHEREAS: On June 6<sup>th</sup>, 2023, an Application for a Zoning Text Amendment was filed by M. Bishop, Zoning Inspector. This concerned the proposed zoning text amendment to the American Township Exterior Property Maintenance Code, under Articles 22.1 through 22.8.02. The current version of the external maintenance property code was last updated May 19, 2011.
- WHEREAS: This amendment was filed by adoption of motion of the American Township Zoning Commission, in accordance with O.R.C. 519.12 and American Township Zoning Resolution, Article 19.2.1.
- WHEREAS: May 20, 2023, Notice of the Public Hearing on June 6, 2023, by the Zoning Commission concerning the External Property Maintenance Code was published in the Lima News Legal Notices, one-time, Number #203.
- WHEREAS: On June 6, 2023, the American Township Zoning Commission conducted a public hearing at the American Township Administration Building, to review, update and amend the American Township Exterior Property Maintenance Code. During this meeting the proposed amendment was reviewed by commission members. Updates were discussed and added to the document. For time purposes, the document was reviewed 22.1 Purpose through Article 22.5.22 Agricultural Uses Regulated. Notice of Zoning Commission public hearings are posted on regular basis, on the American Township Web Page under the upcoming hearings section.
- WHEREAS: On June 27, 2023, the American Township Zoning Commission conducted a second public hearing at the American Township Administration Building, to review, update and amend the American Township Exterior Property Maintenance Code. During this meeting the remainder of proposed amendments to Articles 22.5.23-Commercial Vehicles and Construction Equipment to Article 22.8.02 -Emergency Orders – Hearings. At the conclusion of the hearing, the Zoning Commission recommended approval for passage of the document by a 4 to 0 vote.
- WHEREAS: On June 29, 2023, the proposed Amended External Property Maintenance Code was electronically emailed to Lima Allen County Regional Planning Commission for review and comment.
- WHEREAS: On July 11, 2023, the DCC Committee for Lima Allen County Regional Planning Commission conducted a review of the proposed amendment to American Township Exterior Property Maintenance Code. Recommendations were reviewed. Two of the three changes were made. The one recommendation was explained, and no further action needed. The DCC Committee recommended acceptance of staff recommendation, reiterating it was a sound and solid document.
- WHEREAS: On July 17, 2023, public hearing was scheduled to be held by the Board of Trustees concerning amendment to the American Township External Property Maintenance Code, at the American Township Administration Building. Due to the length of a preceding case, this case was postponed to the next scheduled Trustee Meeting on July 31, 2023.
- WHEREAS: On July 31, the American Township Board of Trustees conducted a public hearing on the proposed amendment to the property maintenance code.

**THEREFORE, BE IT RESOLVED:** The American Township Board of Trustees, hereby: ACCEPTS the recommendation of the American Township Zoning Commission, concerning their proposed amendments to the External Property Maintenance Code for American Township.

Motion For Passage: TRUSTEE LYNN MOHLER  
 Second: TRUSTEE PAUL BASINGER  
 Any Further Discussion: NONE

Adopted this 31<sup>st</sup> day of July, 2023

Mr. Lynn Mohler ( YES )  
 Mr. Paul Basinger ( YES )  
 Mr. Mr. Larry Vandemark ( YES )

Board of Trustees of American Township, Allen County, Ohio:

LYNN MOHLER

Trustee

PAUL BASINGER

Trustee

LARRY VANDEMARK

Trustee

Fiscal Officer: BRADY OVERHOLT

ATTEST

The proposed zoning text amendment will go into effect within thirty-30 days of adoption of this Resolution.  
**This Amended Exterior Property Maintenance Code shall go into effect on September 1, 2023**

**THE EXTERIOR PROPERTY MAINTENANCE CODE  
FOR  
AMERICAN TOWNSHIP, OHIO**

**ARTICLE 22**

**22.1 PURPOSE**

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

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

**22.2 TITLE**

This Code shall be known as "The American Township Exterior Property Maintenance Code" and is herein referred to as above or as the "Exterior Property Maintenance Code", "Property Maintenance Code," ATEPMC, or "This Code."

**22.3 CONSTRUCTION OF LANGUAGE**

**22.3.1 TERMS**

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

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

**22.3.2 DEFINITIONS**

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

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

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

**JUNK OR INOPERABLE VEHICLE:** a vehicle, including but not limited to cars, trucks, busses, trailers, and boats, shall be deemed a junk or inoperable vehicle whenever any of the following occur:

1. Left on private property without permission of the person having the right to the possession of the property.
2. Left on a public street or other property open to the public for purposes of vehicular travel or parking, or upon or within the right-of-way or any road or highway for forth-eight-(48) hours or longer.
3. Is extensively damaged, such damage including but not limited to any of the following: missing wheels, tires, motor, or transmission.
4. Apparently inoperable.
5. Does not have a current license plate or validation sticker.

**MOTOR VEHICLE:** shall be as defined in Section 4501(b) of the Ohio Revised Code.

**PREMISES:** A lot, plot, 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 at common law; or 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
2. Any premises which have improperly working drainage facilities; or
3. Any premises designated as unsafe for human habitation or use, or
4. Any premises, which is manifestly capable of being a fire hazard, or is manifestly unsafe or unsecured as to endanger life, limb, or property; or
5. Any premises which are unsanitary, or which are littered with rubbish or garbage; or
6. The maintenance of a motor vehicle in violation of any of the provisions of this code; or
7. Permitting grass, weeds, or rank vegetation to exceed a height of eight-(8) inches; or
8. Permitting trees, bushes, shrubs, or other growth to overhand or block a public right-of-way as regulated herein. Public property: shall mean any street, highway, or public right-of-way and any other publicly owned property or facility.

**RUBBISH:** Rubbish is both combustible and non-combustible waste materials, including 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 other similar materials, as well as the residue from the burning of wood, coal, and other combustible materials.

## **22.4 ADMINISTRATION AND ENFORCEMENT**

### **22.4.1 APPLICATION OF EXTERIOR PROPERTY MAINTENANCE CODE**

Pursuant to ORC Section 505.86, 505.87 & 505.73, in order to protect the health, safety and welfare of the inhabitants of the Township, it is necessary and desirable to adopt the American Township Property Maintenance Code to regulate the repair and maintenance of existing dwellings that are vacant, abandoned and/or apparently unoccupied in the Township, and to adopt the 2009 International Property Maintenance Code, as published by the International Code Council, Inc., with amendments by the Board of Trustees of American Township.

The provisions of the Exterior Property Maintenance Code shall apply to all premises and structures within American 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, factors or characteristics adversely affects public health, safety, morals and general welfare and leads to the continuation, extension and aggravation of blight and its attendant negative effect on surrounding property values. Therefore, adequate protection of the public requires the establishment and enforcement of these property maintenance standards.

#### **22.4.2 SCOPE**

The provisions of this code shall apply to all existing residential and nonresidential structures and all existing premises and constitute minimum requirements and standards for premises, structures, equipment, and facilities; the responsibility of owners, operators, and occupants; and for administration, enforcement, and penalties.

#### **22.4.3 INTENT**

This code shall be construed to secure its expressed intent, which is to ensure public health, safety, and welfare insofar as they are affected by the continued occupancy and maintenance of structures and premises. Existing structures and premises that do not comply with these provisions shall be altered or repaired to provide a minimum level of health and safety as required herein. Repairs, alterations, additions to and changes of occupancy in existing buildings shall comply with all applicable Codes and Standards.

#### **22.4.4 MAINTENANCE**

Equipment, systems, devices, and safeguards required by this code or a previous regulation or code under which the structure or premises was constructed, altered, or repaired shall be maintained in good working order. No owner, operator or occupant shall cause any service, facility, equipment, or utility which is required under this section to be removed from or shut off from or discontinued for any occupied dwelling, except for such temporary interruption as necessary while repairs or alterations are in progress.

The requirements of this code are not intended to provide the basis for removal or abrogation of fire protection and safety systems and devices in existing structures. Except as otherwise specified herein, the owner or the owner's designated agent shall be responsible for the maintenance of buildings, structures, and premises.

#### **22.4.5 APPLICATION TO OTHER CODES**

Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of all applicable state codes, the Ohio Building Code, and the American Township Zoning Resolution. Nothing in this code shall be construed to cancel, modify, or set aside any provision of the above referenced codes.

#### **22.4.6 WORKMANSHIP**

Repairs, maintenance work, alterations or installations which are caused directly or indirectly by the enforcement of this code shall be executed and installed in a skillful manner and installed in accordance with the manufacturer's installation instructions.

#### **22.4.7 PROPERTY IN AGRICULTURAL USE**

The provisions of this code shall not apply to property in agricultural use which is exempt from township zoning control under Ohio Revised Code Sec.519.21, except that the provisions of this code shall apply to the residential, commercial, and industrial structures and outbuildings not used for specific agricultural purposes.

#### **22.4.8 COMPLIANCE REQUIRED**

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

#### **22.4.9 CONFLICT OF LAWS**

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

#### **22.4.10 EXISTING REMEDIES**

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

#### **22.4.11 SEPARABILITY**

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

#### **22.4.12 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.

#### **22.4.13 ENFORCEMENT OFFICIALS**

- a. Code Enforcement Officers. The Township Trustees shall assign the duties of administering and enforcing this Code to the Code Enforcement Officer. The Code Enforcement Officer may call upon any department, division, or contractor of the Township for whatever assistance may be necessary to abate a violation of this Code. The American Township Zoning Inspector shall fulfill the duties and responsibilities of Code Enforcement Officer.
- b. Liability. No officer, agent, or employee of American Township shall be personally liable for any damage that may accrue to persons or property because of any act required or permitted in the discharge of his duties under this Code.

#### **22.4.14 INSPECTION OF BUILDING EXTERIORS**

The Code Enforcement Officer is authorized to make inspections of building exteriors and premises located within American Township for purposes of enforcing the provisions of this Exterior Property Maintenance Code. Investigations and inspections shall be based on complaints received from residents within the community located within proximity to the violation, referral by Board of Trustees and Department Heads, or information relayed by State, County or Municipal agencies.

The Code Enforcement Officer may at his/her discretion initiate an investigation being the complainant in the case, which is based on the severity or flagrant nature of the violation or conditions observed on the property. For the purpose of making such inspections, and upon showing appropriate identification, the Code Enforcement Officer is hereby authorized to examine and survey at any reasonable hour all residential, commercial, industrial, and other types of premises.

#### **22.4.15 NOTICE OF VIOLATION**

- a. Content. Whenever the Code Enforcement Officer determines that there is a violation of the provisions of this Code, he/she may give notice of such violation to the person or persons responsible, therefore, and order compliance, as hereinafter provided. Such notice and order shall:
  1. Be in writing.
  2. Include a description of the real estate or vehicle sufficient for identification.
  3. Include a statement of the reason or reasons why it is being issued.
  4. Include a correction order allowing a reasonable time for the repairs and improvements required to bring the property or vehicle into compliance with the provisions of this code; and
  5. State the right of the violator to file an appeal of the notice with the Exterior Property Maintenance Code Appeals Board within ten- (10) calendar days of receipt of the notice.



- b. Service: A notice of violation shall be deemed to be properly served if one-(1) or more of the following methods are used:
1. (Personal Delivery)-By personal delivery to the owner or occupant of the premises or by leaving the notice at the premises with a person of suitable age and discretion; or
  2. (Regular U.S. Mail Service Delivery) – Mail Service that the sent by ordinary mail delivery, to the intended recipient and addressed to the person or persons responsible at his / their last known address, as identified by the Allen County Auditor. The mailing shall be evidenced by a certificate of mailing, which shall be filed by the Code Enforcement Officer. Service shall be deemed complete when in the fact of mailing is entered in record, provided that the ordinary mail envelope is not returned by postal authorities with an endorsement showing failure of delivery; or
  3. (Certified Mailing)-By certified mail deposited in the United States Post Office addressed to the person or persons responsible at his/their last known address, as identified by Allen County Auditor’s Office with return receipt requested; or
  4. (Ordinary Mail Service If Certified Mail Is Returned)- If a certified mail envelope is returned with an endorsement showing that the envelope is unclaimed, undeliverable, or refused and is returned back to American Township, 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 Code Enforcement Officer. Service shall be deemed complete when the fact of mailing is entered in record, provided that the ordinary mail envelope is not returned by the postal authorities with an endorsement showing failure of delivery; or
  5. (Posted on Structure)-By posting a copy of the notice form in a conspicuous place on the premises found in violation and mailing a copy of the violation notice by ordinary U.S. Mail delivery to property owner, as identified by the Allen County Auditor, who’s agency is responsible for the mailing of property tax information to those owners or individuals responsible for the property identified and paying required property taxes. Camera photograph shall indicate date and time of the observed violation. (This generally occurs with vacant and abandoned structures); or
  6. (Posted on Motor Vehicle)-For a junk motor vehicle, as an addition or alternative to providing service as described above, the enforcement official may provide service by affixing a notice of violation in a conspicuous place to the exterior of the vehicle. (Camera photograph shall indicate date and time of the observed violation.)
  7. (Electronic Mail Delivery) – Electronic mail may be utilized to file a Notice of Violation or Administrative Citation to the owner, owner’s representative, or agent with a copy of the Notice of Violation or Administrative Citation attached along with a narrative to the intended recipient, advising them of the owners responsible, last known address, address of violation, parcel number, nature of violation and date of required corrective action. Any supporting documentation may be additionally included. The Code Enforcement Officer will include a mail delivery and delivery receipt to substantiate electronic mailing of the violation.

**22.4.16 CODE ENFORCEMENT APPEALS BOARD (BOARD OF ZONING APPEALS)**

- a. Appeals Board. To implement the purposes and requirements of this Exterior Property Maintenance Code, there is hereby created the Code Enforcement Appeals Board, hereinafter referred to as the Board. For the purposes of this property maintenance code, the American Township Board of Zoning Appeals shall function as the Code Enforcement Appeals Board. This is a due process means of relief for any affected individual, business or company who wishes to appeal a Violation Notice or Citation Tag and subsequent fine.
- b. Board members appointment:
1. The board is composed of five-(5) American Township residents.
  2. A minimum of three-(3) members of the Board in attendance at any meeting shall constitute a quorum.
  3. Board members are appointed by the Board of Trustees.
- c. Procedure. Said Board may adopt rules of procedure consistent 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.

