*Board of Trustees*
Karl B. Schultz
Kendal A. Tracy
Mary Makley Wolff

*Fiscal Officer*
Eric C. Ferry

*Administrator*
Jeffrey A. Wright

Miami Township
6101 Meijer Drive • Milford, OH 45150-2189

*Administration*
248-3725
248-3730 (FAX)
*Community Development*
248-3731
*Service Department*
248-3728
*Police Department*
248-3721
*Fire/EMS*
248-3700
*Parks / Recreation*
248-3727

**RESOLUTION 2017-40**

The Board of Township Trustees of Miami Township, Clermont County, Ohio met in regular session at the Miami Township Civic Building on September 26, 2017 with the following members present, Ken Tracy, Mary Makley Wolff and Karl Schultz.

__MS. WOLFF__ made a motion to adopt the following Resolution:

**RESOLUTION AMENDING THE MIAMI TOWNSHIP, CLERMONT COUNTY, OHIO, PROPERTY MAINTENANCE CODE, DISPENSING WITH THE SECOND READING AND DECLARING AN EMERGENCY**

WHEREAS, Section 505.73 of the Ohio Revised Code authorizes a board of township trustees, by resolution, to adopt, administer, and enforce within the unincorporated area of the township an existing structures code pertaining to the repair and continued maintenance of structures and premises; and

WHEREAS, the Miami Township Board of Trustees ("Board') adopted "The BOCA National Property Maintenance Code, Fifth Edition, 1996" as published by the Building Officials and Code Administrators International, Inc. as the Miami Township, Clermont County, Ohio Property Maintenance Code, for the control of structures and premises as authorized by Resolution 99-36 ("BOCA Code"); and

WHEREAS, the Board on March 15, 2016 adopted an amended and revised update of the BOCA Code which is currently in effect and governing the maintenance of properties and buildings within Miami Township ("2016 Code"); and

WHEREAS, the Board desires to amend the 2016 Code to add an administrative appeal mechanism which will provide an efficient and expedited due process procedure for affected residents and property owners who may be subject to property maintenance notifications and subsequent abatement actions.

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of Miami Township, Clermont County, Ohio, by authority of Chapter 504 and Section 505.73 of the Ohio Revised Code as follows:

SECTION 1: That this Board does hereby amend and revise the 2016 Code to add the following subsection:

*106.5* ***Appeal.***

*Notices of Violation may be appealed to the Miami Township Zoning Commission. Appeals must be filed within 20 days of the date of the Notice of Violation. Appeals must be filed in person and on an approved and completed form, and include the required number of copies and fee.*

SECTION 2: That the Township Fiscal Officer shall provide notice of this amendment to the 2016 Code as specified in Section 505.73 of the Ohio Revised Code.

SECTION 3: That the application fee for such appeal shall be the same amount as contained in the Fee Schedule for an appeal to the Board of Zoning Appeals.

SECTION 4: That this Resolution is declared to be an emergency measure necessary for the preservation of the health, safety and well-being of the residents of the Township for the reason that an emergency situation exists whereby certain derelict properties will be effectively remedied in a more efficient and expeditious manner with the inclusion of said amendment.

SECTION 5: That the Board does hereby dispense with the requirement that this Resolution be read on two separate days, pursuant to Section 504.10 of the Ohio Revised Code, and authorizes the adoption of this Resolution upon its first reading.

SECTION 6: That this Board hereby finds and determines that all formal actions relative to the passage of this Resolution were taken in an open meeting of this Board, and that all deliberations of this Board and of its Committees, if any, which resulted in formal action, were taken in meetings open to the public, in full compliance with applicable legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 7: This Resolution shall take effect at the earliest period allowed by law.

| | |
|---|---|
| First Reading: | September 26, 2017 |
| Second Reading: | Dispensed with |
| Effective: | September 26, 2017 |

MR. SCHULTZ seconded the motion to adopt the Resolution. On the roll call being called the vote resulted as follows:

| | |
|---|---|
| Mr. Tracy | AYE |
| Mrs. Wolff | AYE |
| Mr. Schultz | AYE |

Resolution 2017-40 adopted September 26, 2017

ATTEST:

Eric C. Ferry, Fiscal Officer

APPROVED AS TO FORM:

Joseph J. Braun,
Township Law Director

CERTIFICATION

I, Eric C. Ferry, Clerk of Miami Township, do hereby certify that the foregoing is taken and copied from the Record of the Proceedings of Miami Township; that the same has been compared by me with the Resolution of said Record and that it is a true and correct copy thereof.

