

# Howland Township Property Maintenance Code

## CHAPTER 1 – ADMINISTRATION AND ENFORCEMENT

### Section 101: General

- 101.1 Title. These regulations shall be known as the *Howland Township Property Maintenance Code*, hereinafter referred to as “this code.”
- 101.2 Scope. The provisions of this code shall apply to all existing and future residential and nonresidential structures and all existing and future premises, and shall constitute:
- A) Minimum requirements and standards for premises, structures, equipment, and facilities;
  - B) The responsibility of owners, operators, and occupants; and
  - C) The administration, enforcement and penalties.
- 101.3 Purpose. It is the intent of Howland Township to work with all citizens to further the best interests of the community through the fair and consistent administration of this *Property Maintenance Code*. The purpose of this code is to protect the public health, safety and general welfare as it pertains to premises and buildings used for residential, commercial and industrial purposes. This protection is hereinafter provided by:
- A) Establishing minimum standards for:
    - 1. Maintenance of existing and future residential, commercial, and industrial structures and premises in a manner which achieves a presentable appearance;
    - 2. Avoidance of blighting effects of the substandard maintenance of structures and premises and the negative impact on the value of surrounding properties; and
    - 3. Elimination of hazardous conditions.
  - B) Addressing the responsibilities of owners, operators, and occupants of structures and premises; and
  - C) Providing for administration, enforcement and penalties.
- 101.4 Severability. If a section, subsection, sentence, clause or phrase of this code is, for any reason, held to be unconstitutional or otherwise unlawful, such decision shall not affect the validity of the remaining portions of this code.
- 101.5 Saving Clause. This code shall not affect violations of any other resolution, code, or regulation, and any violation of such shall be governed and shall continue to be enforceable or punishable to the full extent of the law under the provisions of those resolutions, codes, or regulations.
- 101.6 Conflict of Laws. The provisions of this code shall apply to all matters affecting or relating to structures and premises, as set forth in Section 101. In any case where a provision of this code is found to be in conflict with a provision of any applicable zoning, building, fire, safety or health regulation, code, or resolution, the provision which establishes the higher standard for the promotion and protection of the safety and health of the people shall govern, unless otherwise provided by law. Where, in a specific case, different sections of this code specify different requirements, the same standard shall apply.
- 101.7 Existing Remedies. The provisions in this code shall not be construed to abolish or impair existing remedies of Howland Township or its officers or agencies.

## **Section 102: Applicability**

- 102.1 Application of Other Codes. Construction, repairs, additions, and/or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the *Trumbull County Building Code*, the *Ohio Building Code*, and the *Howland Township Zoning Resolutions*. Nothing in this code shall be construed to cancel, modify, or set aside any provision of the above-referenced codes.
- 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 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 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.
- 102.4 Historic Buildings. The provisions of this code shall not be mandatory for existing buildings or structures listed on the National Register of Historic Places, as defined by the United States Secretary of the Interior, which are judged by the proper official to be safe and in the public interest of health, safety, and welfare.
- 102.5 Requirements not covered by 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 Planning and Zoning Director.

## **Section 103: Construction Activity**

- 103.1 Abandonment of Construction. Construction shall be completed in a workmanlike manner and all construction of or for structures for which a Zoning and/or Building Permit have been issued shall be diligently pursued to completion, except for circumstances beyond the property owner's control (eg. inclement weather, labor strikes). Any construction project, upon which no substantial work has been undertaken for a period of three (3) months, shall be deemed abandoned. For the purposes of this code, substantial shall be considered a satisfactory, weekly, and ongoing effort to complete a considerable portion of the overall project. Upon any construction project being deemed abandoned due to the fact that all buildings or structures are not completed to the degree such buildings or structures have been indicated on the plans submitted in support of a Zoning and/or Building Permit, the property owner shall be required to complete the project, dismantle and remove the constructed portion of the project, and/or secure the site as directed at the discretion of the Planning and Zoning Director.

## **Section 104: Duties and Powers of the Enforcement Official**

- 104.1 Officials. The Howland Township Planning and Zoning Department shall be responsible for the enforcement and application of this code. The Planning and Zoning Director shall be the enforcement

official in charge. Howland Township may employ inspectors in such numbers as it deems necessary to perform the duties required by this code. These inspectors shall report to the Planning and Zoning Director. The Planning and Zoning Director may call upon any department, division or contractor of the Township for whatever assistance may be necessary in the enforcement of this code.