- d. Authority. The Board shall hear all appeals relative to the enforcement of this Code, and by a concurring vote of the majority of its members, may reverse or affirm, wholly or partly, or may modify the decision appealed from, and shall make such order or determination as in its opinion ought to be made. Failure to secure such concurring votes shall be deemed confirmation of the decision of the Zoning Inspector / Code Enforcement Officer.
- e. Hearings. Any person affected by any notice of violation or citation tag that has been issued in connection with the enforcement of any provision of this Exterior Property Maintenance Code, may request and shall be granted a hearing on the matter before the Exterior Property Maintenance Code Appeals Board, provided that such person shall file in the office of the Code Enforcement Officer on appeal forms provided by the Township.
  - 1. The appeal shall be filed within ten-(10) calendar days after the date of the notice and order, revocation, or denial of the permit.
  - 2. Upon receipt of such a petition, the Appeals Board shall set a time and place for a hearing before the Appeals Board and shall give the petitioner written notice thereof by first class mail postmarked at least ten-(10) days prior to such hearing.
  - 3. The hearing shall be held no less than ten-(10) days and no more than thirty-(30) days from the date the petition was filed. At such hearing, the petitioner shall be given an opportunity to be heard and to show cause why any item appearing on such notice and order should be modified or withdrawn.
  - 4. The failure of the petitioner or his/her representative to appear and state his case at such a hearing shall have the same effect as if no petition or appeal was filed.
- f. Findings. Prior to sustaining any violation notice and compliance order, the Appeals Board shall make the following findings:
  - 1. The violator was served with a Citation Tag and/or Notice of Violation as provided for in Sections 22.4.15 and 22.4.17.
  - 2. The Citation Tag and/or Notice of Violation that was served stated the specific nature of the violation, the required corrective action needed to be taken to abate the violation, and a specific time for correction / abatement of the violation. Within the time stipulated in the Citation Tag and/or Notice of Violation, the violator failed to comply with the Notice of Violation by not abating the violation and/or by not bringing the use or violation into compliance with the American Township Exterior Property Maintenance Code.
  - 3. 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 American Township Exterior Property Maintenance Code and/or conditions imposed by the Appeals Board as a prerequisite to the modification of a previous compliance order.
- g. Authority of Appeals Board. Within thirty-(30) days of the close of the public hearing, the Appeals Board shall render a decision sustaining, modifying, or withdrawing any item appearing on the notice and order. The petitioner shall be notified in writing of such action.
- h. Administrative Action. The "Code Enforcement Officer" shall take immediate action in accordance with the decision of the Code Enforcement Appeals Board.
- i. Review. Any person adversely affected by a ruling or order of the Code Enforcement Appeals Board, shall have the right to appeal to the appropriate court (Court of Common Pleas for Allen County) in the manner and time required by law following the filing of the decision of the Code Enforcement Appeals Board.

#### **22.4.17 ADMINISTRATIVE CITATIONS & FINES**

Administrative Citations or citation tags are a legal civil action to bring compliance to a violation of this code, when a prior notice, or notices to the property owner has shown to be no deterrent and the zoning violation still exists on the property. Civil penalties approved by the Board of Trustees of American Township are assessed for each violation continually existing on the violator's property.

The Code Enforcement Officer is authorized and directed to provide citation tags which shall be used for the purposes of giving due notice and summons to the person or persons responsible for violations of this exterior property maintenance code. Citations are issued after one or more violation notices have been issued to the property owner and correction has failed to occur and violation continues to exist.

- a. Contents. Such citation tags shall be put in writing in an appropriate form, state the nature of the violation, refer to the section or sections of this resolution violated, and state the appropriate fine assessment or penalty, therefore. On multiple violations, example motor vehicles on property; the Code Enforcement Officer may, but is not required, to use discretion on the fine assessment on the first citation issued to the property owner in order to compel compliance and corrective action.
- b. Payment of Assessment. Such person or persons, when a citation tag as herein provided is served to him/her, shall appear at the place or places designated upon such tag and shall pay the assessment for the violation noted on the citation. Upon payment of the assessment as provided within the time limit provided herein, no further action will be taken to prosecute the violation noted on the citation, provided remedial action, if necessary, is taken.
- c. Notice and Future Violation. The citation tag, as herein provided, shall be sufficient notice, summons, and legal service thereof for the purpose specified thereon; provided, however, that the use of such tags shall not prohibit the issuance of either additional citation tags or a legal notice of violation as provided herein, in the event such violation is continued or repeated.
- d. Establishment of Fee Schedule by Township Trustees. Prior to the issuance of any citation tag, the Township Trustees shall adopt by resolution a citation tag fee schedule assessment. From time to time and upon its own motion, the Township Trustees may modify the citation tag fee schedule assessment. See current Administrative Fee Schedule posted at [www.Americrotownship.com/zoning](http://www.Americrotownship.com/zoning).
- e. Civil Penalty Assessment. When a violation citation tag has been issued pursuant to this section, the amount established by the Township Trustees is hereby assessed on the violator. This shall be for each offense found on the property.
  1. When a citation tag has been issued pursuant to this section, the amount established by the Township Trustees is hereby assessed on the violator. If the civil assessment is paid within ten-(10) calendar days immediately following the issuance of the citation tag, all civil assessments to include the administrative fee are reduced by fifty percent (50%) subject to completion of both conditions listed below:
    - a) The violation is corrected on the property within the ten-10-day time period, (Date of receipt of certified mail, date of post mark if by ordinary mail, or date of posting on structure) and;
    - b) Payment of the civil assessment is received by the American Township Fiscal Officer within the ten-10-day period.
  2. Payment received after the tenth-10<sup>th</sup> day would be determined to be beyond the fifty-50% reduction time grace period. Full payment of the fine is required when received from day eleven-11 to thirtieth-30<sup>th</sup> which is the final day of required civil fine payment.
  3. Failure to pay the assessment within a period of thirty (30) days after the date of service of the citation tag shall constitute a minor misdemeanor, punishable as provided in Section 4.99 of this resolution.
  4. The civil assessments not paid by the property owner or responsible party having care, custody, or control of said property shall have the unpaid civil penalty assessment subsequently attached to the property taxes for the property in question.
- f. Civil Fine Amounts. Any person, firm, or corporation who is issued a citation tag shall be penalized in the following amounts: A Board of Trustee Resolution shall approve fine amounts.
  1. In the amount of one hundred dollars-(\$100.00) for the first offense; and
  2. In the amount of two hundred fifty dollars-(\$250.00) for the second offense (within a 12-month period); and
  3. In the amount of five hundred dollars-(\$500.00) for the third offense (within a 12-month period); and
  4. After the citation tag has been issued for a third offense, and compliance has not been obtained within the time limit provided, then the case shall be referred to the Lima City Prosecutor's Office for filing of criminal charges and any other criminal or civil legal action, as directed by the Board of Trustees.

5. After the third citation tag and fine has been issued and compliance has not been obtained within the time limit provided, the third fine amount being five-hundred dollars-(\$500.00) shall be repeated and continued every thirtieth-30 day while the case is in the legal system and / or until the violation is corrected upon the property.
6. An administrative service fee of fifty-(\$50.00) shall be assessed upon each citation issued to the property owner, for either a property violation or motor vehicle violation.

#### **22.4.18 PROSECUTION OF OFFENDER**

Whenever the owner, agent, occupant, or operator of a structure or premises fails, neglects, or refuses to comply with the final citation tag and order, from the Code Enforcement Officer, he / she may present the case to the Lima City Prosecutor's Office for criminal charges to be filed against the owner to facilitate and compel compliance. The filing of criminal charges shall be under consultation and approval by the Board of Trustees and the Township Attorney.

In case any citation is not promptly complied with, the Code Enforcement Officer may additionally request the Township Attorney to institute an appropriate action or proceeding to recover the penalty provided in Section 4.99 of the American Township Zoning Resolution. The Code Enforcement Officer may formally request to the Board of Trustees to permit the Township Attorney to litigate and bring forth civil action to the owners, or person(s) responsible for the violation for the purpose of ordering him/her to abate such nuisance or other civil action to bring forth compliance.

#### **22.4.19 ABATEMENT OF NUISANCE AND COST RECOVERY BY THE TOWNSHIP**

Should the nuisance not be abated at the expiration of the time stated in the notice or order of the Code Enforcement Officer or any extensions granted or such additional time as the Exterior Property Maintenance Code Appeals Board may grant, the Code Enforcement Officer shall be authorized at any time thereafter to request a court to authorize entry to take such action as deemed appropriate to abate the nuisance.

In addition to any remedies provided elsewhere in this Exterior Property Maintenance Code. In abating such nuisance, the Code Enforcement Officer may call on any department, division, or contractor of the Township for whatever assistance may be necessary to abate the nuisance or may, by private contract, abate such nuisance, and the cost of the contract will be paid for from Township funds. All costs for abating such nuisance shall be recovered in the following manner:

- a. The owner(s) shall be billed directly by certified mail deposited with the United States Post Office. In the event the certified mail envelope is returned with an 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 Code Enforcement Officer.
- b. If the costs are not so recovered within thirty-(30) days of receipt of the mailing, the Township may collect the cost in accordance with the Ohio Revised Code.

#### **22.4.20 CONDITIONAL TIME EXTENSION FOR COMPLIANCE**

The Code Enforcement Officer may extend the time for correction or abatement of any violation for an additional period, not to exceed thirty-30 days, except where major capital improvements or renovations are involved, in which instance the time for completion may be extended for a period not to exceed ninety-90 days beyond the expiration date of the original notice.

#### **22.4.21 NON-COMPLIANCE WITH VIOLATION NOTICE AND COMPLIANCE ORDER**

Whenever the owner, agent, occupant or operator of a structure or premises fails, neglects, or refuses to comply with any notice of the Property Maintenance Officer that becomes a final order, the Code Enforcement Officer may advise the Township Attorney of such circumstances and request him or her to institute an appropriate legal action to compel compliance.

#### **22.4.22 REFERRAL OF VIOLATION NOTICE TO OTHER AGENCIES**

Any violation of any ordinance other than this code, discovered by the Property Maintenance Officer or his or her representative, shall be reported to the official or agency responsible for the enforcement of such ordinance.

#### **22.4.23 EMERGENCY MEASURES**

Nothing in the provisions of this code shall prohibit the Zoning Inspector / Code Enforcement Officer from taking any action authorized by law, without regard to the provisions of this code and regardless of whether the legal procedures herein described have been instituted, when, in his/her opinion, there is imminent danger of failure or collapse of a building or structure which endangers life, or when any structure or part of a structure has failed and life is endangered by the occupation of the structure, or when there is actual or potential danger to the building occupants or those in the proximity of any structure because of explosives, explosive fumes or vapors or the presence of toxic fumes, gases or materials, or operation of defective or dangerous equipment. (See Article 22.8.1 & 2)

#### **22.4.24 ADDITIONAL CIVIL REMEDIES BY THE BOARD OF TOWNSHIP TRUSTEES**

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

#### **22.4.25 RULE MAKING AUTHORITY**

The Code Enforcement Officer shall have power as may be necessary for 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.

#### **22.4.26 TRANSFER OF OWNERSHIP (PROPERTY)**

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.

#### **22.4.27 ABANDONMENT OF CONSTRUCTION PROJECT**

- a. All construction work shall be diligently pursued to completion on any building or structure for which a zoning and/or building permit has been issued, unless forestalled by circumstances beyond the property owner's control (including but not limited to, labor issues, inclement weather).
- b. Any construction project upon which no substantial work has been undertaken for a period of three-(3) months and which has not provided notification in writing to the Code Enforcement Officer as to lapse in construction, shall be deemed abandoned. Such notification shall be filed every ninety-(90) days with the Code Enforcement Officer with any project experiencing a lapse in construction.
- c. Upon any construction project being deemed abandoned, the Code Enforcement Officer may cause all buildings or structures not completed to the degree such buildings or structures have been indicated on the plans submitted in support of a building permit, as well as all building materials and construction equipment, to be removed from the site within sixty-(60) days.
- d. Upon approval from the Code Enforcement Officer the building structures shall be secured; any and all building material, equipment, and/or construction related items shall be secured and stored; and the property otherwise maintained in accordance with the characteristics of the surrounding neighborhood. The costs of removal and storage of any building, building materials, equipment, or construction related items will be billed to the property owner. If billed costs are not recovered within thirty-(30) days of receipt of the mailing the Township may collect the cost in accordance with the Ohio Revised Code.

## **22.4.28 GRASS, WEED & VEGETATION CONTROL REQUIRED**

### **a. Overgrown Vegetation, Grass & Weed Maintenance Required.**

1. The owner of all premises, whether residential, non-residential, commercial, or industrial, and whether occupied or vacant, shall cut and remove therefrom all offensive and noxious weed, vines, and grass of a height of eight-(8) inches or more, as well as all weeds, vines and grass constituting a threat to the public health, safety, comfort, or welfare.
2. Undeveloped residential, commercial, industrial, and \*former agricultural lots (\*less than one-(1) acre) shall be required to be mowed a minimum of three-(3) times a year during the growing season of April 1st to November 1st, with the first mowing occurring no later than May 1st, second mowing occurring no later than August 1st and the last mowing occurring no later than November 1st.
3. The owner of all premises, whether residential, non-residential, commercial or industrial, and whether occupied or vacant, shall cut and remove therefrom feral trees, overgrown bushes, shrubs, or other growth that overhangs or blocks any part of a sidewalk for a height of seven-(7) feet above said surface; or to overhang or block any part of a paved street or unpaved, but traveled, portion of a street or traffic/safety sign for a height of fifteen-(15) feet above the surface.
4. 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 there are no evident signs of neglect. Trees that have fallen because of old age, decay, wind, or storm damage shall be removed in a timely fashion, within 30 days, and no longer than 90 days.
5. It is a prima-facie violation of this section if weeds or grass of a height of eight-(8) inches or more exist on any lot, parcel or premises within the Township between April 1 and November 1. Weeds or grass of a height of eight-(8) inches or more shall be considered a nuisance.
6. The Code Enforcement Officer shall cause annual notice to be published, in March of each year, in a newspaper of general circulation in the Township notifying the Township residents of the requirements of this section.

### **b. Notice to Cut Grass & Weeds.**

1. When the Code Official determines that such weeds or grass are growing in violation of this section, he shall serve written notice by either Certified Mail, Regular U.S. Mail Service or Posting Notice of Violation Upon the Structure, in accordance with Section 22.04.15 to the property owner of which such weeds or grasses are located, and subsequently ordering the owner to cut and remove such weeds and/or grass, within a reasonable period of time, not to exceed seven-7 consecutive calendar days from date of receipt of the Notice of Violation, or posting on the structure or lands.
2. If the certified mail notice is returned as unclaimed, or undeliverable, then, it is sufficient to serve the owner by sending the notice by ordinary mail.
3. Under 22.04.15 (B)(2), when the notice is provided by ordinary mail, the owner shall be provided no more than seven-(7) days to bring the property into compliance. Ten-10 days shall be provided from the postmark date of the envelope, to allow for sufficient time for USPS processing and mail service delivery.
4. If notice is provided by posting on the structure, a courtesy copy of the Notice of Violation shall be mailed by regular ordinary mail to the property owner, at the last known address as provided by the Allen County Auditor's Office. The owner shall be provided seven-(7) days from the date the violation notice is posted on the structure to abate the violation and bring the property into compliance.
5. If the address of the owner is unknown, it is sufficient to serve the owner by posting a copy of the notice form in a conspicuous place on the premises found in violation and publishing a legal notice in a newspaper of general circulation in the Township. The legal notice shall identify the owners of the property, the last address, if known, of the owners, the parcel identification, the location and nature of the violation, and date of required compliance.
6. The Zoning Inspector / Code Enforcement Officer is permitted to issue a 72-hour Warning Notice on the property found in violation. This is routinely given to residence where there has been no previous warnings or violation notices issued for overgrown vegetation, excessive lawn height, and noxious weeds upon the property.