Eric C. Ferry, Fiscal Officer

# EXHIBIT A

SEE ATTACHED

[revised property maintenance code, as adopted]

# MIAMI TOWNSHIP
Clermont County, Ohio

# PROPERTY MAINTENANCE CODE

Adopted as amended, September 26, 2017
Effective October 30, 2017

Miami Township Department of Community Development
6101 Meijer Drive Milford, Ohio 45150

## CHAPTER 1
## ADMINISTRATION

### SECTION 101
### GENERAL

**101.1 Title.** These regulations shall be known as the *Property Maintenance Code of Miami Township,* hereinafter referred to as "code", as authorized by Ohio Revised Code Section 505.73.

**101.2 Scope.** This code is to protect the public health, safety and welfare in all existing structures, residential and nonresidential, and on all existing and to be constructed premises by establishing minimum requirements and standards for premises, structures, equipment, and facilities for space, sanitation, protection from the elements, life safety, and for safe and sanitary maintenance; fixing the responsibility of owners, operators and occupants; regulating the occupancy of existing structures and premises; and providing for administration, enforcement and penalties.

**101.3 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 change of occupancy in existing buildings shall comply with the Miami Township Zoning Resolution and the Clermont County Building Code.

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

**101.5 Savings Clause.** This code shall not affect violations of any other law, code or regulation existing prior to the effective date hereof, and any such violation 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.

### SECTION 102
### APPLICABILITY

**102.1 General.** The provisions of this code shall apply to all different matters affecting or relating to structures and premises, as set forth in Section 101. Where, in a specific case, different sections of this code specify different requirements, the most restrictive shall govern.

**102.2 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.

**102.3 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 the Clermont County Building Code and the Miami Township Zoning Resolution as applicable. Nothing in this code shall be construed to cancel, modify or set aside any provision of the above-referenced codes.

**102.4 Existing Remedies.** The provisions of this code shall not be construed to abolish or impair existing remedies of Miami Township relating to the removal or demolition of any structure which is dangerous, unsafe and unsanitary.

**102.5 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 workmanlike manner and installed in accordance with the manufacturer's installation instructions.

**102.6 Historic Buildings.** The provisions of this code shall not be mandatory for existing buildings or structures designated by the State Historic Preservation Office, National Register of Historic Places or similar recognized historical agency as historic buildings when such buildings or structures are judged by the code official to be safe and in the public interest of health, safety, and welfare.

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

**102.8 Requirements Not Covered by the Code.** Requirements necessary for the strength, stability or proper operation of an existing fixture, structure or equipment, or for the public safety, health and general welfare, not specifically covered by this code, shall be determined by the Official in Charge.

## SECTION 103
## DEPARTMENT OF COMMUNITY DEVELOPMENT

**103.1 General.** The Director of the Miami Township Department of Community Development shall be the official responsible for the oversight of the enforcement, application and interpretation of this code.

**103.2 Inspectors.** Miami Township shall employ inspectors and other employees in such numbers as it deems necessary to enforce and perform the duties required by this code. These inspectors and other employees shall report to the Director of Community Development.

## SECTION 104
## DUTIES AND POWERS OF THE CODE OFFICIAL

**104.1 General.** The Director of the Miami Township Department of Community Development and the inspectors and employees per Section 103.2 (collectively "inspectors") shall enforce the provisions of this code.

**104.2 Policy-Making Authority.** The Director of Community Development shall have the authority as necessary, with the advice and consent of the Miami Township Administrator and/or Board of Trustees, in the interest of the public health, safety and

general welfare, to adopt and promulgate policies necessary to the enforcement of this code.

