

**MIAMI TOWNSHIP**  
Clermont County, Ohio

**PROPERTY MAINTENANCE CODE**

Amended  
Effective August 16, 2013



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 “this 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 ordinance, 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 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 assigned to the Department of Community Development 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 assigned to the Department of Community Development 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 in writing and be certified by a responsible officer of such approved agency or by the responsible individual. 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 assigned to the Department of Community Development is 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 or other employees assigned to the Department of Community Development. 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 assigned to the Department of Community Development 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 citation to Clermont County Municipal Court to answer a minor misdemeanor charge or to initiate a civil suit against the violator as provided hereafter.

**104.11 Restrictions on Employee Involvement.** The Director of Community Development and/or the inspectors assigned to the Department of Community Development 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, 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.** In accordance with Section 505.74 and 505.99 of the Ohio Revised Code any person who shall violate a provision of this code shall, upon conviction thereof, be subject to a fine in accordance with the existing fines for those persons convicted of a minor misdemeanor. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

**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 minor misdemeanor and issued a citation to appear in Clermont County Municipal Court, or shall be deemed guilty of a civil

infraction as determined by the Director of Community Development, and the violation shall be deemed a strict liability offense. If the notice of violation is not complied with, the Director of Community Development shall institute the appropriate proceeding at law or in equity to restrain, correct, or abate such violation, or to require the removal or termination of the unlawful occupancy of the structure in violation of the provisions of this code or of the order or direction made pursuant thereto. 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 imposition of the penalties herein prescribed shall not preclude the Miami Township Board of Trustees through its legal officer from instituting appropriate 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 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, notice shall be given in accordance with all of the following:

1. The Notice shall be in writing;
2. The Notice shall be sent to the person or entity listed by the Clermont County Auditor's Office as owner of the property at issue;
3. The Notice shall include a description of the property at issue which description is sufficient for identification purposes;

4. The Notice 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;
5. The Notice 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
6. The Notice 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 deemed to be properly served if a copy thereof is:

1. Delivered personally; or
2. Sent by certified or first-class mail addressed to the owner of the property at issue at the address of the property; or
3. Sent by certified or first-class mail addressed to the owner of the property at issue at the address listed as the owner's tax mailing address listed with the Clermont County Auditor; or
4. Sent by certified or first-class mail addressed to the owner of the property at issue at the owner's last known address.

**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 in the same form and pursuant to the same method of service required by Sections 106.3 and 106.4 of this code. Any such notice of extension shall specifically state the revised deadline by which time the person receiving the extension shall be required to take the necessary corrective action required to bring the property into compliance with the provisions of this code.

## **SECTION 107 CIVIL CITATIONS**

**107.1 Civil Citation Issued.** If a person or business to whom a Notice of Violation has been sent 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, such person shall be issued a Civil Citation (hereinafter referred to as "Citation" or "Civil Citation").

**107.2 Form of Civil Citation.** Civil Citations issued for a failure to comply with the Notice of Violation by the deadline established therein, or by the granted deadline extension, if any, shall be given in accordance with all of the following:

1. The Citation shall be in writing on a form specifically designated as a Civil Citation form;
2. The Citation shall include a statement advising the person charged that they must answer the citation within fourteen (14) days after the date on which the Citation is served upon them;
3. The Citation shall include a statement indicating the permissible answers prescribed in Section 108 of this code that may be made and that the person will be afforded a court hearing if they deny committing the violation;
4. The Citation shall include a statement specifying that the answer must be made in person, or by mail, to the Miami Township Fiscal Officer;
5. The Citation shall include a statement indicating the amount of the fine arising from the violation;
6. The Citation shall include a statement advising the person of the violation charged, the date, time and place of the violation charged; and
7. The Citation shall include the signature and affirmation of the police officer completing the Citation.