7. (Repeated Offender Violations) – Within a twelve-12-month calendar year, if the property owner has received two-2 previous violation notices and abatements of the property has occurred as directed by the Code Enforcement Officer for the offense of uncontrolled vegetation, excessive lawn height or noxious weed offense, and;
  - a) Owner was personally served and received the Notice of Violations; or,
  - b) Received Notice of Violations by means of Certified or Regular U.S. Mail Delivery to property owners last known address; or
  - c) Notices have been posted on the structure or lands owned by the property owner with further additional notification by regular ordinary mail service; and
  - d) The owner has failed to comply with directives to abate said nuisance violations upon the property which is under his/her control and the Township was required to abate said violation and assess said costs upon the property owner.
  - e) It shall be permissible for the Zoning Inspector / Code Enforcement Officer to directly abate any future violations of same / similar nature found on the owner’s property WITHOUT any further written notices being provided to the owner(s), to remedy the situation. This practice shall continue until such time the property is on a routine maintenance schedule by either a property preservation company or new owner sufficiently maintains the property in compliance with this Code.
  - f) The abatement cost for maintenance and correction to the property found in violation shall be provided to the property owner by means of an invoice prepared by the Township and itemized by said contractor on file, who rendered the required services. All costs incurred in the abatement process to include administrative costs, mailings, inspections, milage, or other services shall be required to be paid back to American Township Fiscal Officer within 30 days of receipt of said notice by the owner of the property.
  - g) Failure to pay invoice costs back to American Township will result in the costs being placed on the property tax duplicate as a lien upon the property, and special code enforcement assessment by Allen County Auditor’s Office.

c. Failure to Comply.

No owner shall fail to comply with the notice provided for in subsection (b) hereof within seven (7) days from the receipt thereof.

d. Procedure When Owner Fails to Comply with Notice to Mow or Destroy Grass, Weeds, and Uncontrolled Vegetation.

1. Abatement.

- a) The Code Enforcement Officer or designee may cause the grass or noxious weeds to be cut by use of Township force and equipment or by the hiring of private contractors to abate said violations, when the property owner fails to comply with the written notice provided for in subsection (b) hereof.
- b) Abatement will occur, on / after the date of required compliance. There will not be any additional notice provided to the property owner when the abatement will occur.
- c) Should the property owner fail to permit staff or contractors to abate said violation on the property, the local jurisdiction (American Township Police Department) will be contacted to assist at the scene. In the event they are not available, then abatement may be postponed and implemented on a future date.
- d) Upon completion of the cutting and removal of grass or noxious weeds, the Code Enforcement Officer or designee, shall determine the cost of abatement with cutting and / or removal of vegetation and shall cause a statement thereof to be provided to the owner of the land. Such statement of costs shall include but not limited to:
  - i. Mobilization of equipment and transportation charge.
  - ii. Assessment of hazards upon the property.
  - iii. Township equipment use charge, i.e., mower, bushwhacker, tractor, trimmers.
  - iv. Administration and supervision charge. Administrative or supervisor review of abatement.

- v. Employee wage charge based on hourly prevailing wage. Minimum of one-hour charge per employee.
- vi. Removal of equipment, debris, or hazards from the lot charge.
- vii. Costs for any damage to Township or contractors' property because of hazards placed on or within the property.
- viii. Charge of Certified Mailings, Regular Mail Mailings, Legal Newspaper Notices, etc.
- ix. Costs are routinely based on single sized lot; however, costs significantly increase for double residential size lots or lots over .50 acre. Costs are based on lot size and time.
- x. Any Contractual Charges.

e) The costs incurred by the Township to cut said weeds, grass, or other vegetation, including the cost to serve notice, shall be charged to the owner, together with an administrative fee of fifty dollars (\$50.00). Notice of such assessment shall be served upon the owner in accordance with the notice provision of Section 22.04.15.

f) If the bill is not paid within thirty-(30) days after submission to the owner, then the Township Fiscal Officer shall certify the costs, together with a fifty-(\$50.00) dollar penalty, to the Allen County Auditor for placement upon the tax duplicate. Such amounts shall be entered upon the tax duplication, shall be a lien upon such lands from the date of the entry, and shall be collected as other taxes and returned to the Township into the General Fund pursuant to Ohio R.C. 731.54. The recovery of its costs by the Township pursuant to this section is a remedy in addition to the penalty provided in Section 4.99.

e. Criminal Complaint.

The Code Enforcement Officer may further file a criminal complaint in a court of proper jurisdiction for any offense related to this chapter.

f. Responsibility of Adjacent Property Owner.

The owner of each lot adjacent to a street or alley shall be responsible for the area between the curb and the sidewalk, or between the edge of the street and the property line where there is no curb or sidewalk, and the area between the center line of the alley and the property line or the center line of an unimproved street and the property line.

g. Penalties.

The procedure outlined under subsection (d) hereof shall be the exclusive remedy for a violation of this section.

h. Exemptions.

a. Agricultural Exemption.

1. If, in the year 2018, prior to the effective date of these regulations, high grass and weeds were being grown upon the premises for use agriculturally as hay, the owner of the premises may apply to the Zoning Inspector, upon the form provided by the Zoning Inspector, for an exemption from these regulations.
2. Upon verification that tall grass and weeds were being grown upon the premises for use agriculturally as hay in the year prior to the effective date of these regulations, the Zoning Inspector shall grant the exemption.
3. If, in any year, the use of this exemption ceases, the exemption shall cease, unless the reason the exemption ceased was the use of the property for another pre-existing agricultural use.
4. Any premises granted an agricultural exemption under this section shall still maintain a front yard setback of fifteen-(15) feet from the curb or street edge in which the grass shall be kept at a height below eight-(8) inches.

b. Government-Owned or Protected Land.

These regulations shall not apply to land owned by the federal, state, or municipal government, or to land that is protected under federal or state regulations including, but not limited to, wetlands, nature parks, riparian zones, or land under conservation easements.



c. Undeveloped Lots.

Woodlands, nature parks, and naturalized areas within the Township shall be left in their natural condition, leaving tree canopies, and understory growth to retard runoff and prevent erosion.

d. Naturalization Area.

Large commercial and industrial lots may be used for bee pollination and butterfly habitat areas. A request for consideration for naturalized areas shall be sent to the American Township Board of Trustees for review and consideration before May 1st. Designated naturalized insect and / or wildlife areas shall be posted by the landowner with signage indicating these naturalized areas.

**22.4.29 ANNUAL REVIEW**

- a. Annually, the Zoning Inspector / Code Enforcement Officer shall review the Exterior Property Maintenance Code for any amendments or deletions needed to this Code, based on any issues or concerns from the previous year's activities. These proposed changes shall be shared with the zoning commission members for additional feedback and recommendations.
- b. The Zoning Inspector / Code Enforcement Officer shall additionally file a written report with the Board of Trustees of American Township with any proposed amendments or deletions to the Code. If these recommendations are reviewed and approved, the Board of Trustees during their regularly scheduled public meeting shall adopt these proposed changes and amendments through a Resolution, with adoption as soon as legally permitted.

**22.4.30 RESPONSIBILITY OF OWNER**

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

**22.4.31 VIOLATION PENALTIES**

- a. No person shall violate any provision or fail to conform to any of the requirements of this Exterior Property Maintenance Code or fail to comply with any order made thereunder.
- b. Whoever violates any section of this Code shall be guilty of a minor misdemeanor and be fined not more than five hundred-(\$500.00) dollars in accordance with Ohio Revised Code §519.99 within the court of jurisdiction. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.
- c. The application of the penalty provided in subsection (B) hereof shall not be held to prevent the enforced removal of prohibited conditions.

**22.4.32 FINES FOR VIOLATION OF ZONING RESOLUTION (O.R.C 505.99)**

- a. No person shall violate any provision or fail to conform to any of the requirements of this Exterior Property Maintenance Code or fail to comply with any order made thereunder.
- b. Whoever violates any section of this Code shall be guilty of a minor misdemeanor and be fined not more than five hundred-(\$500.00) dollars or imprisoned not more than sixty-(60) days, or both, for each offense.

## ARTICLE V

### RESIDENTIAL EXTERIOR PROPERTY MAINTENANCE STANDARDS

#### **22.5.1 APPLICATION OF RESIDENTIAL 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. In addition, these standards shall be applicable for Residential Planned Unit Developments, Condominium Communities, and Mobile Home Park districts located in the Township.

The provisions of this Code set forth the minimum conditions and the responsibilities of every person and/or legal entity owning, leasing, occupying or having charge of any premises for the maintenance of structures, equipment, and exterior property to preserve and to achieve the presentable appearance of existing structures and premises and 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.

#### **22.5.2 RESPONSIBILITY**

Every person and/or legal entity owning, leasing, occupying, or having charge of any premises shall keep such premises in compliance with these requirements, except as otherwise provided 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 Code.

#### **22.5.3 ZONING PERMIT REQUIRED**

No building or other structure may be erected, moved, added to, structurally altered, nor shall any building, structure, or land be established or changed in use without a permit therefore, issued by the Zoning Inspector.

#### **22.5.4 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.

#### **22.5.5 MINIMUM BUILDING SETBACK LINES**

- a. Any building erected in any district shall be so maintained and situated to provide that no portion hereof shall be closer to the center of the nearest road pavement than fifty-five (55) feet within the residential streets and township-maintained roadways. For State and Allen County designated roadways then the building set back distance from the center of the nearest roadway shall be no less than ninety-(90) feet.
- b. Exception shall be any building appurtenant to a non-conforming building shall be maintained and situated to provide that no portion thereof shall be closer to the center of the nearest road pavement than the existing non-conforming building erected before the adoption of this zoning resolution.
- c. All residential structures, accessory buildings, other physical structures, fences, pools, and signs shall be located within the owner's property, and not extend beyond the owner's designated / deeded property lines nor onto other owner's property. Exception if owner has two or more lots or parcels, then the owner shall be required to merge these lots into a larger or single parcel of land, to meet additional setback distance requirements.

#### **22.5.6 SETBACK REQUIREMENTS ON CORNER OR FLAG SHAPED LOTS**

- a. On a corner shaped lot, the main building and its accessory structures shall be required to be set back the same distance from all street or highway right-of-way lines as required for the front yard setback in the district in which such structures are located. The corner lot shall be designated as having two front designated areas and two side designated areas and no rear yard.
- b. On a flag shaped / pan handle lot, the main building and its accessory structures shall be required to be set back the same distance from all street or highway right-of-way lines as those structures within interior lots. Buildings and structures may be constructed only within the body of the panhandle lot. The body of the panhandle shall meet the minimum lot requirements. The front yard setbacks shall be established from the front property line that parallels the roadway from which the panhandle lot has access.

- c. The main building and any accessory structure shall have the same front set back distance as the interior lot they face as well as side and rear set back distances as required in the district where they are located. The pole portion of the parcel shall not be used for defining setback lines.
- d. Other types of corner or interior shaped lots are identified in Illustration C – A 3. In those examples, front, side, and rear areas are identified for setback distance identification.

**22.5.7 PRINCIPAL BUILDING PER LOT**

No more than one-(1) principal building or structure shall be constructed upon any one parcel or lot for the purposes of this Resolution. A principal building or structure commonly is referred to as a dwelling unit.

- a. In a Residential District, a dwelling, or multiple dwellings collectively (connected or separate), constitute a principal building. There must be a principle building or structure before an accessory structure is allowed to be constructed.
- b. The principal structure shall be constructed within the boundary lines of a parcel, meeting all necessary front, side, and rear setback distance requirements within the zoning district the structure is located as outlined in the American Township Zoning Resolution. Should a principal building or accessory building extend outside the owner’s property lines, then said parcels or lots shall be merged to form one larger land parcel to legally accommodate construction of the principal or accessory building. This shall be completed with the cooperation of the Lima/Allen County Regional Planning Commission, and / or Allen County Auditor’s Tax Map Office.
- c. It is the responsibility of the property owner to know the location of the property lines of their land or parcel. Disputes concerning property lines shall be resolved by means of a professional survey conducted by an Licensed Survey Engineer, certified in the State of Ohio. Copies of deeds, and old surveys may be used as supporting documentation. Property line disputes are a civil matter between those property owners and shall be referred to their own legal counsel for resolution.

**22.5.8 CONVERSION OF DWELLING TO MORE THAN ONE UNIT**

A residence may not be converted to accommodate an increased number of dwelling units unless all the following conditions are met:

- a. The conversion follows all other local codes and resolutions, and any applicable State or Federal regulations.
- b. The district within which the residence is located is so regulated as to allow such an increase in dwelling units.
- c. The yard dimensions still meet the yard dimensions required by the zoning regulations for new structures in that district.
- d. The lot area per family meets the lot area requirements for new structures in that district.
- e. The floor area per dwelling unit is not reduced to less than that which is required for new construction in that district; and,
- f. The conversion follows all other relevant codes and resolutions.

**22.5.9 STRUCTURAL SOUNDNESS AND MAINTENANCE OF DWELLINGS**

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

- a. Foundations. Foundations shall support the building at all points and shall be free of all holes and cracks which admit rodents, water, or dampness to the interior of the building or lessen the capability of the foundation to support the building.
- b. Exterior Walls and Surfaces. Exterior walls and other exterior surface materials shall be free of holes, cracks, lose or rotting boards and timbers or any other condition which might admit rodents, rain, or dampness to the interior of the dwelling.