**104.3 Inspections.** The Director of Community Development and/or inspectors shall make all of the required inspections, or shall accept reports of inspection by approved agencies or individuals. All reports of such inspections shall be documented. The Director of Community Development is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise, subject to the approval of the Miami Township Administrator.

**104.4 Right of Entry.** The Director of Community Development and/or the inspectors are authorized to enter the structure or premises at reasonable times to inspect subject to constitutional restrictions on unreasonable searches and seizures. If entry is refused or not obtained, the Director of Community Development is authorized to pursue recourse as provided by law.

**104.5 Access by Owner or Operator.** Every occupant of a structure or premises shall give the owner or operator thereof, or agent or employee, access to any part of such structure or its premises at reasonable times for the purpose of making such inspection, maintenance, repairs or alterations as are necessary to comply with the provisions of this code.

**104.6 Coordination of Enforcement.** Inspection of premises, the issuance of notices and orders and enforcement thereof shall be the responsibility of the Director of Community Development and/or the inspectors. Whenever inspections are necessary by any other department, the code official shall make reasonable effort to arrange for the coordination of such inspections so as to minimize the number of visits by inspectors, and to confer with the other departments for the purpose of eliminating conflicting orders before any are issued. A department shall not, however, delay the issuance of any emergency orders.

**104.7 Identification.** The Director of Community Development and/or the inspectors shall carry proper identification when inspecting structures or premises in the performance of duties under this code.

**104.8 Notices and Orders.** The Director of Community Development shall issue all necessary notices or orders to ensure compliance with this code.

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

**104.10 Discretion on Dealing with Violations.** The Director of Community Development shall have the discretion to determine whether to issue a violator a Notice of Violation or undertake any other action as allowed herein or under law.

**104.11 Restrictions on Employee Involvement.** The Director of Community Development and/or the inspectors charged with the enforcement of this code, shall not be engaged in, or directly or indirectly connected with, the furnishing of labor, materials or appliances for the construction, alteration or maintenance of a building subject to enforcement under this code, or the preparation of construction documents thereof, unless that person is the owner of the building; nor shall such officer or employee engage in any work that conflicts

with official duties or with the interests of the department.

**104.12 Relief from Personal Liability.** Any officer or employee charged with the enforcement of this code, while acting for the jurisdiction, shall not thereby be rendered liable personally, and is hereby relieved from all personal liability for any damage accruing to persons or property as a result of any lawful act required or permitted in the discharge of official duties. Any suit instituted against an officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be defended by the legal representative of the jurisdiction until the final termination of the proceedings. The code official or any subordinate shall not be liable for costs in any action, suit or proceeding that is instituted in pursuance of the provisions of this code; and any officer of the department of building inspection, acting in good faith and without malice, shall be free from liability for acts performed under any of its provisions or by reason of any act or omission in the performance of official duties in connection therewith.

## SECTION 105
## VIOLATIONS

**105.1 Unlawful Acts.** Pursuant to Revised Code Section 505.74 and 505.99, it shall be unlawful for a person or business to be in conflict with or in violation of any of the provisions of this code.

**105.2 Penalty.** A violation of this code shall result in imposition of the fines stated herein.

**105.3 Prosecution of Violation.** Any person failing to comply with a notice of violation served in accordance with Section 106 shall be deemed guilty of a violation of this code and subject to further enforcement action as provided herein. Any proceeding at law or in equity deemed necessary to restrain, correct, or abate such violation, or to require the removal or termination of the occupancy of a structure or use of premises in violation of the provisions of this code or of the order or direction made pursuant thereto may be authorized by the Director of Community Development with the concurrence of the Law Director. Costs incurred by Miami Township in connection with enforcement of this code shall be charged against the real estate upon which the structure is located and shall be certified to the Clermont County Auditor and included on the next real estate tax bill as a lien upon such real estate.

**105.4 Abatement of Violation.** The issuance of a summons under Section 107 or the imposition of the penalties herein prescribed shall not preclude the Director of Community Development or the Miami Township Board of Trustees through its Law Director from instituting appropriate or additional action to restrain, correct, or abate a violation, or prevent illegal occupancy of a building, structure or premises, or to stop an illegal act, conduct, business or utilization of the building, structure or premises.