**107.3 Method of Service.** The Civil Citation shall be deemed to be properly served if it is:

1. Delivered personally by a Miami Township Police Officer; or
2. Sent by certified or express mail, return receipt requested with instructions to the delivering postal employee to show whom it was delivered, the date of delivery, and the address where it was delivered, addressed to the owner of the property at issue at the address listed as the owner's tax mailing address by the Clermont County Auditor; or
3. Sent by certified or express mail, return receipt requested with instructions to the delivering postal employee to show whom it was delivered, the date of delivery, and the address where it was delivered, addressed to the owner of the property at issue at the owner's last known address; or
4. Delivered personally to the usual place of residence of the owner of the property at issue to the owner or some person of suitable age and discretion then residing at that residence; or
5. Any other method of service permitted by the Ohio Rules of Civil Procedure.

**SECTION 108**  
**PERMISSIBLE ANSWERS TO CIVIL CITATION**

**108.1 Permissible Answers.** Any person or business to whom a Civil Citation has been served may answer said Citation in one of the following ways:

1. Admission that the person or business committed the violation charged filed in the manner and within the time permitted by Section 109 of this code;
2. Express denial of the violation charged by the person or business charged filed in the manner and within the time permitted by Section 110 of this code; or
3. Implicit denial of the violation charged by the failure of the person or business charged to file an answer or pay the fine set forth in the Civil Citation within the time permitted by Sections 109 and 110 of this code.

**SECTION 109**  
**ADMISSION OF VIOLATIONS CHARGED IN CIVIL CITATION**

**109.1 Admission of Guilt.** Persons or businesses served with Civil Citations may admit that he/she/it committed the violations charged by paying the fine set forth in the Civil Citation. That payment may be made by hand delivery to the Director of the Miami Township Department of Community Development or by mailing the payment, postage prepaid, to the Miami Township Fiscal Officer, 6101 Meijer Drive, Milford, Ohio 45150. Any payment hand delivered or mailed must be received no later than fourteen (14) days after the date that the Civil Citation was served upon a person or business to avoid further action being taken.

**109.2 Effect of Admission and Payment of Fine.** Persons or businesses who admit guilt as to the violation charged in a Civil Citation issued against them and who pay the fine set forth in the Citation are in no way absolved from resolving, removing, repairing, or otherwise abating the condition which resulted in the issuance of the Civil Citation. If such persons or businesses fail to resolve, remove, repair, or otherwise abate that condition, Miami Township may continue to issue Civil Citations each day it determines that the condition continues to violate the provisions of this code. Civil Citations issued for such continuing, unresolved violations of this code need not be preceded by additional Notices of Violation as the initial Notice of Violation shall suffice to notify the persons or businesses involved as to the nature of the violation charged.

**109.3** Further, the admission of guilt and payment of the fines set forth in the Civil Citation shall in no way preclude the Miami Township Board of Trustees from instituting, by and through its Law Director, 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.

**SECTION 110**  
**EXPRESS DENIAL OF VIOLATIONS CHARGED IN CIVIL CITATION**

**110.1 Express Denial of Violations Charged in Civil Citations. Hand Delivery of Denial.** Persons or businesses served with Civil Citations may deny the violations charged in the Civil Citation by answering and expressly denying the violations in writing and presenting the denial in person to the Miami Township Fiscal Officer or mailing the written answer denying the charges contained in the Civil Citation to the Miami Township Fiscal Officer, 6101 Meijer Drive, Milford, Ohio 45150. Such answers denying the charges must be hand-delivered or mailed within fourteen (14) days of the date that the Civil Citation was served upon such person or business.

**SECTION 111**  
**IMPLICIT DENIAL OF VIOLATIONS CHARGED IN CIVIL CITATION**

**111.1 Implicit Denial of Violations.** Persons or businesses who fail to either expressly deny the violation charged in the Civil Citation issued against them in the manner a and within the time permitted by Section 110 of this code or who fail to admit the violations charged in the Civil Citation issued against them by paying the fine or fines set forth in the Civil Citation in the manner and within the time permitted by Section 109 of this code shall be deemed to have denied the violations charged.