- c. Windows. Windows shall be fully supplied with window glass or an approved substitute which is glazed and is without open cracks or holes, shall have sashes in good condition which fit within frames, be capable of being easily opened and held in position by hardware, and maintained so as to exclude adverse weather elements from entering the structure.
- d. Exterior Doors. Doors shall be maintained so as to be structurally sound, fit within frames so as to be weatherproof, windproof, and waterproof and be provided with door hinges and door latches which are in good working condition.
- e. Roof. Roof members, covering and flashing shall be structurally sound and tight so as to prevent the entrance of moisture and be maintained by renewal, repair, waterproofing or other suitable means. Roof drainage shall be adequate to prevent rainwater from causing dampness in the interior portion of the building.
- f. Gutters. Rain gutters, downspouts, leaders, or other means of water diversion shall be provided to collect/collect and discharge all water from the roof and maintained to meet the original intent and appearance.
- g. Chimneys. Chimneys shall be free of cracks, holes or missing portions and maintained in sound condition.
- h. Porch. Every porch shall be so constructed and maintained so as to be free of missing, defective, rotting or deteriorated foundations, supports, floors, other members, and steps thereto, so as to be safe to use and kept in sound condition and in good repair.
- i. Structural Member. Any structural member of a structure which has become deteriorated or damaged to the extent that it does not serve the purpose as originally intended shall be renewed, restored, repaired, or replaced as is necessary to serve the purpose as originally intended.
- j. Exterior Surfaces. Except for materials that have been designed or manufactured to remain untreated, all exterior wood, composition or metal surfaces shall be protected from the elements by paint or other protective covering. Surfaces shall be maintained so as to be kept clean and free of flaking, loose or peeling paint or covering.
- k. Basement. Basement or cellar hatchways shall be constructed and maintained 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.

#### **22.5.10 PAINT AND COATING MATERIALS**

All paint and other coating materials shall be free of any lead. These materials shall also be free of dangerous substances banned from routine use by authorized federal, state, county, or local regulatory agencies for health and safety reasons.

#### **22.5.11 EXTERIOR PROPERTY AREAS**

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

- a. Exterior Space. The exterior open space around each dwelling shall be maintained or so improved to provide for:
  - 1. The immediate diversion of water away from buildings and proper drainage of the premises.
  - 2. Grass, plantings, or other suitable ground cover to prevent soil erosion which is or may become detrimental to the structures, premises use or adjacent premises and structures.
  - 3. Sidewalks, walkways, parking areas, and driveways of a concrete, asphalt, pavers, or similar surface which are of sound construction and properly maintained; and
  - 4. Exterior steps which are of sound construction and properly maintained free of hazardous conditions.
- b. Yards. All yards, courts, and lots shall be graded and kept free of overgrown grasses, debris and other materials which may cause a fire, health, safety hazard, or general unsightliness.

- c. Hazards. Hazards and unsanitary conditions shall be eliminated.
- d. Occupancy. No temporary buildings, trailers, recreational vehicles, tents, or garages shall be used temporarily or permanently as a residence or temporary residence in the Township.
- e. Storage. Except as provided for in other regulations of the Township, all outdoor storage junk, refuse, garbage, or debris, of any kind shall be prohibited.
- 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 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 skillful 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.
- j. Commercial Vehicle. No commercial vehicle with a gross vehicle weight rated more than 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 on Lawns. Parking and/or storing of any vehicle on the front lawn and / or dirt surface shall be prohibited for more than ten-10 consecutive days.
- 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 to the side or rear yard area of the house. The vehicles must be registered to a resident of the respective property. RV's and Utility Trailers may be parked in driveways 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 a number displayed in a position easily observed and readable from the public right-of-way. All numbers shall be in Arabic numerals at least four-(4) inches high and one-half (½) inch stroke and of a color contrasting to the background.
- 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.
- q. Exhaust Vents. Pipes, ducts, conductors, fans, or blowers shall not discharge gases, steam, vapor, hot air, grease, smoke, odors or other gaseous or particulate wastes directly upon abutting or adjacent public or private property or that of another tenant.
- r. Accessory Structures. All accessory structures, including detached garages, fences, and walls, shall be maintained structurally sound and in good repair.
- s. Gates. Gates which are required to be self-closing and self-latching in accordance with the Ohio Building Code or shall be maintained in such a manner that the gate will positively close and latch when released from a still position of six-(6) inches (152 mm) from the gatepost.

- t. Swimming pools. Swimming pools shall be maintained in a clean and sanitary condition and in good repair.
- u. Firewood. Firewood shall be stacked and maintained in a neat and tidy manner.
- v. Defacement of Property. No person shall willfully or wantonly damage, mutilate or deface any exterior surface of any building, dwelling or structure on any private or public property by placing thereon any marking, carving or graffiti. It shall be the responsibility of the owner to restore said surface to an approved state of maintenance and repair.
- w. Trailers. No trailer, when loaded with trash, garbage, junk, litter, or damaged/inoperable vehicles shall be parked in driveways for a period longer than forty-eight (48) hours, except in an enclosed building, or as otherwise approved by the Code Enforcement Officer.
- x. Semi-Trailers. No semi-trailer shall be used as a storage facility, except that semi-trailers parked on construction job sites may be used for storage related to the site but shall be removed upon completion of the project. No semi-trailer shall be used for the display of signs or banners.

#### **22.5.12 EXTERIOR OF STRUCTURE**

- a. Exterior Soundness. The exterior of a structure shall be maintained in good repair, structural soundness, and a sanitary condition to prevent posing a threat to the health, safety or welfare of the occupant or the public.
- 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.
- c. Exterior Members. 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 repainted.
- d. Siding & Weather-Resistance. All siding and masonry joints, as well as those between the building envelope and the perimeter of windows, doors and skylights shall be maintained weather-resistant and watertight.
- e. Metal Surfaces. 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 established 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.
- f. Premises Identification. Buildings, dwellings, and structures shall have Township approved address numbers placed in a position to be plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be a minimum of three-(3) inches high with a minimum stroke width of one-half-(0.5 inch).
- g. Structural Members. All structural members shall be maintained in a sound condition, free from deterioration, and shall be capable of safely supporting the imposed dead and live loads.
- h. Walls. All foundation walls shall be maintained plumb and free from open cracks and breaks and shall be kept in such a condition to prevent the entry of rodents and other pests.
- i. Structural Protective Treatment Required. All exterior walls, eaves, under-hangs, and other areas of residential structures shall be protected with some form of vinyl or aluminum siding, cement board, shingle, stucco, brick, stone, or other approved permanent exterior surface material. Weather wrap, Styrofoam boards, or similar pre-treatment is not a sufficient external permanent protective treatment. Exterior walls to structures shall be free from holes, breaks, and loose or wet or rotting materials, as well as free of evidence of infiltration of insect infestation, vermin, rodent or animal harboring. Weatherproofing materials and proper surface coating shall be required for exposed wood, logs, or wooden shingle or siding where required, to prevent deterioration.
- j. Roofs and Drainage.
  - 1. Roofs: The roof and flashing shall be sound, not have defects that admit rain, and shall be maintained weather tight. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure and shall be handled by suitable collectors and downspouts.

2. Drainage: Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance, nor in a manner that causes excess water to flow onto adjacent property or over sidewalks.
  3. Connection of any pipe carrying roof water, yard drainage or foundation drainage to a sanitary sewer is prohibited.
- k. Decorative Features. All cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features shall be maintained in good repair, with proper anchorage, and in a safe condition.
  - l. Overhang Extensions. All overhang extensions including, but not limited to canopies, marquees, signs, metal awnings, fire escapes, standpipes, and exhaust ducts shall be maintained in good repair, properly anchored, and 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.
  - m. Stairways, Decks, Porches, and Balconies. Every exterior stairway, deck, porch and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and shall be capable of supporting the imposed loads.
  - n. Chimneys and Towers. All chimneys, cooling towers, smokestacks, 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.
  - o. Handrails and Guards. Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.
  - p. Windows, Skylights and Door Frames.
    1. Every window, skylight, door, and frame shall be kept in sound condition, good repair and shall be weather-tight.
    2. Glazing: All glazing materials shall be maintained free from cracks and holes.
    3. Doors. All exterior doors, door assemblies and hardware shall be maintained in good condition.
    4. Basement Hatchways. Every basement hatchway shall be maintained in a manner that prevents the entrance of rodents, rain, and surface drainage water.
    5. Guards for Basement Windows. Every basement window that is openable shall be supplied with rodent shields, storm windows or other approved protection against the entry of rodents.

**22.5.13 JUNK, GARBAGE, REFUSE, & DEBRIS PROHIBITED IN ALL ZONING DISTRICTS**

- a. Accumulation of junk, garbage, refuse or debris shall be prohibited in all zoning areas / districts. All exterior property and premises, and the interior of every building, dwelling and structure, shall be kept free from any accumulation of rubbish or garbage.
- b. Disposal of junk, garbage, refuse, and debris. Every owner a building, dwelling or structure shall dispose of all garbage, junk, litter, and rubbish in a clean and sanitary manner by placing such materials in approved containers, and shall require all occupants of said building, dwelling or structure to do the same. Every occupant of a structure shall dispose of garbage in a clean and sanitary manner by placing such garbage in an approved garbage disposal facility or approved garbage containers.
- c. Disposal Facilities. The owner of every occupied building, dwelling, structure, or premises shall supply approved, covered containers for the disposal of garbage, junk, litter and rubbish, and the owner of the premises shall be responsible for the removal of the same. Commercial businesses are required to have trash collection areas suitably screened or fenced on at least three-(3) sides. Screening or fencing shall be at least six feet and no more than eight feet in height. It is impractical to have an open side not facing the street, as collection vehicles need ample areas to maneuver equipment during collection periods.
- d. Containers. The owner of every business establishment shall provide, and at all times shall cause the business operator to utilize, approved, leak-proof containers provided with close-fitting covers for the storage of waste materials resulting from said business until removed from the premises for disposal.

#### **22.5.14 EXTERMINATION**

- a. Infestation. All structures shall be kept free from insect and/or rodent infestation. All structures in which insects or rodents are found shall be promptly exterminated by approved processes that will not be injurious to human health. After extermination, proper precautions shall be taken to prevent re-infestation.
- b. Responsibility. The owner of any building, dwelling, structure, or premises shall be responsible for extermination, and shall be responsible for the continued rodent and pest-free condition of the building, dwelling, structure, or premises. Any agreement between the owner and the occupant of a building, dwelling or structure, whether written or oral, whereby the occupant is responsible for keeping the building, dwelling, structure, or any part thereof, free from insect and/or rodent infestation shall be enforced by the owner and not the Township.

#### **22.5.15 IMPOUNDING OF ABANDONED OR JUNK MOTOR VEHICLES**

Notwithstanding other provisions of this code, the Code Enforcement Officer may order into storage any vehicle maintained in violation of any provision of this code. Prior to the removal of any junk motor vehicle, the enforcement official shall record the vehicle's make and model when available. The place of storage shall be designated by the enforcement official.

An "Abandoned Motor Vehicle" is a motor vehicle left on private property for more than seventy-two-(72) hours without the permission of the property owner, or on public property for a period of forty-eight-(48) more than seventy-two-(72) hours without the permission of the property owner or on public property for forty-eight-(48) hours or longer without the written permission of the Code Enforcement Officer of American Township.

- a. A "Junk Motor Vehicle" is any motor vehicle three years old or older and extensively damaged or inoperative due to missing parts.
- b. No person shall: (1) Leave an abandoned motor vehicle or junked motor vehicle on private property; or (2) Leave an abandoned motor vehicle or junked motor vehicle on public property.
- c. If necessary, abandoned motor vehicles or junked motor vehicles will be towed at the owner's expense.

#### **22.5.16 JUNK MOTOR VEHICLES PROHIBITED IN ALL ZONING DISTRICTS**

- a. Junk Motor Vehicles Prohibited in All Zoning Districts. Junk motor vehicles shall be prohibited in all zoning districts within the unincorporated territory of American Township.

1. No person shall store or park for longer than thirty-(30) days any junk motor vehicle unlicensed or inoperable motor vehicle in the Township other than inside a garage or in a place does not open to view from any residential, commercial, or industrial property, public street or alley, or any other public place.

A place that is not open to view includes any area where the unlicensed or inoperable vehicle is concealed from public view by means of buildings or fences. Vegetation or terrain is not a suitable obstruction. A junk or unlicensed or inoperable motor vehicle covered by a tarpaulin or other similar material is deemed to be open to public view unless it is in a garage or concealed as described herein.

- b. Definitions. For the purposes of this section, the following definitions shall apply.

1. Apparently Inoperable. A vehicle that is apparently not functioning or is in an inoperative or disabled state or cannot be lawfully operated upon public roads or highways. Evidence of inoperability or damage includes, but is not limited to, any buildup of debris that hampers or obstructs use, or a flat or missing tire or tires, or a nonfunctional motor or transmission, or missing bumpers, or missing license plates, or expired vehicle license plate tabs. In addition, the motor vehicle appears to be obviously in a disabled condition, if the motor vehicle that has not been moved for an extended period in excess of thirty-(30) consecutive days.

2. Junk Motor Vehicle. A vehicle that meets all the following criteria as outlined in Ohio Revised Code:

- a) Three model years or older.
- b) Apparently inoperable; and
- c) Extensively damaged, including, but not limited to, missing wheels, tires, engine, or transmission.



3. Unlicensed Motor Vehicle. An unlicensed motor vehicle means any motor vehicle not displaying a current, valid license plate, including any validation sticker, other than a motor vehicle exempt under Ohio R.C. Chapter 4503.
4. Collector's Vehicle. Any motor vehicle or agricultural tractor or traction engine of special interest having a fair market value of one hundred dollars-(\$100.00) or more, whether operable or not, that is owned, operated, collected, preserved, stored, maintained, or used essentially as a collector's item, leisure pursuit or investment, but not as the owner's principal means of transportation.
  - a) If the owner, or the person having the right of possession of the property, or any other person who is authorized to give such permission is a person who is engaged in a bona fide commercial business operation or if the vehicle is a historical vehicle, then the vehicle may be stored upon the following condition:
    - 1) The vehicle shall be concealed from the public by means of buildings, screening, or fence.
    - 2) Tarpaulins, tents, vehicle socks or other items intended to cover a vehicle made from cloth or plastic will not constitute an appropriate obstruction.
5. Owner. Any person having a legal or equitable interest in property or otherwise having control of the property.
6. Vehicle. A vehicle is every device, including a motorized bicycle, in, upon, or by which any person or property may be transported or drawn upon a highway, except that "vehicle" does not include any motorized wheelchair, any electric personal assistive mobility device, any device that is moved by power collected from overhead electric trolley wires or that is used exclusively upon stationary rails or tracks, or any device, other than a bicycle, that is moved by human power.
7. Township. Township refers to American Township.
- c. Removal of Junk Motor Vehicles on Public Property. The following procedures were outlined by Allen County Prosecutor's Office on October 21, 2019, addressing management of junk motor vehicles in the township. If a junk motor vehicle is located on public property, the Board of Township Trustees may provide, by resolution, for the immediate removal of the vehicle.
  1. Nothing in this Section shall be construed to limit the Township's ability to remove any motor vehicle located on any street or other property open to the public for purposes of vehicular travel, or upon or within the right-of-way of any street.
- d. Removal of Junk Motor Vehicles on Private Property.
  1. Resolution and Notice Requirements. If a junk motor vehicle is located on private property, the Board of Township Trustees may provide, by resolution, for the removal of the vehicle not sooner than fourteen-(14) days after the Board serves 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. The notice provided shall, at a minimum, contain the following information:
    - a) A general description of the vehicle to be removed.
    - b) A copy of the resolution in which it was determined by the Board of Township Trustees that the vehicle is a junk motor vehicle.
    - c) A statement that if the owner of the land fails to remove the vehicle within fourteen-(14) days after service of the notice, the Board may remove or cause the removal of the vehicle; and
    - d) A statement that 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.
  2. Service of Notice.
    - a) The Board shall serve the notice by sending it by certified mail, return receipt requested, to the owner of the land, if the owner resides in the Township or if the owner resides outside the Township and the owner's address is known or ascertainable through an exercise of reasonable diligence.