**105.5 Transfer of Ownership.** It shall be unlawful for the owner of any dwelling unit or structure who has received a compliance order or upon whom a notice of violation has been served to sell, transfer, mortgage, lease, or otherwise dispose of such dwelling unit or structure to another until the provisions of the compliance order or 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 compliance order or notice of violation issued by the code official and shall furnish to the code official a signed and notarized statement from the grantee,

transferee, mortgagee or lessee, acknowledging the receipt of such compliance order or notice of violation and fully accepting the responsibility without condition for making the corrections or repairs required by such compliance order or notice of violation.

## SECTION 106
## NOTICE OF VIOLATION

**106.1 Notice of Violation.** The Director of Community Development or designate shall serve a Notice of Violation (hereinafter referred to as "Notice" or "Notice of Violation") to all persons, firms or corporations found to be in conflict with or in violation of any of the provisions of this code.

**106.2 Form of Notice of Violation.** Whenever the Director of Community Development determines that there has been a violation of this code or has grounds to believe that a violation has occurred, a Notice of Violation shall be given in accordance with all of the following:

1. The Notice of Violation shall be in writing;

2. The Notice of Violation shall include a description of the property at issue which description is sufficient for identification purposes;

3. The Notice of Violation shall include a statement of the violation or violations determined to exist on the property with specific references to the sections of this code which are alleged to have been violated;

4. The Notice of Violation shall include a description of the corrective action which must be taken to bring the property into compliance with the provisions of this code; and

5. The Notice of Violation shall 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.

**106.3 Method of Service.** The Notice of Violation shall be served on the person or entity listed by the Clermont County Auditor's Office as owner of the property at issue, and in addition may also be served on any occupant or user (collectively "occupant") deemed to have responsibility for the violation. The Notice shall be deemed to be properly served on the owner of the property if a copy thereof is:

1. Delivered personally; or

2. Delivered by all of the following:

    a. Sent by certified and regular first-class mail addressed to the owner of the property at issue at the address of the property; and

    b. If different than the address of the property at issue, sent by certified and regular first-class mail addressed to the owner of the property at issue at the address listed as the owner's tax mailing address with the Clermont County Auditor; and

c. Affixed to the front door or if there is no door, near the main entrance of

the property at issue and the posting shall be documented by photograph.

3. The Notice of Violation shall be deemed to be properly served on the occupant of the property if a copy thereof is:

    a. Delivered personally; or

    b. Sent by certified and regular first-class mail addressed to the occupant (or generically to "occupant" if the name of the occupant cannot be obtained) of the property at issue at the address of the property at issue, and affixed to the front door or if there is no door, near the main entrance of the property at issue and the posting shall be documented by photograph.

**106.4 Extension of Compliance Deadline.** For good cause shown, the Director of Community Development may, at his sole discretion, extend the deadline previously stated in the Notice of Violation for corrective action to bring a property into compliance. In the event such an extension is granted, the Director of Community Development shall notify the owner of the property at issue of the extension. Any such notice of extension shall include the revised deadline by which time the person receiving the extension shall be required to take the necessary corrective action required to bring the property into compliance with the provisions of this code.

## SECTION 107
## SUMMONS

**107.1 Summons Issued.** If a person to whom a Notice of Violation has been served does not bring the property at issue into compliance with the provisions of this code by the deadline established in the Notice of Violation or by the granted deadline extension, if any, then the violation shall be referred to the Miami Township Police Department and a summons issued to Clermont County Municipal Court.

**106.5 Appeal.** Notices of Violation may be appealed to the Miami Township Zoning Commission. Appeals must be filed within 20 days of the date of the Notice of Violation. Appeals must be filed in person and on an approved and completed form, and include the required number of copies and fee.

## SECTION 108
## FINES

**108.1 Violation Fines and Penalties.** Persons found in violation of this code shall be subject to the following fines and penalties:

1. For each offense, a fine in the amount provided for a minor misdemeanor under Ohio Revised Code Sections 505.99, 2929.28; and/or

2. For each offense, up to thirty (30) hours of community service as provided for under Ohio Revised Code Section 2929.27.