**SECTION 112**  
**MUNICIPAL COURT PROCEEDINGS**

**112.1 Referral to Municipal Court.** If the person or businesses issued a Civil Citation either expressly or implicitly denies the violations charged in the Citation within fourteen (14) days after service of the Civil Citation, the Miami Township Fiscal Officer or the Director of Community Development shall notify the Clermont County Municipal Court of the denial so that a hearing can be set.

**112.2 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.

**112.3 Payment of Fine After Determination of Guilt.** Persons or businesses found to have violated the provisions of this code charged in the Civil Citation shall 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.

**SECTION 113  
APPEAL PROCESS**

**113.1 Appeal.** Persons or businesses wishing to appeal an adverse determination by the Clermont County Municipal Court may follow appeals procedures as permitted by Ohio law. If an appeal is filed, any payment made under Section 112.3 of this code shall be held by the township as bond in addition to any additional security that may be requested and ordered by a court of competent jurisdiction as part of the appeals process.

**SECTION 114  
PENALTIES AND FINES**

**114.1 Violation Penalties.** Any person, firm, or corporation who violates a provision of this code shall be issued a Civil Citation in the following amounts:

1. In the amount of one hundred dollars (\$100.00) on the first offense;
2. In the amount of two hundred-fifty dollars (\$250.00) for the second offense;
3. In the amount of five hundred dollars (\$500.00) for the third offense;
4. In the amount of seven hundred-fifty dollars (\$750.00) for the fourth offense; and
5. In the amount of one thousand dollars (\$1,000.00) for each subsequent offense.

**114.2 Administrative Fee.** In addition to the fine imposed by Section 114.1 of this code, Miami Township shall charge an administrative fee for the processing of all civil citations paid-out to the Miami Township Fiscal Officer. The administrative fee for 2013-2014 shall be twenty-five dollars (\$25.00). After that time, the administrative fee shall be that fee established on Miami Township's fee schedule adopted for the relevant year.

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

**SECTION 115  
ABATEMENT AND OTHER LAWFUL REMEDIES**

**115.1 Abatement of Violation.** The imposition of the fines and penalties herein prescribed shall not preclude the Miami Township Board of Trustees from instituting, by and through its law director, 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.

**115.2 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.

**CIVIL CITATION.** Citation issued by a police officer notifying the owner of property on which a violation of this code has been found that the owner is being formally charged with a violation of this code. Civil Citations are issued after the owner has received a Notice of Violation and has failed to comply with the corrective measures required to bring the property at issue into compliance with the code. Civil Citations set forth the penalty to be imposed for the violation charged.

**CODE OFFICIAL.** The official who is charged with the administration and enforcement of this code, or any duly authorized representative.

**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:

- a. Dismantled; or
- b. Unlicensed; or
- c. Missing tires, or wheels, or doors, or windshields, or hoods, or motor, or transmission, or battery, or fenders, or bumpers, or body panels; or
- d. Damaged or wrecked in such a manner as to be declared a total loss by the owners insurance company, or
- e. 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, premise 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.

**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 premise 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 and broken appliances, electronic and household equipment.

**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 responsible for keeping in a clean, sanitary and safe condition that part 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 keep 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.

**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.

Upon failure of the owner or agent having charge of a property to cut and destroy weeds after service of a Notice of Violation, they shall be subject to the filing of a Civil Citation in accordance with the provisions of this code. 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 major disassembly, disrepair or in the process of being stripped or dismantled.

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:

- a. Dismantled; or
- b. Unlicensed; or
- c. Missing tires, or wheels, or doors, or windshields, or hoods, or motor, or transmission, or battery, or fenders, or bumpers, or body panels; or
- d. Damaged or wrecked in such a manner as to be declared a total loss by the owners insurance company, or
- e. Cannot be started.

**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 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 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.

**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.