- b) The Board also shall send notice in such manner to any holders of liens of record on the land.
  - c) If a notice sent by certified mail is refused or unclaimed within fourteen-(14) days of its mailing, 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;
  - d) A notice sent by certified mail shall be deemed to be served on the date it was received as indicated by the date on a signed return receipt. A notice posted on a structure shall be deemed served on the date it was affixed on the structure, and a notice given by publication shall be deemed to be served on the date of the newspaper publication.
3. Methods for Removing Junk Motor Vehicles.
- a) Removal. The Board of Township Trustees may cause the removal or may employ the labor, materials, and equipment necessary to remove a junk motor vehicle. All expenses incurred in removing or causing the removal of a junk motor vehicle, when approved by the Board, shall be paid out of the Township general fund from moneys not otherwise appropriated.
    - 1) The Board of Trustees shall by resolution determine that the specific vehicle identified in the complaint is in fact a junk motor vehicle.
    - 2) The Board of Trustees shall serve written notice upon the owner of land upon which the vehicle is located and upon any lienholders of record on the land. The notice shall state prior to the Board's prior determination that the specific junk motor vehicle exists upon the land, and if not removed within fourteen-(14) days after service of the notice the Board will act to remove the vehicle and place the expenses of such action as a lien upon the land.
    - 3) The notice is required to be served certified mail if the recorded owner's address is known or ascertainable through an exercise of reasonable diligence. If the notice comes back "Refused" or "Unclaimed," or if the owner's address is unknown, then a one-time publication notice in the newspaper in the general circulation of the township is required, as well as posting the "Notice of Nuisance Determination – Junk Motor Vehicle" shall be posted upon the principal structure on the land. Camera shall document the date, and time of posting of said notice.
    - 4) A certified letter is considered served on the date received, and a publication notice is effective from the date of publication.
    - 5) If service is completed, and fourteen-(14) days have elapsed without the removal of the junk motor vehicle, the Ohio Revised Code allows for the Board of Trustees to act on its own or through hired contractor to remove the junk motor vehicle and place the expenses of the same on the tax duplicate, once such expenses are certified to the county auditor by the township fiscal officer.
    - 6) The Board of Trustees are prohibited from enacting any resolution or regulation prohibiting junk motor vehicles with regard to licensed or legally existing or operating scrap metal facilities, salvage motor vehicle dealers, or towing recovery and storage businesses.
    - 7) The Board of Trustees may pursue a contract with a motor vehicle salvage dealer or scrap metal facility for the removal or disposal of junk motor vehicles. A motor vehicle salvage dealer must be a person (or business) who engages in business primarily for the purpose of selling salvage motor vehicle parts and secondary for the purpose of selling at retail salvage motor vehicles or manufacturing or selling a product of gradable scrap metal.
    - 8) A scrap metal processing facility means an establishment having facilities for processing iron, steel, or nonferrous scrap and whose principal product is scrap iron and sell or nonferrous scrap for sale for re-melting purposes.
4. If the Board of Trustees contract with a motor vehicle salvage dealer, or scrap metal facility, a salvage title for a junk motor vehicle may be issued by the Allen County Clerk of Courts if the following conditions are met:
- a) Trustees have entered into a contract with a motor vehicle salvage dealer or scrap metal processing facility for the disposal or removal of junk motor vehicles.

- b) Fiscal Officer for the Trustees executes a junk motor vehicle affidavit from the Ohio BMV. This affidavit must be executed in triplicate.
  - c) One copy is retained by the Board of Trustees, and the two remaining copies are provided to the motor vehicle salvage dealer or scrap metal processing facility.
  - d) The motor vehicle salvage dealer or scrap metal processing facility must then present one copy of the affidavit to the Clerk of Courts, who will then issue a salvage certificate of Title, free and clear of all encumbrances.
5. All expenses related to the removal and impoundment of such junk motor vehicle by the Township shall be paid out of funds appropriated by the Fiscal Officer with approval by the Board of Trustees. The expenses shall consist of the following:
- a) All direct costs for the removal and impoundment of the vehicle; plus
  - b) The costs for preparing and serving all notices; plus.
  - c) An administrative fee as set forth in this Code.
6. If the owner or other person in charge or control of such property, and/or the title owner of said vehicle, fails to pay such expenses within thirty days after being notified in writing, by regular mail then the expenses set forth may be collected using one or more of the following methods, provided, however, that the expenses may only be collected once:
- a) Such expenses may be certified by Board of Trustees to the County Auditor and placed upon the tax duplicate for collection as a special assessment and thereupon shall be collected as other taxes and assessments; or
  - b) The Township Attorney is authorized to bring suit and take other necessary legal action to collect all such expenses.
  - c) The owner, lessee, agent, tenant, or person otherwise having charge or control of such premises, and the titled owner of such vehicle, are jointly and severally liable for all expenses incurred by the Township.
  - d) The movement of a vehicle in violation of this section to any other location within the Township that does not abate the violation under this section shall not constitute compliance with this section.
  - e) The provisions of this section shall not apply to the deposit, parking, storage, maintenance, or collection of junk motor vehicles in an enclosed building in a regularly established junk yard in any area of the Township in which the same is permitted under the zoning code, or a collector's vehicle as described hereof.
  - f) Any person in charge or in control of any premises within the Township, whether as owner, tenant, lessee, occupant or otherwise, shall completely conceal any collector's vehicle stored on the property by means of storage inside buildings or fences which comply with all building and zoning ordinances and all building codes.
  - g) Except in subsection (e) the deposit, parking, storage, maintenance, or collection of junk motor vehicles on private property is hereby declared to be a public nuisance and offensive to the public health, welfare, and safety of the residents of the Township.
- e. Collection of Expenses Incurred in Removing Junk Motor Vehicles.
- 1. Placement of Liens Upon the Land. The Board of Township Trustees may utilize any lawful means to collect the expenses incurred in removing or causing the removal of a junk motor vehicle. The Board shall direct the Township Fiscal Officer to certify the expenses and a description of the land to the county auditor, who shall place the expenses upon the tax duplicate as a lien upon the land to be collected as other taxes and returned to the Township general fund.

2. Reservations and Restrictions.

- (a) Reservations. Nothing in this Resolution affects the authority of the American Township Board of Township Trustees to adopt and enforce resolutions under Section 505.173 of the Revised Code to regulate the storage of junk motor vehicles on private or public property in the Township.
- (b) Restrictions. Vehicles removed pursuant to this Resolution are subject to the same restrictions specified in Section 505.173(A) of the Revised Code.

f. Issuance of Citation Tag and Fines.

- (a) The Code Enforcement Officer is permitted to issue all necessary Citation Tags to the owner, occupant and / or tenant having said junk motor vehicle for non-compliance to the directives of the violation notice in an attempt to achieve voluntary compliance with this Code.
- (b) Notices of Violation and/ or Citation Tags shall be issued to the property owner. In addition, the notice shall contain:
  - i. The name of the property owner and the property address at which the junk motor vehicle is located.
  - ii. The make and model of the vehicle and the license plate number, if any.
  - iii. The vehicle identification number (VIN), if available and a description of the condition of said vehicle.
  - iv. A statement to the effect that the person in charge or in control of the private property upon which such vehicle is located and the titled owner of such vehicle are jointly and severally liable for all costs incurred by the Township for the removal, storage, and disposal of such vehicle, plus an administrative fee in the amount set forth by the Board of Trustees.
  - v. A notice of any right to appeal.
  - vi. Such written notice shall be served in the manner prescribed in this Code.
- (c) Any person who has received notice to remove a junk vehicle may appeal to the "Code Enforcement Appeals Board." An appeal must be filed within ten-(10) days after service of the notice, together with a fee for the cost of the appeal.
- (d) The scope of the appeal shall be limited to determining whether the person requesting such appeal is in charge or control of the private property involved, or is the titled owner of said vehicle, and whether such vehicle is a junk motor vehicle as allegedly charged.
- (e) At such an appeal, the appellant must appear in person, at the Township and the appellant may introduce such witnesses and evidence as each party deems necessary.
- (f) In addition, the Code Enforcement Officer is permitted to issue all necessary Citation Tags to the owner, occupant and / or tenant having said junk motor vehicle for non-compliance to the directives of the violation notice in an attempt to achieve voluntary compliance with this Code.
- (g) If the owner, lessee, agent, or person having charge of the land, or the title owner of the motor vehicle, served with the notice, fails to remove such junk motor vehicle, then.
- (h) The Board of Trustees shall by resolution determine that the specific vehicle identified in the complaint is in fact a junk motor vehicle.
- (i) The Board of Trustees shall serve written notice upon the owner of land upon which the vehicle is located AND upon any lienholders of record on the land. The notice shall state prior to the Board's prior determination that the specific junk motor vehicle exists upon the land, and of not removed within fourteen-(14) days after service of the notice the Board will act to remove the vehicle and place the expenses of such action as a lien upon the land.

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

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

**22.5.17 INOPERABLE MOTOR VEHICLES PROHIBITED**

- b. Outside Storage of Inoperable, Disabled or Unlicensed Motor Vehicle in Excess of Thirty-(30) Days. No person shall store or park for longer than thirty-30 days any unlicensed or inoperable motor vehicle in the Township other than inside a garage or in a place does not open to view from any residential property, public street or alley, or any other public place. A place that is not open to view includes any area where the unlicensed or inoperable vehicle is concealed from public view by means of buildings or fences. Vegetation or terrain is not a suitable obstruction.
  - 1. An unlicensed or inoperable motor vehicle covered by a tarpaulin or other similar material is deemed to be open to public view unless it is stored in a garage or concealed as described herein.
  - 2. For the purpose of this Code, an Inoperable Motor Vehicle shall not meet the same definition as a "junk motor vehicle" however shall mean any motor vehicle that is incapable to being started and propelled under its own power or cannot be legally driven upon a roadway. In addition, any motor vehicle that has not been moved for a period of thirty-(30) consecutive days or more shall be presumed to be in an "inoperable condition".
  - 3. In addition, to the above, the inoperable motor vehicle may be identified as also having missing or expired license plates, grass/weeds grown about wheel wells and tires, under inflated or flat tire(s), motor vehicle parts missing, cracked windshield, broken windows, missing required equipment such as tires, wheels, bumpers, mirrors, also debris laying on / about the vehicle, or any other obvious signs the vehicle appears to be in inoperable condition.
- b. Removal of Inoperable Motor Vehicles on Public Property.
  - 1. If an inoperable vehicle is located on public property, the Board of Township Trustees may provide, by resolution, for the immediate removal of the vehicle.
  - 2. Nothing in this Section shall be construed to limit the Township's ability to remove any motor vehicle located on any street or other property open to the public for purposes of vehicular travel, or upon or within the right-of-way of any street.
- c. Removal of Inoperable Motor Vehicles on Private Property.
  - 1. The Code Enforcement Officer is permitted to issue a Citation Tags and fines to the owner of the property where the inoperable motor vehicles are present, when the owner has failed to comply to the Notice of Violation and corrective action needed to remove the inoperable motor vehicle.
    - a) On the first offense, a civil penalty assessment of one-hundred-\$100.00 dollars per motor vehicle determined to be in violation of this Code shall be assessed to the owner of the property.

- b) On the second offense, a civil penalty assessment of two-hundred fifty-\$250.00 dollars per motor vehicle determined to be in violation of this Code.
- c) On third and subsequent offenses, a civil penalty assessment of five hundred-\$500.00 dollars per motor vehicle shall be imposed on each motor vehicle found in violation of this Code.
- d) An additional administrative fee of fifty-\$50.00 dollars is added to all citations for motor vehicles as well as general offense violations of this property maintenance code.
- e) If the owner repeatedly fails to correct the violation after a reasonable amount of Citation Tags have been issued and civil fine assessments have shown no deterrent; the Code Enforcement Officer shall refer the case to the Lima City Prosecutor's Office for additional legal action against the property owner, to compel compliance.
- f) The Code Enforcement Officer may use discretion in the issuance in the civil penalty assessment for motor vehicle citation tags. Fine amount shall not exceed the number of motor vehicle violations observed on the property. Fine amount may be less based on number of same or similar violations that have occurred at this property, number of vehicles involved, example ten-(10) vehicles on one site, and other judgement factors.
- g) Nothing shall prevent the Board of Trustees from conducting a hearing with the property owner, prior to the issuance of a nuisance declaration and ordering abatement of the violation.
- h) Any person in charge or in control of any premises within the Township, whether as owner, tenant, lessee, occupant or otherwise, shall completely conceal any inoperable vehicle stored on the property by means of storage inside buildings or fences which comply with all building and zoning ordinances and all building codes.
- i) The deposit, parking, storage, maintenance, or collection of inoperable vehicles on private property is hereby declared to be a public nuisance and offensive to the public health, welfare, and safety of the residents of the Township.

**22.5.18 OUTSIDE STORAGE OF ABANDONED REFRIGERATORS OR OTHER AIRTIGHT CONTAINERS PROHIBITED**

- a. No person shall abandon, discard, or knowingly permit to remain on premises own or controlled by him any abandoned or discarded refrigerator or other airtight container, or semi-airtight container, except in a completely enclosed and secured building. If such container has been placed on the property for removal by a trash collector, the container shall be secured or otherwise rendered harmless to human life in a manner to prevent any other person from being confined therein.

**22.5.19 SIDEWALK CARE & UPKEEP REQUIRED**

- a. Duty to Keep Sidewalks in Repair and Clean.
  - 1. No owner or person having charge of the property shall fail to keep the sidewalks, curbs and gutters of his property in repair and free of snow, ice, leaves, grass clippings, debris, trash or any other nuisance, unless the owner or occupant has been otherwise directed by a public official in cases such as "Spring or Fall Pick Up".