**108.2 Continuing Violations.** Each day that a violation continues after due notice has been served shall be deemed a separate offense.

## SECTION 109
## ABATEMENT AND OTHER LAWFUL REMEDIES

**109.1 Abatement of Violation.** The imposition of the fines and penalties herein

prescribed shall not preclude the Director of Community Development or the Miami Township Board of Trustees from instituting, by and through its Law Director, any other appropriate action to enjoin, restrain, correct or abate a violation, or to prevent illegal occupancy of a building, structure or premises, or to stop an illegal act, conduct, business or utilization of the building, structure or premises.

**109.2 Emergency Measures**. Nothing in the provisions of this code shall prohibit the Director of Community Development 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 there is actual or potential danger to the building occupants or those in the proximity of any structure because of explosive fumes or vapors, the presence of toxic fumes, gases or materials, or operation of defective or dangerous equipment.

## CHAPTER 2
## DEFINITIONS

### SECTION 201
### GENERAL

**201.1 Scope.** Unless otherwise expressly stated, the following terms shall, for the purposes of this code, have the meanings shown in this chapter.

**201.2 Interchangeability**. Words stated in the present tense include the future; words stated in the masculine gender include the feminine and neuter; the single number includes the plural and the plural, the singular.

**201.3 Terms Defined in Other Codes.** Where terms are not defined in this code but are defined in other codes either referenced by this code or necessary for the enforcement of this code, such terms shall have the meanings ascribed to them as in those codes.

**201.4 Terms Not Defined.** Where terms are not defined, through the methods authorized by this section, such terms shall have ordinarily accepted meanings such as the context implies.

**201.5 Parts.** Whenever the words "dwelling unit", "dwelling", "premises", "building", or "story" are stated in this code, they shall be construed as though they were followed by the words "or any part thereof."

### SECTION 202
### GENERAL DEFINITIONS

**APPROVED.** Approved by the code official.

**BASEMENT.** A story having part but not more than one-half (1/2) height below grade. A basement is counted as a story for purpose of height regulations.

**BATHROOM.** A room containing plumbing fixtures including, but not limited to, a sink, bathtub or shower.

**BEDROOM.** Any room or space uses or intended to be used for sleeping purposes.

**BUILDING.** Any structure designed or intended for the support, enclosure, shelter, or protection of persons, animals, chattels, or property.

**BUILDING CODE.** The Building Code officially adopted by the legislative body of this jurisdiction or other such codes officially designated by the legislative body of the jurisdiction for the regulation of construction, alteration, addition, repair, removal, demolition, location, occupancy and maintenance of buildings and structures.

**BOARDING HOUSE.** A building other than a hotel where, for compensation, meals or lodging and means, are provided for three (3) but not more than twenty (20) persons.

**BUSINESS.** Any business, firm, company, sole proprietorship, or corporation, located in, or conducting business in the township.

**CODE OFFICIAL.** The official who is charged with the administration and enforcement of this code, which for Miami Township shall be the Director of Community Development, or any duly authorized representative thereof.

**CONDEMN.** To adjudge unfit for occupancy.

**DETACHED.** When a structural element is physically disconnected from another and that connection is necessary to provide a positive connection.

**DETERIORATION.** To weaken, disintegrate, corrode, rust or decay and lose effectiveness.

**DIRECTOR OF COMMUNITY DEVELOPMENT.** The official who is charged with the administration and enforcement of this code, or any duly authorized representative.

**DWELLING UNIT.** A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

**EASEMENT.** That portion of land or property reserved for present or future use by a person or agency other than the legal fee owner(s) of the property. The easement shall be permitted to be for use under, on or above a said lot or lots.

**EXTERIOR PROPERTY.** The open space on the premises and on adjoining property under the control of owners or operators of such premises. Exterior Property shall include such open space areas as carports and other storage areas open and visible to passerby.

**EXTERMINATION.** The control and elimination of insects, rats or other pests by eliminating their harborage places; by removing or making inaccessible materials that serves as their food; by poison spraying, fumigating, trapping, or by any other approved pest elimination methods.