- 104.2 Policy-making Authority. The Planning and Zoning Director shall have authority as necessary, with the advice and consent of the Howland Township Administrator and/or the Howland Township Board of Trustees, in the interest of public health, safety and general welfare, to adopt and promulgate policies necessary to the enforcement of this code.
- 104.3 Interpretation Authority. The Planning and Zoning Director shall have authority to:
- A) Interpret and implement the provisions of this code;
  - B) Secure the intent thereof; and
  - C) Designate requirements applicable because of local climatic or other conditions.
- 104.4 Inspections. The Planning and Zoning Director and/or inspectors assigned to the Planning and Zoning Department shall make all of the required inspections, or shall accept reports of inspection by approved agencies or individuals. For the purpose of making such inspections, and upon showing appropriate identification, the Planning and Zoning Director and/or inspectors assigned to the Planning and Zoning Department are hereby authorized to examine and survey all structures and premises at any reasonable time. 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 Planning and Zoning Director is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise, subject to the approval of the Howland Township Administrator.
- 104.5 Right-of-Entry. The Planning and Zoning Director and/or the inspectors assigned to the Planning and Zoning Department, with the consent of the owner or apparent owner otherwise permitted by law, are authorized to enter the structure or premises at reasonable times for inspection purposes. If entry is refused or not obtained, the Planning and Zoning Director may pursue recourse as provided by law.
- 104.6 Identification. The Planning and Zoning Director and inspectors assigned to the Planning and Zoning Department shall carry proper identification when inspecting structures or premises in the performance of duties under this code.
- 104.7 Notices and orders. The Planning and Zoning Director shall issue all necessary notices or orders, under the provisions of Section 105, to ensure compliance with this code. The Planning and Zoning Director also has the authority to issue a Stop Work Order when he or she determines it to be necessary in order to secure the intent of this code.
- 104.8 Department records. The Planning and Zoning Director 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 the Howland Township retention policy.
- 104.9 Liability. No officer, agent or employee of Howland Township shall be personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his/her duties under this code.

### **Section 105: Notice of Violation**

105.1 Unlawful Acts. It shall be unlawful for a person, firm or corporation to be in conflict with or in violation of any of the provisions of this code.

105.2 Warning Citation. It is the policy of Howland Township to use fair and reasonable judgment in the administration of its enforcement actions. To this end, a Warning Citation may be issued for the first occurrence of a violation of this code. The Warning Citation shall be worded so as to sufficiently identify the premises and the nature of the violation. If the person, firm or corporation being cited that owns or occupies the premise fails to correct the violation in the time allotted in the Warning Citation, then the offender shall be put on notice. At his/her discretion, the Planning and Zoning Director shall have the right to forego issuing a Warning Citation and may proceed to issue a Notice of Violation. The issuance of a Warning Citation shall not be a prerequisite to the issuance of a Notice of Violation. There shall be no right of appeal from the issuance of a Warning Citation.

105.3 Notice of Violation. The Planning and Zoning Director 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.

A) Form of Notice of Violation. Whenever the Planning and Zoning Director 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 (see Exhibit A):

1. The Notice shall be in writing;
2. The Notice shall be sent to the person, firm, or corporation listed by the Trumbull County Auditor's Office as owner of the property at issue;
3. The Notice shall include a description of the property at issue that 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;
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; and
7. The Notice shall state the right of the violator to file an appeal of the notice with the Property Maintenance Code Board of Appeals within fourteen (14) days of the date the Notice was sent.

B) Method of service. The Notice of Violation shall be deemed to be properly served if a copy 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 by the Trumbull County Auditor;
4. Sent by certified or first-class mail addressed to the owner of the property at issue at the owner's last known address; or
5. Posted in a conspicuous place on the premises found in violation and publishing a legal notice in a newspaper of general circulation in the Township. The legal notice shall identify the owners of the premises, the last known address of the owners, the parcel identification number, the location and the nature of the violation. Service is complete upon said posting and publication, and violator shall be responsible for the cost of said publishing.

- C) *Extension of Compliance Deadline.* For good cause shown, the Planning and Zoning Director may, at his/her 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 Planning and Zoning Director 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 105.3(A) and 105.3(B) 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 106: Board of Zoning Appeals**

106.1 *Board of Zoning Appeals.* To implement the purposes and requirements of this Property Maintenance Code, the Howland Township Board of Zoning Appeals (“Board”) shall function as the appellate body to govern pursuant to the requirements of this code.