**22.5.20 STANDING WATER & PUTRID SUBSTANCES PROHIBITED**

- a. No person shall allow or permit stagnant water or putrid substances to be and remain upon his property in a way that is prejudicial to the health, comfort, or convenience of any of the citizens of the neighborhood. "Stagnant" means a long-term gathering of water that has no place to drain, not a short-term gathering of water in insignificant indentation from ground saturation after a heavy rain.
- b. No person shall fail to remove all obstructions from culverts, covered drains, or private property, laid in any natural watercourse, creek, brook, or branch, which obstructs the water naturally flowing therein, causing it to flow back or become stagnant, in a way that is prejudicial to the health, comfort, or convenience of any of the citizens of the neighborhood.
- c. Should any person fail to comply with any order of the Code Official under this section, the Township may proceed with enforcement in accordance with Ohio Revised Code Section 715.47.

### **22.5.21 NOXIOUS ODORS & CONDITIONS PROHIBITED.**

- a. No person shall erect, continue, use, or maintain a dwelling, building, structure or place for a residence or for the exercise of a trade, employment, or business, or for the keeping or feeding of an animal that, by occasioning or emitting noxious exhalations or noisome or offensive smells, becomes injurious to the health, safety or welfare of individual properties or of the public.
- b. No person shall allow or permit offal, filth, or noisome substances to be collected or remain upon his property in a way that is prejudicial to the health, comfort, or convenience of any of the citizens of the neighborhood.
- c. This shall not include the use of ammonia, urea, manure, or similar type of fertilizer compound directed related to specific agricultural use.

### **22.5.22 AGRICULTURAL USES REGULATED (O.R.C. 519.21)**

- a. Agricultural Uses defined. The use of land for agricultural purposes, including farming, ranching, 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; 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.
- b. As provided in **Section 519.21 of the Ohio Revised Code**, the following restrictions are established to regulate agricultural uses on applicable lots:

1. **Agricultural Uses Prohibited On a lot of one-(1) acre or less.**

All agricultural use on lots less than one-(1) acre shall be prohibited. Farming animals, livestock and poultry husbandry is prohibited.

2. **On a lot greater than one-(1) acre but not greater than five-(5) acres:** Dairying and animal and poultry husbandry on lots greater than one acre but not greater than five acres when at least thirty-five per cent of the lots in the subdivision are developed with at least one building, structure, or improvement that is subject to real property taxation or that is subject to the tax on manufactured and mobile homes under section 4503.06 of the Revised Code; **After thirty-five per cent-(35%) of the lots are so developed, dairying and animal and poultry husbandry shall be considered prohibited, and nonconforming use of land and buildings or structures pursuant to section 519.21 of the Revised Code;** [5.18(B)(2)]

3. **On a lot greater than one (1) acre but not greater than five (5) acres,** where the lot is not part of a residential or platted subdivision, dairying and animal and poultry husbandry may be allowed provided the dairying, farm livestock, and poultry husbandry is located in the rear yard, as well as the husbandry, housing, or keeping area or structure is no less than one-hundred 100 feet from all adjacent property lines.

4. The use shall not create a nuisance, disturb the peace; or result in a health or safety violation reported to or acted upon by the appropriate enforcement authority, and of which the animals shall be contained on the site.

5. Agricultural structures shall comply with applicable accessory building setback and permitted square footage requirements; No such structure shall be located in the front yard, nor in an area required for on-site sewage treatment, a well isolation radius or any easement for drainage or utilities.

6. Colonies of bees shall not be located on lots of less than twenty thousand (20,000) square feet. A minimum of one thousand (1,000) square feet shall be required for each additional colony. Bee colonies shall not be located within one hundred-(100) feet of any property line or within fifty (50) feet of a dwelling.

7. All livestock, farm animals, poultry and fowl shall be housed and exercised in the side or rear yard area only, no such use shall be approved within the front yard unless said lot is greater than five-(5) acres. All livestock, farm animals and fowl shall be suitably fenced and contained within the property in such a manner as to not run at large, or free range about the property or encroach upon other adjacent properties or parcels.



8. All food supplies shall be kept in rodent proof containers, to prevent the infestation of mice, rodents or other vermin.
9. Chicken coops, livestock shelters, or other accessory buildings greater than one-hundred-(100) square feet shall require a zoning certificate. Structures over two-hundred-(200) square feet shall be assessed applicable permit fees. Agricultural use structures shall not exceed the height of fifteen-(15) feet, as measured on common ground.
10. All health and sanitation requirements of the State of Ohio and Allen County Board of Health shall be followed.
11. On lots less than one-(1) acre, agricultural activity such as substantial gardening activity, for example (where over 50 % of the front yard area is rototilled and utilized for this vegetable gardening) shall be prohibited. The gardening area shall be limited to areas of the side or rear yard. This excludes small planter boxes, and other decorative pots or containers containing vegetables. The front yards of properties are to remain in their natural state with the propagation of common lawn grasses such as rye, fescue, Kentucky Blue, and other assorted varieties of perennial grasses or clover.

### **22.5.23 COMMERCIAL VEHICLES AND CONSTRUCTION EQUIPMENT**

- a. Commercial vehicles including vehicles and equipment used for construction shall be regulated as follows.
  1. Not more than one-(1) commercial Truck, limited to a two-axle, four-tired pickup or light Truck typically classified as Class 1, or 2 by the Federal Highway Administration Vehicle Inventory and Use Survey, and which has operating characteristics similar to those of a passenger car, shall be allowed per one-(1) Dwelling unit in any Residential Zoning District, or any Residential component within a Planned Unit Development.
  2. This section shall not apply to the personal ownership and use of one or more light Truck or passenger van provided said vehicle does not bear any advertisements and is registered as a non-commercial vehicle.
  3. Trucks having dual tires on one-(1) or more axles or having more than two-(2) axles, typically classified as Class 3, 4, 5, 6, 7, or 8 by the Federal Highway Administration Vehicle Inventory and Use Survey, designed for the transportation of cargo and including tractor-trucks, trailers, and semi-trailers shall not be allowed in any Residential zoned district, or Planned Unit Development district.
  4. Commercial vehicles making temporary house calls or deliveries shall not be prohibited under the terms of this section.
  5. The parking or storage of commercial motor vehicles, as defined above including those vehicles having commercial signage, commercial equipment, or structures for commercial equipment attached to the motor vehicle permanently or temporarily, shall not be permitted in the front yard of any district except industrial, for periods exceeding seventy-two-(72) hours, except when parked or stored in an enclosed garage.

### **22.5.24 PARKING OF TRAILERS, BOATS AND RECREATIONAL VEHICLES**

- a. The outdoor storage of a boat, trailer, or recreation vehicle shall be prohibited within the front yard. The parking or storing of any boat, trailer, or recreation vehicle(s) shall be permissible within the side or rear yard, as well as inside any completely enclosed accessory building.
- b. Boats, trailers, or recreation vehicles may be stored in the driveway for a period of forty-eight-(48) hours for routine maintenance, and then moved to the side or rear yard after the forty-eight-(48)-hour period.
- c. Boats, trailers, or recreation vehicles may be parked on the street in front of the residence or road right-of way within a residential district for a period not to exceed seventy-two-(72) hours. Boats, trailers or recreation vehicles parked in the roadway, shall not constitute a hazard to approaching or on-coming traffic.
- d. No occupancy for human habitation shall be maintained or business conducted therein while such trailer, recreation vehicle or boat where it is so parked or stored.

1. Connections of power cables or power connection lines, as well as connections of any type of sanitary lines to the principal structure, or septic / sewage system is prohibited and is prima-facia evidence of occupancy or habitation. Exception is in an approved mobile home park or campground, which is licensed by the Ohio Department of Commerce.
- e. The wheels or similar transporting devices of any such trailer permitted within any Residential District shall not be removed, nor shall any trailer be temporarily or permanently affixed to the ground or attached to something having a temporary or permanent location on the ground.

#### **22.5.25 PORTABLE STORAGE UNITS – PODS / MAXX BOXES**

- a. Portable storage units shall be subject to the following requirements:
  1. A portable storage unit placed on any residential property in any district shall not exceed one-hundred seventy-(170) square feet in size (total floor Area) and eight-(8) feet in height.
  2. Portable storage units used for the purpose of storing tools, materials, and equipment on commercial and industrial properties under construction may exceed one-hundred seventy-(170) square feet.
  3. A zoning permit is required for portable storage units, such as Maxx Box's, PODS, and any other temporary portable storage unit. Permit valid for fourteen-(14) days, with a sixty-(60)-day extension for good cause. After sixty-(60) days, an accessory building permit shall be required, and storage shall be on a stone, concrete, or asphalt surface within the rear yard only.
  4. Construction storage units may only be permitted on property currently under construction and shall be removed immediately upon completion of the construction work. On properties where construction work has halted for a period greater than four-(4) consecutive weeks all storage units and storage trailers shall be removed.
  5. Not more than one-(1) portable storage unit shall be permitted on any property at any time, except for commercial or industrial properties currently under construction, or where approved as an accessory use on an industrial property zoned for use as a storage or warehouse facility for personal or business property.
  6. No portable storage unit shall be in a public right-of-way.
  7. Portable storage units shall be located no closer to an adjacent property than ten-(10) feet, or the required minimum side or rear yard setback for buildings in the district in which the unit is located, whichever is greater.
  8. Portable storage units shall only be used for the storage of personal property and for no other purpose whatsoever, except where used for the storage of tools, materials, and equipment on commercial or industrial properties under construction, or where approved as an accessory use on an industrial property zoned for use as a storage or warehouse facility for personal or business property.
  9. The placement of portable storage units shall be in such manner as not to create a public nuisance.
  10. A portable storage unit is not permitted as a permanent accessory storage structure regardless of the proposed location on a property.
  11. Cargo shipping containers, sea can, semi-tractor trailer, railroad box car or other similar portable storage unit is strictly prohibited within residentially zoned (R-1, R-2, or R-3) district as well as any residential planned unit development locations, condominiums communities or mobile home parks.

#### **22.5.26 STORM WATER DRAINAGE**

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

- c. Drainage swales to include driveway drain swales and piping, 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, soil, or waste into any swale so as to divert or impede the natural drainage flow.

#### **22.5.27 SUMP PUMP DRAINAGE**

- a. The owner and/or resident/occupier of any residential or commercial property shall not discharge sump pump drainage into any sanitary system, including but not limited to, sanitary sewer system, sewage septic system, and aeration systems, unless the septic or aeration system is designed by the manufacturer, and approved by the Allen County Health Department, to accept the discharge from a sump pump system.
- b. The township may at its sole discretion require that a property owner connect a sump pump drain to the public storm sewer, or to a collector line when provided, when it is adjacent to the property owner's property.

#### **22.5.28 DRAINAGE CONTROL**

- a. Lot drainage onto adjoining property shall not be diverted, channeled, or increased to cause damage, decrease property values, or increase liability to adjoining properties.
- b. Vacant undeveloped lots in the process of development for use shall be graded and developed with due consideration to storm run-off drainage.
- c. Examples include but not limited to downspout extensions placed on property lines, sump pump line discharging to adjoining property owner lots and storm run-off from primary or accessory structures diverted to neighboring properties, as to increase to cause damage to adjoining property owners' structure or land.
- d. 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.

#### **22.5.29 MOUNDING, RAISED BEDS AND OTHER EARTH WORKS**

- a. 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. Base of mounding shall not be closer than three-(3) feet from adjoining property lines, to prevent debris and storm water runoff.
- b. 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 Code Enforcement Officer has determined that adequate provision is made to retain runoff and eliminate the negative consequences of standing water.
- c. No fill material shall be permitted in a flood plain district, flood plain area, or riparian corridor without the expressed written permission of the Code Enforcement Officer, Allen County Drainage Engineer, Allen County Flood Plain Coordinator, and Lima/Allen County Regional Planning Commission. A detailed site plan shall be required to be submitted by the owner showing all tentative fill areas, elevations, watercourses, and other pertinent information before any approvals shall be given.

#### **22.5.30 REGULATION OF PONDS, LAKES OR OTHER WATER DETENTION/RETENTION STRUCTURES**

- a. Ponds shall be permitted as 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, ponds shall not be located within the road right of way, or roadway easement area, and shall be constructed beyond the minimum building setback line. Example is minimum of fifth-five-(55) feet from center of roadway on any Township Road, or ninety-(90) feet from center of County or State maintained roadway.
- c. Ponds shall not be constructed within twenty-five-(25) feet of any structure to include principal structure on a lot.

- d. Ponds shall be constructed with design and consult with Allen Soil & Water Conservation District as well as Allen County Drainage Engineer. Construction plans for ponds shall be designed by a professional surveyor, engineer, or licensed landscape architect proficient in pond design. Certification seal shall be affixed onto drawings. Independent contractors and excavators shall follow the approved site plan and pond construction drawings. Deviation from approved plans, or site development plan may be grounds for cease work order and other potential civil or legal penalties from township or other departmental agencies.
- e. A minimum of two-(2) or more acres of land is required for pond construction. Ponds shall be a minimum of one-quarter (1/4 acre) in size with an area of a depth of twelve-(12) feet or greater as to prevent growth of unwanted water grasses. This excludes decorative aquatic ponds, koi ponds and other similar water features. Ponds located in platted subdivisions shall be suitably fenced or walled at a minimum height of four-(4) feet to prevent accidental drowning.
- f. Ponds shall be maintained to not allow for excessive and uncontrolled overgrowth of algae, cat tails or develop into a state where the water emits foul, offensive, or objectionable odors or sounds and becomes a nuisance to adjoining property owners.
- g. Storm water retention / detention ponds as part of a subdivision development are not applicable to the above restrictions and are reviewed and approved as part of an overall development plan for subdivision / P.U.D. use. Commercial and Industrial retention and detention ponds are further not applicable to these restrictions as indicated above, due to varying degree of water levels as a result of storm water drainage.
- h. Ponds for specific agricultural use as outlined in Ohio Revised Code, Section 519.21 are exempt from these requirements, however, shall still comply with roadway or road right of way set back requirements for Ohio Department of Transportation and Allen County Roadway Managements requirements.

#### **22.5.31 FENCE USES REGULATED**

- a. Fences shall require a permit issued by the American Township Zoning Office, after application, site plan, and permit fees have been paid. Any false, inaccurate, or misleading information submitted in the application will be cause for permit denial.
- b. Fences shall be installed within the property owner's property line. There shall be adequate clearance on the adjacent side of the fence for routine maintenance, mowing, trimming.
- c. Fences may be permitted on the property line, however written permission from adjoining property owners shall be documented and submitted with fence application identifying who is responsible for care and upkeep of the fence.
- d. Fences in all zoned locations shall be maintained in good condition, repaired as needed in a timely fashion, and kept free of debris, weeds, and overgrown vegetation. A working gate and lock shall be required to allow access to/from.
- e. Fences shall be painted, treated, or other suitable forms of preventative maintenance measure utilized to maintain its up kept condition.
- f. Residential fences shall be constructed of wood, vinyl, composite, aluminum, wrought iron, or chain link materials. Residential fences shall be constructed at a height not to exceed six-(6) feet as measured from common ground to top of fence panel, board, or post. Chain link fences shall not exceed the height of four-(4) feet in height as measured from common ground to top of the fence. Support post for chain link fences may extend no more than six-(6) inches above the fence fabric height.
- g. Fences may be constructed within the rear and side yard areas and shall not extend forward than the rear corners or the rear building line of the principal structure. Fences shall furthermore be built consistent with current placement of adjacent properties owners having fences, so as to produce a uniform placement among property owners.
- h. Fences shall be uniform in overall construction with the same / similar building materials. Fences may be constructed in either a horizontal or vertical pattern with the flat or finished side facing outwards to adjoining properties, with support beams facing inwards to homeowner's property.
- i. Fences shall not be constructed to block, divert, or channelize storm water runoff to adjacent property owners. Ample spacing on the bottom of the fence shall always be maintained to allow for unimpeded storm water drainage.