**FAMILY.** A person or a group of persons occupying a premises and living as a single housekeeping unit, whether or not related to each other by birth or marriage, as distinguished from a group occupying a boarding house, lodging house or hotel, as herein defined. The term "Family" shall include household pets other than large animals which are the property of the family and which are not for the purpose of consumption or for the purpose of commerce.

**GARBAGE.** The animal or vegetable waste resulting from the handling, preparation, cooking and consumption of food.

**GUARD.** A building component or a system of building components located at or near the open sides of elevated walking surfaces that minimizes the possibility of a fall from the walking surface to a lower level.

**HABITABLE SPACE.** Space in a structure for living, sleeping, eating, or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces, and similar areas are not considered habitable spaces.

**HOTEL or MOTEL.** A building in which lodging is provided, offered to the public for compensation and which is open to transient guests, in contradistinction to a boarding house or lodging house.

**HOUSEKEEPING UNIT.** A room or group of rooms forming a single habitable space equipped and intended to be used for living, sleeping, cooking and eating which does not contain, within such a unit, a toilet, lavatory and bathtub or shower.

**IMMINENT DANGER.** A condition which could cause serious or life-threatening injury or death at any time.

**INFESTATION.** The presence, within or contiguous to, a structure or premises of insects, rats, vermin or other pests.

**INOPERABLE VEHICLE.** The definition of inoperable vehicle shall contain all

definitions included in Ohio Revised Code Section 4511.01 and shall include any vehicle, regardless of status as a collector or historic vehicle, including which is any of the following:

1. Dismantled; or
2. Unlicensed; or
3. Missing tires, or wheels, or doors, or windshields, or hoods, or motor, or transmission, or battery, or fenders, or bumpers, or body panels; or
4. Damaged or wrecked in such a manner as to be declared a total loss by the owners insurance company, or
5. Cannot be started.

**INSPECTORS.** Person(s) assigned to the Department of Community Development who are duly authorized representatives of the Director of Community Development. Inspectors are charged with initial administration and enforcement of this code, under the direction and supervision of the Director of Community Development.

**LET FOR OCCUPANCY OR LET.** To permit, provide or offer possession or occupancy of a dwelling, dwelling unit, rooming unit, building, premises or structure by a person who is or is not the legal owner of record thereof, pursuant to a written or unwritten lease, agreement or license, or pursuant to a recorded or unrecorded agreement of contract for the sale of land.

**NOTICE OF VIOLATION.** Written notice sent to persons or businesses listed as the owner of property on which a violation of this code has been found. Notices of Violation are intended to apprise such owners of the nature of the violation and the deadline for taking corrective measures necessary to bring the property into compliance with this code.

**OCCUPANCY.** The purpose for which a building or portion thereof is utilized or occupied.

**OCCUPANT.** Any individual living or sleeping in a building, or having possession of a space within a building.

**OFFICIAL IN CHARGE.** The responsible official of the agency with governing jurisdiction if this code is not applicable, including but not limited to the Miami Township Fire Department, the Ohio Environmental Protection Agency, the Clermont County Building Department or the Clermont County Public Health.

**OPENABLE AREA.** That part of a window, skylight or door which is available for unobstructed ventilation and which opens directly to the outdoors.

**OPERATOR.** Any person who has charge, care or control of a structure or premises which is let or offered for occupancy.

**OWNER.** Any person, agent, operator, firm, company or corporation having a legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

**PERSON.** An individual, corporation, partnership or any other group acting as a unit.

**PREMISES.** A lot, plot or parcel of land, easement or public way, including any structures thereon.

**PUBLIC NUISANCE.** (includes any of the following):

1. The physical condition or occupancy of any premises regarded as a public nuisance at common law;
2. Any physical condition or occupancy of any premises or its appurtenances considered an attractive nuisance to children, including, but not limited to, abandoned wells. shafts, basements, excavations and unsafe fences or structures;
3. Any premises that has unsanitary sewerage or plumbing facilities;
4. Any premises designated as unsafe for human habitation;
5. Any premises that is manifestly capable of being a fire hazard, or is manifestly unsafe or unsecure so as to endanger life, limb or property;
6. Any premises from which the plumbing, heating or facilities required by this code have been removed, or from which utilities have been disconnected, destroyed, removed or rendered ineffective, or the required precautions against trespassers have not been provided;
7. Any premises that is unsanitary, or, that is littered with rubbish or garbage, or that has an uncontrolled growth of weeds; or
8. Any structure that is in a state of dilapidation, deterioration or decay; faulty construction; overcrowded; open, vacant or abandoned; damaged by fire to the extent so as not to provide shelter; in danger of collapse or failure; and dangerous to anyone on or near the premises.

