

TATE TOWNSHIP ZONING RESOLUTION

(ADOPTED: mmmm dd,yyyy)

ARTICLE 12 PROPERTY MAINTENANCE STANDARDS

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ARTICLE 12. PROPERTY MAINTENANCE STANDARDS

12.01. GENERAL

12.01.A. Scope

The provisions of this article 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 for light, ventilation, space, heating, sanitation, protection from the elements, life safety, safety from fire and other hazards, and for safe and sanitary maintenance; the responsibility of owners, operators, and occupants; the occupancy of existing structures and premises, and for administration, enforcement and penalty.

12.01.B. Intent

This article 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.

12.01.C. Severability

If a section, subsection, sentence, clause, or phrase of this article is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this code.

12.02. APPLICABILITY

The provisions of this article shall apply to all matters affecting or relating to structures and premises, as set forth in [Section 12.01. General](#). Where, in a specific case, different sections of these standards specify different requirements, the most restrictive shall govern.

12.02.A. Maintenance

Equipment, systems, devices, and safeguards required by this article or a previous regulation or standard under which the structure or premises were constructed, altered, or repaired shall be maintained in good working order. No owner, operator, or occupant shall cause any service, facility, equipment, or utility that 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 article are not intended to provide the basis for the removal or abrogation of fire protection or safety systems and devices in existing structures. Except as otherwise specified herein, the owner or the owner's designated agent shall be responsible for the maintenance of buildings, structures, and premises.

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12.02.B. Application of Other Codes

Repairs, additions, or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of all applicable Codes and Standards. Nothing in this article shall be construed to cancel, modify, or set aside any provision of any existing Codes.

12.02.C. Existing Remedies

The provisions in this article shall not be construed to abolish or impair existing remedies of Tate Township or any other agencies relating to the removal or demolition of any structure that is dangerous, insecure, unsafe, or unsanitary.

12.02.D. Workmanship

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

12.02.E. Historic Buildings

The provisions of this article shall not be mandatory for existing buildings or structures designated as historic buildings when such buildings or structures are judged by the authorized agency to be safe and in the public interest of health, safety, and welfare.

12.02.F. Referenced Codes and Standards

The codes and standards referenced in this article shall be considered part of the requirements of this article to the prescribed extent of each such reference. Where differences occur between the provisions of this article and the referenced standards, the provisions of this article, to the extent permitted by law, shall apply.

12.03. PROPERTY MAINTENANCE INSPECTION

12.03.A. General

The Tate Township Zoning Inspector or its successor shall be responsible for the enforcement and application of this article. The Zoning Inspector or respective successor if the department name is changed shall be the official-in-charge.

12.03.B. Inspectors

The Tate Township Board of Trustees may appoint inspectors in such numbers as it deems necessary to perform the duties established by this article. These inspectors shall report to the Zoning Inspector.

12.04. DUTIES AND POWERS OF THE PROPERTY MAINTENANCE OFFICIAL

12.04.A. General

The Zoning Inspector assigned to the Tate Township Zoning Office shall enforce the provisions of this article.

12.04.B. Interpretation Authority

The Zoning Inspector shall have authority to interpret and implement the provisions of this article; to secure the intent thereof, and to designate requirements applicable because of local climatic or other conditions.

12.04.C. Inspections

The Zoning Inspector assigned to the Tate Township Zoning Office shall make all of the required inspections or shall accept reports of inspection by approved agencies or individuals. All reports of such inspections by agencies outside of the Tate Township Zoning Office shall be in writing and be certified by an inspector of such an approved agency or by the responsible individual. The Zoning Inspector is authorized to engage experts as deemed necessary to report upon unusual technical issues that arise, subject to the approval of the Tate Township Board of Trustees.

12.04.D. Identification

The Zoning Inspector assigned to the Tate Township Zoning Office shall carry proper identification when inspecting structures or premises in the performance of their duties under this article.