- j. All fences shall be located outside of all visible triangles at intersections and ingress and egress points and shall not be in such a manner as to constitute a traffic or safety hazard. Any fence determined by the Code Enforcement Officer in consultation with the Township Roadway Supervisor to constitute a visibility safety / traffic hazard shall be immediately removed by the property owner upon receipt of notification and order of removal.
- k. Fences shall not be electrified or topped with barbed wire in residential zoned districts. Low wattage stun agricultural fences shall be in accordance with Ohio Revised Code Chapter 971. Commercial and Industrial stun protection fences may be approved and require site plan review and approval by the zoning authority.
- l. Fences shall not be constructed within any identified utility, storm, sanitary, or other easement location. Fences furthermore shall not be constructed within the road right of way of the Township.
- m. Fences shall additionally conform to the regulations as outlined in the American Township Zoning Resolution.

### **22.5.32 SWIMMING POOLS, SPAS, AND HOT TUBS**

- a. Swimming pools, spas, and hot tubs shall be maintained in a clean and sanitary condition, and in good repair.
- b. Pool water shall be maintained in a clean and sanitized manner.
- c. All required fencing at a height of no less than four-(4) feet in height and no greater than six-(6) feet in height as measured from average ground or a walled area of no less than four-(4) feet shall be required for all in-ground swimming pools as a safety protocol. Openings, gaps, and holes greater than 4 inches are prohibited.
- d. The property owner shall be responsible for contacting his / her insurance company if the required fence or wall installation is delayed due to material shortage or scheduling issues. The owner shall be responsible for providing to the Township all necessary insurance information to include a declaration page providing proof that the owner's pool is insured.
- e. Temporary fencing such as snow fencing, soccer fencing, farm wire fencing or another medium is not an acceptable barrier. Electronic pool covers do not fulfill the fence or wall requirements and may not be used exclusively as a barrier to prevent pool intrusion.
- f. The property owner is responsible and liable for any injuries as a result of not having the required wall or fencing around the in-ground swimming pool. The property owner is additionally responsible for ensuring adequate safety measures are in place to prevent falls, injuries, or accidental drowning during the time the area is void of the required fence or walled areas. The owner shall further hold harmless, American Township with respect to any claim filed against the owner in reference to the absence of any appropriate barrier surrounding the swimming pool.
- g. Private In-Ground Swimming Pools. Private in-ground swimming pools shall be surrounded by a fence or walled barrier a minimum of forty-eight-(48) inches in height above the finished ground level measured on the side of the barrier away from the pool. Gates and doors in such barriers shall be self-closing and self-latching.
- h. Where the self-latching device is less than fifty-four-(54) inches above the bottom of the gate, the release mechanism shall be located on the pool side of the gate. Self-closing and self-latching gates shall be maintained such that the gate will positively close and latch when released from an open position of six-(6) inches from the gatepost.
- i. Private Above Ground Swimming Pools. Private above ground swimming pools more than forty-eight-(48) inches in height do not require fencing or walled barrier at least forty-eight-(48) inches in height above the finished ground level.
- j. If mounding is utilized around the above ground swimming pool, and the height of the ground to top rail is less than forty-eight-(48) inches in height at any point then fencing shall be required around the above ground swimming pool.
- k. Above Ground Swimming Pools do require a means of controlling unauthorized access or unintentional falling into the pool. Private above ground swimming pools shall have controlled access such as a locking or removable swim ladder, or if connected to a deck or swim platform a self-closing and self-latching gate or barrier. If the swimming pool is not in use the ladder shall be retracted or removed to prevent intrusion or fall into the pool.

- l. Where the self-latching device is less than 54 inches above the bottom of the gate, the release mechanism shall be located on the pool side of the gate. Self-closing and self-latching gates shall be maintained such that the gate will positively close and latch when released from an open position of six-(6) inches from the gatepost.
- m. No existing pool enclosures shall be removed, replaced, or changed in a manner that reduces its effectiveness as a safety barrier. Private swimming pools, spas, and hot tubs must also have a cover over the surface of the water when the swimming pool, spa, or hot tub is not being used.
- n. Electronic pool covers do not satisfy the fence or wall requirement for in-ground swimming pools. They may be incorporated into the safety protocols with any wall or fencing.
- o. Upon determination that an in-ground or above ground swimming pool is abandoned, structurally damaged, unusable condition, or property where the swimming pool is located is vacant, abandoned, or no signs of habitation, then the swimming pool shall be drained, and entire swimming pool shall be secured with a suitable semi-permanent cover to prevent accidental falls, and drowning.

**22.5.33 MAINTENANCE OF ACCESSORY STRUCTURES**

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

**22.5.34 UPKEEP OF VACANT LAND AND STRUCTURES**

- a. All vacant land, either residential, commercial, or industrial zones, shall be maintained in a clean, safe and secure condition. These vacant lands shall be free of junk, refuse, garbage, or debris. Vacant lands shall not become overrun with overgrown vegetation, weeds, trees, or briars. This shall include but not limited to the prohibited dumping of garbage, refuse, or other debris; disposal or storage of abandoned motor vehicles; junk motor vehicles, abandoned vehicles and equipment; metal machinery; junk parts, general junk; discarded furniture; motor vehicle or farm tires; motor parts; tanks; drums; concrete; lumber, drywall, roof materials, shingles, wiring, pipes, hoses, and any other discarded debris or objects.
- b. All vacant structures, either residential, agricultural, commercial, or industrial shall be maintained in a clean, safe and secure condition. This shall include but not limited to, vacant residences and structures, commercial and industrial vacant buildings, vacant accessory buildings, vacant sheds, and vacant pole barns.
- c. Vacant structures shall be structurally sound, neatly maintained, in good repair, and properly affixed to the ground containing a sound concrete foundation, block, paver or stoned base. Doors and windows shall be intact, free of openings, or breakage. The roof shall be in good condition, without obvious holes, openings, or signs of structural failure or potential collapse. Side walls shall be intact without openings, doors, garage doors, and other openings shall be structurally sound, intact, and functional. Structure shall not have obvious signs of openings where animals, vermin, insects, and weather can infiltrate the structure, causing further structural decay.

**22.5.35 BURNING OF TRASH OR OTHER NOXIOUS CONDITIONS AND THE DISMANTLING OF MOTOR VEHICLES PROHIBITED**

- a. The outside burning of trash, rubbish or other objectionable debris is not permissible within a residential zoned district. This does not include small residential fire pits, campfires, or other wood burning receptacle use.
- b. The dismantling or wrecking of used motor vehicles, manufactured homes, recreational vehicles or the storage, sale, or dumping of dismantled, partially dismantled, wrecked, scrapped, ruined, or discarded motor vehicle(s) or parts shall be prohibited within a residential or commercial zoned district, with the exception when contained within an approved and licensed motor vehicle salvage or junk yard.

### **22.5.36 BLIGHTED CONDITIONS OF STRUCTURES OR LOTS PROHIBITED**

- a. If the Zoning Inspector / Code Enforcement Officer finds that any building, structure or lot within the unincorporated areas of the Township, by reason of deterioration of materials, lack of repair or the maintenance of any condition therein or thereon which results in a blighting or deteriorating factor, is or will become a hazard to the health, safety or welfare of its occupants or the public, or is or will become a blighting or deteriorating factor in the neighborhood or will impair or adversely affect the value of neighboring property, the Zoning Inspector / Code Enforcement Officer shall report such facts to the Board of Township Trustees.
- b. The Board of Township Trustees may specify, upon the advice of the Zoning Inspector / Code Enforcement Officer what reasonable repairs, maintenance or corrective measures are necessary to abate such a nuisance. Upon the finding by the Board of Trustees that a nuisance exists, the Zoning Inspector or Code Enforcement Officer shall order the owner of such building, structure, or lot to make such repairs or take such maintenance or corrective measures within a reasonable time.
- c. Property owner shall be issued a Notice of Violation, by the Zoning Inspector / Code Enforcement Officer detailing the date / time of violations observed, current property conditions, length of time said conditions have previously existed on the property, and the owner's failure to correct said property conditions on their own and required corrective action to bring the structure into compliance to avoid abatement.
- d. The owner shall be provided a minimum of thirty-30 days to facilitate such repairs to the structure(s), with an extension of thirty-(30) additional days upon application by the property owner and for good cause, but no more than sixty-(60) consecutive days provided for repairs.
- e. At the conclusion of the thirty-30 days or (sixty-60 days extension) and no significant repairs have been facilitated by the property owner to correct the blighted or deteriorated conditions, of said building, structure, lot or condition then the Zoning Inspector / Code Enforcement Officer may initiate Citation Tags and fines consistent with the procedures outlined in this Code to bring the building, structure(s) or lot into compliance.
- f. At any time during the citation phase, and upon advice of the Zoning Inspector, the Board of Trustees may hold a public hearing with the property owner prior to declaring such building, structure, or condition to be a public nuisance, and ordering abatement of such building, structure, lot.
- g. In addition, the failure to comply with the correction order(s), may cause the Zoning Inspector to file said case with the Lima City Prosecutor to further compel compliance by the property owner.

### **22.5.37 PREVIOUS VERSIONS OF THIS PROPERTY MAINTENANCE CODE VOIDED / DEEMED NON-CONFORMING USES**

- a. Previous versions of this property maintenance code are null and void with passage of this most recent version. All previous property maintenance codes for American Township are superseded by this most current version. All previous approvals shall be considered non-conforming use at this time.

## ARTICLE VI

### PROPERTY MAINTENANCE STANDARDS SPECIFIC TO COMMERCIAL AND INDUSTRIAL PROPERTIES

#### 22.6.1 APPLICATION OF COMMERCIAL AND INDUSTRIAL PROPERTY STANDARDS

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

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

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

All structures shall be maintained as follows:

- a. Foundations. Foundations shall support the structure at all points and shall be free of all holes and cracks to prevent the entrance of rodents, water, or dampness to the interior of the structure or lessen the capability of the foundation to support the building.
- b. Exterior walls and surfaces. Exterior walls and other exterior surface materials shall be free of holes, cracks, loose or rotting boards and timbers or any other condition as to prevent the entrance of rodents, rain, or dampness to the interior of the building.
- c. Windows. Windows shall be fully supplied with window glass, or a Lima / Allen County Building Department approved substitute which is glazed and is without open cracks or holes, shall have sashes in good condition which fit within frames, and maintained to exclude adverse weather elements from entering the structure.
- d. Exterior Doors. Doors shall be maintained to be structurally sound, fit with frames to be weatherproof, windproof, and waterproof, and be provided with door hinges and door latches which are in good working condition.
- e. Roofs. Roof members, covering and flashing shall be structurally sound and tight to prevent the entrance of moisture and be maintained by renewal, repair, waterproofing or other suitable means. Roof drainage shall be adequate to prevent rainwater from causing dampness in the exterior portion of the structure.
- f. Gutters. Rain gutters, downspouts, leaders or other means of water diversion shall be provided to collect/conduct and discharge all water from the roof and maintained so as not to leak or cause dampness in the walls, ceiling, or basements or adversely affect adjacent properties.
- g. Chimneys. Chimneys shall be free of cracks, holes or missing portions and maintained in sound condition.
- h. Porches / Decks. Every porch or deck shall be so constructed and maintained to be free of missing, defective, rotting, or deteriorated foundations, supports, floors, other members, and steps thereto, kept in sound condition and in good repair.
- i. Structural Member. Any structural member of a structure which has become deteriorated or damaged to the extent that it does not serve the purpose as originally intended shall be renewed, restored, repaired, or replaced as is necessary to serve the purpose as originally intended.
- j. Exterior Surface. Except for materials that have been designed or manufactured to remain untreated, all exterior wood, composition or metal surfaces shall be protected from the elements by paint or other protective coverings. Surfaces shall be maintained to be kept clean and free of flaking, loose, or peeling paint or covering.



- k. Basement. Basement or cellar hatchways shall be constructed and maintained to prevent the entrance of rodents, rain and surface drainage into the structure.
- l. Decorative Features. All cornices, entablatures, bell courses, corbels, terra cotta trim, wall facings, and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.

### **25.6.3 PAINT AND COATING MATERIALS**

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

### **25.6.4 EXTERIOR PREMISES**

All premises shall be properly maintained as follows:

- a. Exterior space. The exterior open space around each structure shall be maintained or so improved to provide for:
  - 1. The immediate diversion of water away from structures and proper drainage of the premises.
  - 2. Grass, plantings, or other suitable ground cover to prevent soil erosion which is or may become detrimental to the structures, lot premises or adjacent premises and structures; and
  - 3. Yard-walks, parking areas, driveways and exterior steps which are of a permanently hard, dust free surface of sound construction and properly maintained.
- b. Maintenance. The exterior of all premises and every structure thereon including but not limited to walls, roofs, cornices, chimneys, drains, porches, landings, fire escapes, stairs, store fronts, signs, windows, doors, awnings, marquees, and all surfaces thereof, and shall be painted or protected where necessary for the purpose of preservation. All canopies, marquees, signs, awnings, exterior stairways, fire escapes, standpipes, exhaust ducts, porches, balconies, and similar overhanging extensions, and their supporting structures which are exposed to public view, shall be maintained in good condition, and shall not show evidence of ripping, tearing, or deterioration. Prohibited and obsolete signs shall be removed or replaced pursuant to the applicable sections of the American Township Zoning Resolution.
- c. Fences and walls. All fences, retaining walls, or similar structures shall be anchored firmly in the ground, shall be constructed in a workmanlike manner, and maintained in that same manner so that such approved fences, retaining walls, or similar structures shall always be in the state of good repair.
  - 1. If any fence, retaining wall, or similar structure is found not to be in the state of good 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 to retard deterioration.
  - 2. Commercial and industrial fences shall be constructed in accordance with American Township Zoning Resolution, as well as this External Property Maintenance Code as it relates to setback distance, location, material, height, and topper areas.
- d. Yards. All yards, courts, and lots shall be graded and kept free of noxious weeds, debris and other materials which may cause a fire, health, or safety hazard.
- e. Hazards. Hazards and unsanitary conditions shall be eliminated.
- f. Occupancy. No temporary buildings, trailers, recreational vehicles, tents, or garages shall be used temporarily or permanently as a residence or temporary residence in the Township.
- g. Storage. Except as provided for in other regulations of the Township, all outdoor storage junk, refuse, garbage, or debris, of any kind shall be prohibited.
- h. 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.