**PUBLIC WAY.** Any street, alley or similar parcel of land essentially unobstructed from the ground to the sky, which is deeded, dedicated or otherwise permanently appropriated to the public for public use.

**ROOMING HOUSE.** A building arranged or occupied for lodging, with or without meals, for compensation and not occupied as a one- or two-family dwelling.

**ROOMING UNIT.** Any room or group of rooms forming a single habitable unit occupied or intended to be occupied for sleeping or living, but not for cooking purposes.

**RUBBISH.** Combustible and noncombustible waste materials, except garbage; the term shall include the residue from the burning of wood, coal, coke and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery and dust and other similar materials. The term shall also include inoperable, broken or discarded appliances, electronics, furniture, household equipment and the like.

**SLEEPING UNIT.** A room or space in which people sleep, which can also include permanent provisions for living, eating and either sanitation or kitchen facilities, but not both. Such rooms and spaces that are also part of a dwelling unit are not sleeping units.

**STRICT LIABILITY OFFENSE.** An offense in which the prosecution in a legal proceeding is not required to prove criminal intent as a part of its case. It is enough to prove that the defendant either did an act which was prohibited, or failed to do an act which the defendant was legally required to do.

**STRUCTURE.** That which is built or constructed or a portion thereof.

**TENANT.** A person, corporation, partnership or group, whether or not the legal owner of record, occupying a building or portion thereof as a unit.

**TOILET ROOM.** A room, booth or compartment containing a toilet, water closet or urinal but not a bathtub or shower.

**VENTILATION.** The natural or mechanical process of supplying conditioned or unconditioned air to, or removing such air from, any space.

**WORKMANLIKE.** Executed in a skilled manner; e.g., generally plumb, level, square, in line, undamaged and without marring adjacent work.

**YARD.** An open space on the same lot with a building, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided herein. In measuring a yard for the purpose of determining the width of a side yard, the depth of a front yard or the depth of a rear yard, the mean horizontal distance between the lot line and the main building shall be used.

## CHAPTER 3
## GENERAL REQUIREMENTS

### SECTION 301
### GENERAL

**301.1 Scope.** The provisions of this chapter shall govern the minimum conditions and the responsibilities of persons for maintenance of structures, equipment and exterior property.

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

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

### SECTION 302
### EXTERIOR PROPERTY AREAS

**302.1 Sanitation.** All exterior property and premises shall be maintained in a clean, safe and sanitary condition. The occupant shall have primary responsibility for keeping that part of the exterior property which such occupant occupies or controls in a clean and sanitary condition.

**302.2 Grading and drainage.** All premises shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water thereon, or within any structure located thereon. Nothing in this section shall be construed to restrict or prohibit approved retention areas and reservoirs.

**302.3 Sidewalks and driveways.** All sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair, and maintained free from hazardous conditions.

1. The maintenance of sidewalks within the public right-of-way shall be the responsibility of the adjoining property owner. The public sidewalk shall be kept in a proper state of repair, and maintained free from hazardous conditions.

**302.4 Weeds.** All premises and exterior property shall be maintained free from weeds or plant growth in excess of twelve (12) inches. All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens. Shrubs (not trees) shall be trimmed so as not to obscure more that ½ of the glass area of any window on the first or upper floors of a structure absent a demonstrated privacy need.

1. Nothing in this section shall prevent Miami Township from utilizing the nuisance provisions pertaining to noxious weeds outlined in the Ohio Revised Code as an alternative to, or in conjunction with, the enforcement provisions outlined in this code.