12.04.E. Notices and Orders

The Zoning Inspector assigned shall issue all necessary notices or orders to ensure compliance with this article.

12.04.F. Department Records

The Zoning Inspector shall keep official records of all business and activities of the Tate Township Zoning Office which relate to this article. Such records shall be retained in the official records in such manner and for as long as it is required by Tate Township's retention policy.

12.05. GENERAL REQUIREMENTS**12.05.A. Scope**

The provisions of this section shall govern the minimum conditions and the responsibilities of persons for the maintenance of structures, equipment, and exterior property for all properties within the Township.

12.05.B. Responsibility

The owner of the premises shall maintain the structures and exterior property in compliance with the requirements, except as otherwise provided for in this article. A person shall not occupy as owner-occupant or permit another person to occupy premises which are not in a sanitary and safe conditions, and which do not comply with the requirements of this article. Occupants of a dwelling unit are responsible for keeping a clean, sanitary, and safe condition that part of the premises which they occupy and control.

12.05.C. Vacant Structures and Land

All vacant structures and premises thereof or vacant land shall be maintained in a clean, safe, secure, and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect public health or safety.

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12.05. GENERAL REQUIREMENTS

12.05.D. Exterior Property Areas

12.05.D.1. Accessory Structures

All accessory structures shall be maintained structurally sound and in good repair.

12.05.D.2. Defacement of Property

No person shall willfully or wantonly damage, mutilate, or deface any exterior surface of any structure or building on any private or public property by placing thereon any marking, carving, or graffiti. It shall be the responsibility of the owner to restore said surface to an approved state of maintenance and repair.

12.05.D.3. Furniture

No furniture intended, designed, or constructed primarily for indoor use may be stored outside, unless it is in a completely enclosed porch or patio room.

12.05.D.4. Light Fixtures, Exterior

Exterior light fixtures located over steps, paths, walkways, courts, drives, and parking lots shall be neatly maintained in operable condition and lighted for sufficient periods of time before and after business hours to provide for pedestrian and employee safety and properly directed so as not to shine on adjacent property per [Article 5. Outdoor Lighting](#). Lighting shall follow the requirements of any approved lighting plan and/or the Tate Township Zoning Resolution as may be applicable regarding illumination levels and color temperature limits.

12.05.D.5. Sanitation

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

12.05.D.6. Swimming Pools

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

12.05.D.7. Traffic Markings

All traffic markings such as directional arrows, lane division lines, parking space lines, stop signs, etc., shall be maintained so as to be clearly visible and easily recognized.

12.05.D.8. Yards

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

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

12.05.E. Structure Exterior**12.05.E.1. General**

The exterior of a structure shall be maintained in good repair, structurally sound, and sanitary so as not to pose a threat to the public health, safety, or welfare.

12.05.E.2. Protective Treatment

All exterior surfaces, including but not limited to, doors, door and window frames, awnings, cornices, porches, trim, balconies, signs, decks, and fences shall be maintained in good condition.

12.05.E.3. Basement Hatchways

Every basement hatchway shall be maintained to prevent the entrance of rodents, rain, and surface water drainage.

12.05.E.4. Chimneys and Towers

All chimneys, cooling towers, smokestacks, and similar appurtenances shall be maintained structurally safe and sound, and in good repair free of cracks, holes, or missing portions. All exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

12.05.E.5. 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.

12.05.E.6. Gutters

Rain gutters, downspouts, leaders, or other means of water diversion shall be provided to collect/conduct and discharge all water from the roof and maintained so as not to leak or cause dampness in the walls, ceiling, or basements or adversely affect adjacent properties. Gutters and downspouts shall be situated in a manner such that they do not discharge directly onto an adjacent property unless part of a stormwater system approved by Clermont County.

12.05.E.7. 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.

12.05.E.8. Overhang Extensions

All overhang extensions including but not limited to canopies, marquees, signs, awnings, fire escapes, standpipes, and exhaust ducts shall be maintained in good repair and be properly anchored so as to be kept in a sound condition. When

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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.