- i. 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 structure except where such pooling or retention of water is part of a plan approved by the County Engineer. All condensate and waste cooling water shall be appropriately discharged into an approved drainage system.
- j. Drainage Swales. Swales are to be maintained by the owners of the premises 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. Swales should be mowed as part of the yard. In meadow situations the swales should be mowed less frequently to allow grasses to grow taller to retard runoff and prevent erosion. Swales in woodland areas should be left in their natural condition leaving understory growth to retard runoff and prevent erosion.
- k. Traffic Markings. All traffic markings such as directional arrows, lane division lines, parking space lines, stop signs, etc., shall be maintained to be clearly visible and easily recognized.
- l. Conduct of Business.
  - 1. All business activity, except for off-street loading, shall be conducted within completely enclosed buildings.
  - 2. All storage of trash and garbage containers and/or dumpsters shall be effectively screened from view. All storage of materials, goods, or products, including inoperable vehicles, shall be within a completely enclosed building.
  - 3. Exception: Those businesses which are permitted or conditionally permitted under the terms of the American Township Zoning Resolution to conduct business or maintain outdoor storage of materials, goods or products out-of-doors are excepted from compliance with this section.
- m. Exterior Light Fixtures. Exterior lighting fixtures oversteps, 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. All lighting fixtures shall comply with American Township Zoning Resolution.
- n. Vegetation. The owner of commercial and industrial property shall be responsible for routine grass, weed and vegetation control and maintenance in compliance in accordance with Section 22.4.28 of this property maintenance code.
  - 1. The owner of all premises and lots, whether commercial/residential mixed use, non-residential, commercial, or industrial, whether occupied or not in nature shall cut down and remove therefrom all offensive and noxious weed, vines, and grass of a height of eight-(8) inches or more, and any and all weeds, vines and grass constituting a threat to the public health, safety, comfort or welfare.
  - 2. Undeveloped, commercial, industrial, and \*agricultural lots (\*less than one-(1) acre) shall be required to be mowed a minimum of three-(3) times a year during the growing season of April 1<sup>st</sup> to November 1<sup>st</sup>, with the first mowing occurring no later than May 1<sup>st</sup>, second mowing occurring no later than August 1<sup>st</sup> and the last mowing occurring no later than November 1<sup>st</sup>.
  - 3. The owner of all premises, whether residential, non-residential, commercial or industrial, and whether occupied or vacant, shall cut down and remove therefrom trees, bushes, shrubs, or other growth that overhangs or blocks any part of a sidewalk for a height of seven-(7) feet above said surface; or to overhang or block any part of a paved street or unpaved, but traveled, portion of a street or traffic/safety sign for a height of fifteen-(15) feet above the surface.
  - 4. 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 no evidence signs of neglect. Trees that have fallen as a result of old age, decay, wind or storm damage shall be removed in a timely fashion, within thirty-(30) days, and no longer than ninety-(90) days.
  - 5. It is a prima-facie violation of this section if weeds or grass of a height eight-(8) inches or more exist on any lot, parcel or premises within the Township between April 1 and November 1. Weeds or grass of a height eight-(8) inches or more shall be considered a nuisance.

6. The procedures for identification of violation, providing notice of violation, requiring compliance, deadlines for completion, abatement, and processing of costs shall be consistent with the procedures outlined in Section 22.4.28 of this property maintenance code.
- o. Occupancy. No temporary buildings, trailers, recreational vehicles, tents, or garages shall be used temporarily or permanently as a residence or temporary residence in the Township.
  - p. Storage. Except as provided for in other regulations of the Township, all outdoor storage junk, refuse, garbage, or debris, of any kind shall be prohibited.
  - q. 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.
  - r. Furniture. No furniture intended for indoor use may be stored outside, unless it is in a completely enclosed porch or patio room.
  - s. Street Numbers. Each structure to which a street number has been assigned shall have such a number displayed in a position easily observed and readable from the public right-of-way. All numbers shall be in Arabic numerals at least four-(4) inches high and one-half (½) inch stroke and of a color contrasting to the background.
  - t. 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.
  - u. 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.
  - v. Exhaust Vents. Pipes, ducts, conductors, fans or blowers shall not discharge gases, steam, vapor, hot air, grease, smoke, odors or other gaseous or particulate wastes directly upon abutting or adjacent public or private property or that of another tenant.
  - w. Accessory Structures. All accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in good repair.
  - x. Gates. Gates which are required to be self-closing and self-latching in accordance with the Ohio Building Code or shall be maintained in such a manner that the gate will positively close and latch when released from a still position of 6 inches (152 mm) from the gatepost.
  - y. Commercial Swimming pools. Swimming pools shall be maintained in a clean and sanitary condition and in good repair.
  - z. Defacement of Property. No person shall willfully or wantonly damage, mutilate or deface any exterior surface of any building, dwelling or structure on any private or public property by placing thereon any marking, carving or graffiti. It shall be the responsibility of the owner to restore said surface to an approved state of maintenance and repair.
  - aa. Semi-Trailers. No semi-trailer shall be used as a storage facility, except that semi-trailers parked on construction job sites may be used for storage related to the site but shall be removed upon completion of the project. No semi-trailer shall be used for the display of signs or banners.

#### **22.6.5 GARBAGE, JUNK, LITTER AND RUBBISH**

- a. Accumulation of Garbage, Junk, Litter, Rubbish and Debris shall be prohibited in all zoning areas. All exterior property and premises, and the interior of every building, dwelling and structure, shall be kept free from any accumulation of rubbish or garbage.
- b. Disposal of Garbage, Junk, Litter and Rubbish. Every owner a building, dwelling or structure shall dispose of all garbage, junk, litter, and rubbish in a clean and sanitary manner by placing such materials in approved containers, and shall require all occupants of said building, dwelling or structure to do the same. Every occupant of a structure shall dispose of garbage in a clean and sanitary manner by placing such garbage in an approved garbage disposal facility or approved garbage containers.

- c. Disposal Facilities. The owner of every occupied building, dwelling, structure or premises shall supply approved, covered containers for the disposal of garbage, junk, litter and rubbish, and the owner of the premises shall be responsible for the removal of the same.
- d. Containers. The owner of every business establishment shall provide, and at all times shall cause the business operator to utilize, approved, leak-proof containers provided with close-fitting covers for the storage of waste materials resulting from said business until removed from the premises for disposal.

**22.6.6 BURNING OF TRASH OR OTHER NOXIOUS CONDITIONS AND THE DISMANTLING OF MOTOR VEHICLES PROHIBITED**

- a. The outside burning of trash, rubbish or other objectionable debris is not permissible within a commercial or industrial / manufacturing zoned district.
- b. The dismantling or wrecking of used motor vehicles, manufactured homes, recreational vehicles or the storage, sale, or dumping of dismantled, partially dismantled, wrecked, scrapped, ruined, or discarded motor vehicle(s) or parts shall be prohibited within a commercial or manufacturing zoned district, with the exception when contained within an approved and licensed motor vehicle salvage or junk yard.

**22.6.7 BLIGHTED CONDITIONS OF STRUCTURES OR LOTS PROHIBITED**

- h. If the Zoning Inspector / Code Enforcement Officer finds that any building, structure or lot within the unincorporated areas of the Township, by reason of deterioration of materials, lack of repair or the maintenance of any condition therein or thereon which results in a blighting or deteriorating factor, is or will become a hazard to the health, safety or welfare of its occupants or the public, or is or will become a blighting or deteriorating factor in the neighborhood or will impair or adversely affect the value of neighboring property, the Zoning Inspector / Code Enforcement Officer shall report such facts to the Board of Township Trustees.
- i. The Board of Township Trustees may specify, upon the advice of the Zoning Inspector / Code Enforcement Officer what reasonable repairs, maintenance or corrective measures are necessary to abate such a nuisance. Upon the finding by the Board of Trustees that a nuisance exists, the Zoning Inspector or Code Enforcement Officer shall order the owner of such building, structure, or lot to make such repairs or take such maintenance or corrective measures within a reasonable time.
- j. Property owner shall be issued a Notice of Violation, by the Zoning Inspector / Code Enforcement Officer detailing the date / time of violations observed, current property conditions, length of time said conditions have previously existed on the property, and the owner's failure to correct said property conditions on their own and required corrective action to bring the structure into compliance to avoid abatement.
- k. The owner shall be provided a minimum of thirty-30 days to facilitate such repairs to the structure(s), with an extension of thirty-(30) additional days upon application by the property owner and for good cause, but no more than sixty-(60) consecutive days provided for repairs.
- l. At the conclusion of the thirty-30 days or (sixty-60 days extension) and no significant repairs have been facilitated by the property owner to correct the blighted or deteriorated conditions, of said building, structure, lot or condition then the Zoning Inspector / Code Enforcement Officer may initiate Citation Tags and fines consistent with the procedures outlined in this Code to bring the building, structure(s) or lot into compliance.
- m. At any time during the citation phase, and upon advice of the Zoning Inspector, the Board of Trustees may hold a public hearing with the property owner prior to declaring such building, structure, or condition to be a public nuisance, and ordering abatement of such building, structure, lot.
- n. In addition, the failure to comply with the correction order(s), may cause the Zoning Inspector to file said case with the Lima City Prosecutor to further compel compliance by the property owner.

**22.6.8 EXTERMINATION**

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

- b. Responsibility. The owner of any building, dwelling, structure, or premises shall be responsible for extermination, and shall be responsible for the continued rodent and pest-free condition of the building, dwelling, structure or premises. Any agreement between the owner and the occupant of a building, dwelling or structure, whether written or oral, whereby the occupant is responsible for keeping the building, dwelling, structure, or any part thereof, free from insect and/or rodent infestation shall be enforced by the owner and not the Township.

#### **22.6.9 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 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, the Enforcement Officer shall notify the owner of said sign, together with the owner of the land on which the sign is located, of his/her findings. Such notice shall advise the owners that the sign and its supporting structure has been declared abandoned or needs repair and must be removed or repaired within thirty-(30) days from the date of the said notice at the owner's expense.
- 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. Right of Way. All signs regardless of size, either temporary or permanent shall not be placed within the road right of way. Signs found in this restricted shall be determined to be a hazard and subject to removal by the Township.
- e. Visibility Triangles. All signage shall be located outside of all visible triangles at intersections and ingress and egress points and shall not be in such a manner as to constitute a traffic or safety hazard.
- f. Any sign found to be a safety or traffic hazard may be immediately removed by the Code Enforcement Officer for good cause.

#### **22.6.10 COMMERCIAL AND INDUSTRIAL STANDARDS**

Within this property maintenance code document are listed several foregoing standards which are applicable to all commercial and industrial structures, commercial and industrial units, as well as portions of mixed-use structures which are devoted to commercial and/or industrial use, including all exterior and structural requirements, soundness, and maintenance standards. Please refer to those additional standards within this document.

## ARTICLE VII

### DEMOLITION

#### 22.7.1 GENERAL

- a. The Code Enforcement Officer may order the owner of the premises upon which is located any structure or part thereof, which in the Code Enforcement Officer's judgment, is so old, dilapidated or has become so out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human habitation occupancy or use, and so that it would be unreasonable to repair the same to raze and remove such structure or part thereof or if it can be made safe by repairs, to repair and make safe and sanitary or to raze and remove at owners option.
- b. An inspection and recommendation for demolition of a structure shall be made by the American Township Fire Chief, and / or Allen County Board of Health Inspector. A structural engineer may be consulted to determine structural fortitude, prior to abatement and demolition of a structure.
- c. A final recommendation report for demolition shall be prepared by the Code Enforcement Officer and presented to the Board of Trustees. Recommendation reports from agencies involved in inspection of the property shall be included along with documented photographs, and any other evidence to support demolition recommendation.
- d. Procedures as outlined in Ohio Revised Code; Section 505.86 shall then be followed.

#### 22.7.2 ORDER

- a. The Order shall specify a time in which the owner shall comply therewith and specify repairs, if any shall be required to bring the structure into compliance with American Township Zoning Resolution and Ohio Building Code.
- b. It shall be served on the owner of record or an agent where an agent is in charge of the building and upon the holder of any encumbrance of record in the manner provided for service of a summons by a court of record.
- c. If the owner or a holder of an encumbrance of record cannot be found, the order may be served by posting it on the main entrance of the building or by publishing it once each week for three consecutive weeks in a newspaper of general circulation authorized to provide service by publication.

#### 22.7.3 RESTRAINING ACTIONS

- a. Anyone affected by any such Order after having appealed to the Board of Zoning Appeals, shall within thirty (30) days after service of such Order may apply to a court of record for an Order restraining the Code Enforcement Officer from razing and removing such structure or parts thereof.
- b. The court shall determine whether the Order of the Code Enforcement Officer is reasonable and if found reasonable, the court shall dissolve the restraining order, and if found not reasonable, the court shall continue the restraining order to modify it as the circumstances may require.

#### 22.7.4 FAILURE TO COMPLY

- a. Whenever the owner of the property fails to comply with a demolition order within the time prescribed, the Code Enforcement Officer may cause the structure or part thereof to be razed and removed, either through an available public agency or by contract or arrangement with private persons, and the cost of such razing and removal shall be a charge against the real estate upon which the structure is located and shall be a lien upon such premises.

**ARTICLE VIII**  
**EMERGENCY ORDERS**

**22.8.1 GENERAL**

- a. Whenever the Code Enforcement Officer finds that an emergency exists on any un-occupied premises, or in any un-occupied structure or part thereof, or on any defective equipment which requires immediate action to protect the public's health and safety or that of the occupants thereof, the Code Enforcement Officer may, with proper notice and service in accordance with this Code, issue an order citing the existence of such emergency and requiring the vacating of the premises or such action taken as the Code Enforcement Officer deems necessary to meet such emergency.
- b. Notwithstanding other provisions of this Code, such an Order shall be effective immediately, and the premises or equipment involved shall be placarded immediately upon service of the Order.

**22.8.2 HEARING**

- a. Any person to whom such Order is directed shall comply therewith. They may thereafter, upon petition directed to the Appeals Board, be afforded a hearing as prescribed in this Code. Depending upon the findings of the Appeals Board at such a hearing as to whether the provisions of this Code and rules and regulations adopted pursuant thereto have been complied with, the Township Trustees shall continue such order or modify or revoke it.