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

**302.6 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.

**302.7 Accessory structures.** All accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in good repair.

**302.8 Inoperable Vehicles.** Not more than one inoperable vehicle may be parked, kept or stored outside of a garage on a residential lot. If parked, kept or stored outside, it must be covered by a tarpaulin or other commonly used screening material. No vehicle which is parked, kept or stored outside at any time be in a state of disassembly, disrepair or in the process of being stripped or dismantled.

**302.9 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.

## SECTION 303
## SWIMMING POOLS, SPAS AND HOT TUBS

**303.1 Swimming pools.** Swimming pools shall be maintained in a clean and sanitary condition, and in good repair.

**303.2 Enclosures.** Private swimming pools, hot tubs and spas, containing water more than 24 inches (610 mm) in depth shall be completely surrounded by a fence or barrier at least 48 inches (1219 mm) 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. Where the self-latching device is less than 54 inches (1372 mm) 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 6 inches (152 mm) from the gatepost. No existing pool enclosure shall be removed, replaced or changed in a manner that reduces its effectiveness as a safety barrier. **Exception**: Spas or hot tubs with a safety cover that complies with ASTM International Performance Specifications for Safety Covers shall be exempt from the provisions of this section.

## SECTION 304
## EXTERIOR STRUCTURE

**304.1 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.

**304.2 Protective treatment.** All exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences shall be

maintained in good condition. Exterior wood surfaces, other than decay resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated on all surfaces and surfaces repainted. All siding and masonry joints as well as those between the building envelope and the perimeter of windows, doors, and skylights shall be maintained weather resistant and water tight. All metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion and all surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.

**304.3 Premises identification.** Buildings shall have 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 4 inches (102 mm) high with a minimum stroke width of 0.5 inch (12 .7 mm).

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

**304.5 Foundation walls.** All foundation walls shall be maintained plumb and free from open cracks and breaks and shall be kept in such condition so as to prevent the entry of rodents and other pests.

**304.6 Exterior walls.** All exterior walls shall be free from holes, breaks, and loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent deterioration.

**304.7 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 down spouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.

**304.8 Decorative features.** All cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features, such as shutters, shall be maintained in good repair with proper anchorage and in a safe condition.

**304.9 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 and be properly anchored so as to be kept in a sound condition. When required, all exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

**304.10 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.

**304.11 Chimneys and towers.** All chimneys, cooling towers, smoke stacks, and similar appurtenances shall be maintained structurally safe and sound, and in good repair. All exposed surfaces of metal or

wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

**304.12 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.

**304.13 Window, skylight and door frames.** Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight.

**304.13.1 Glazing.** All glazing materials shall be maintained free from cracks and holes.

**304.13.2 Openable windows.** Every window, other than a fixed window, shall be easily openable and capable of being held in position by window hardware.

**304.14 Insect screens.** Any screen used at any time in a door, window or other outside opening for ventilation shall be maintained with tightly fitting screens with no rips or tears therein.

**304.15 Doors.** All exterior doors, door assemblies and hardware shall be maintained in good condition. Locks at all entrances to dwelling units and sleeping units shall tightly secure the door.

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

**304.17 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.

**304.18 Building security.** Doors, windows or hatchways for dwelling units, room units or housekeeping units shall be provided with devices designed to provide security for the occupants and property within.

## SECTION 305
## RUBBISH AND GARBAGE

**305.1 Accumulation of rubbish or garbage.** All exterior property and premises, and the interior of every structure, shall be free from any accumulation of rubbish or garbage.

**305.2 Disposal of rubbish.** Every occupant of a structure shall dispose of all rubbish in a clean and sanitary manner by placing such rubbish in approved containers.

**305.2.1 Rubbish storage facilities.** The owner of every occupied premises shall supply approved covered containers for rubbish, and the owner of the premises shall be responsible for the removal of rubbish in a timely manner.

**305.2.2 Refrigerators.** Refrigerators and similar equipment not in operation shall not be discarded, abandoned or stored on premises without first removing the doors.

**305.3 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 containers.

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

## SECTION 306
## EXTERMINATION

**306.1 Infestation.** All structures shall be kept free from insect and 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.