12.05.E.9. Roofs and Drainage

The roof and flashing shall be sound, tight, and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters, and downspouts shall be maintained in good repair and free from obstructions.

12.05.E.10. Stairways, Decks, Porches, and Balconies

Every exterior stairway, deck, porch, and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads.

12.05.E.11. Structural Members

All structural members shall be maintained free from deterioration and shall be capable of safely supporting the imposed dead and live loads.

12.05.E.12. Windows, Skylights, Doors, and Frames

Windows shall be fully supplied with window glass or an approved substitute that is glaze and is without open cracks or holes, shall have sashes in good condition that fit within frames, are capable of being easily opened, held in position by hardware, and maintained to exclude adverse weather elements from entering the structure.

12.05.F. Rubbish and Garbage

12.05.F.1. Accumulation of Rubbish or Garbage

All exterior property and premises of every structure, carport, deck, and patio shall be free from any accumulation of rubbish or garbage.

12.05.F.2. Appliances

Appliances such as refrigerators, air conditioners, and similar equipment not in operation shall not be discarded or abandoned on premises.

12.05.F.3. Furniture

Discarded furniture cannot be stored outside of an enclosed structure for more than ten (10) days.

12.05.F.4. Disposal of Garbage

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

12.06. NOTICE OF VIOLATION

12.06.A. Civil Offense

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

12.06.B. Notice of Violation

The Zoning Inspector and/or Property Maintenance inspectors shall serve a Notice of Violation (hereinafter referred to as "Notice" or "Notice of Violation") on all persons, firms, or corporations found to conflict with or be in violation of any of the provisions of this article.

12.06.C. Form of Notice of Violation

Whenever the Zoning Inspector and/or Property Maintenance inspectors determine that there has been a violation of this article or has grounds to believe that a violation has occurred, notice shall be given in accordance with all the following:

12.06.C.1. The Notice must be in writing; and

12.06.C.2. The Notice shall be sent to the person, firm, or corporation listed by the Clermont County Auditor's Office as owner of the property at issue and to the subject property in which the violation exists; and

12.06.C.3. The Notice must include a description of the property at issue which description is sufficient for identification purposes; and

12.06.C.4. The Notice must include a statement of the violation or violations determined to exist on the property with specific references to the section or sections of this article alleged to have been violated; and

12.06.C.5. The Notice must include a deadline by which time the person receiving the Notice shall be required to take the necessary corrective action required to bring the property into compliance with the provisions of this code.

12.07. MUNICIPAL COURT PROCEEDINGS**12.07.A. Referral to Municipal Court**

If the person, firm, or corporation issued a Civil Citation either expressly or implicitly denies the violation charged in the Citation within 14 days after service of the Civil Citation, the Tate Township Fiscal Officer or Zoning Inspector shall notify the Clermont County Municipal Court of the denial so that a hearing can be set.

12.07.B. Municipal Court Hearings

Municipal Court hearings are conducted according to the Rules of Civil Procedure, and the court determines whether the violation is proven by the Township by a preponderance of the evidence. If the court determines that the violation has been proven, it will order the violator to pay the fine.

12.07.C. Payment of Fine After Determination of Guilt

Persons, firms, or corporations found to have violated the provisions of this article charged in the Civil Citation must pay the fines assessed by the court within ten (10) days after the judgment. Failure to pay the fine within this time period will result in the placement of a lien on the property at issue and/or the collection of the amount due in any manner authorized by law.

12.08. APPEAL PROCESS

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12.09. ABATEMENT AND OTHER LAWFUL REMEDIES

Persons, firms, or corporations wishing to appeal an adverse determination by the Clermont County Municipal Court may file an appeal with the Ohio Twelfth District Court of Appeals within 30 days after the judgment.

12.09. ABATEMENT AND OTHER LAWFUL REMEDIES

Nothing in the provisions of this article shall prohibit the Zoning Inspector 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 their 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.