- A) *Procedure.* The Board may adopt rules of procedure in accordance with this code. No member of the Board shall take part in any hearing or determination in which he or she has a personal or financial interest. Three (3) members of the Board in attendance at any meeting shall constitute a quorum.
- B) *Authority.* The Board shall hear all appeals relative to the enforcement of this code, and by a concurring vote of the majority of those members hearing the appeal, may reverse or affirm, wholly or partly, or may modify the decision appealed from, and shall make such order or determination as in its opinion ought to be made. Failure to secure such concurring votes shall be deemed a confirmation of the decision of the inspector.
- C) *Hearings.* Any person affected by any issued Notice of Violation in connection with the enforcement of any provision of this code, may request and shall be granted a hearing on the matter before the Board, provided that such person shall file an appeal in the Planning and Zoning Department on the forms provided by the Township (see Exhibit B). The appeal must be filed within fourteen (14) days after receipt of the Notice. Upon receipt of such an appeal, the Board shall set a time and place for hearing before the Board and shall give the appellant written notice thereof by first class mail postmarked not more than thirty (30) days from the date the appeal was filed. At such hearing, the appellant shall be given an opportunity to be heard and to show good cause why any item appearing on such notice and order should be modified, or withdrawn. The failure of the appellant or his/her representative to appear and state his/her case at such hearing shall have the same effect as if no appeal was filed.
- D) *Findings.* Prior to sustaining any Notice of Violation and compliance order, the Board shall make the following findings:
1. That the violator was served with a Notice of Violation as provided in Section 105.3;
  2. That the Notice of Violation stated the specific nature of the violation, corrective action needed to be taken to abate the violation, and a specific time period for abatement of the violation;
  3. That, within the time period stipulated in the Notice of Violation, the violator failed to comply with the Notice of Violation by not abating the violation, and/or not bringing the use into compliance with this code;
  4. That, upon expiration of the date indicated for compliance in the Notice of Violation, the premises or structure was being maintained in violation of specific provisions of this code and/or conditions imposed by the Board as a prerequisite to the modification of a previous compliance

- order; and
5. That a violation, as determined by the Board, exists on the property.

E) *Decision.* Within thirty (30) days of the close of the public hearing, the Board shall render a decision sustaining, modifying, or withdrawing any item appearing on the notice and order. The appellant shall be notified in writing of such action. If the Board confirms the decision of the inspector, the appellant shall be responsible for the costs associated with the public hearing, in addition to the fine(s) associated with violation of this Code. If the Board finds in favor of the appellant, then the Township shall be responsible for all costs associated with the public hearing.

## **Section 107: Civil Citations**

107.1 *Civil Citation.* If a person, firm or corporation 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, firm or corporation shall be issued a Civil Citation (hereinafter referred to as "Citation" or "Civil Citation").

A) *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, must be given in accordance with all of the following:

1. The Citation must be in writing on a form specifically designated as a Civil Citation form (see Exhibit C);
2. The Citation must include a statement advising the person charged that he or she must answer the citation within fourteen (14) days after the date on which the Citation is served upon him or her.
3. The Citation must include a statement indicating the allowable answers that may be made and that the person will be afforded a court hearing if he/she denies committing the violation;
4. The Citation must include a statement specifying that the answer must be made in person, or by mail, to the Howland Township Clerk;
5. The Citation must include a statement indicating the amount of the fine arising from the violation;
6. The Citation must include a statement advising the person of the violation charged, the date, time and place of the violation charged; and
7. The Citation must include the signature and affirmation of the police officer completing the Citation.

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

1. Delivered personally by a Howland Township Police Officer; or
2. Sent by certified or express mail, return receipt requested, with instructions to the delivering postal employee to show to 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 Trumbull County Auditor; or
3. Sent by certified or express mail, return receipt requested, with instructions to the delivering postal employee to show to whom it was delivered, the date of delivery, and the address where it was delivered, 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 to Civil Citation. Any person, firm or corporation to whom a Civil Citation has been served may answer said Citation in one of the following ways:

- A) Admission that the person, firm, or corporation committed the violation charged; filed in the manner and within the time permitted by Section 109 of this code;
- B) Express denial of the violations charged by the person, firm, or corporation charged; filed in the manner and within the time permitted by Section 110 of this code; or
- C) Implicit denial of the violations charged by the failure of the person, firm, or corporation 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 Violation. Persons, firms, or corporations served with Civil Citations may admit that he/she/it committed the violations charged by paying the fine set forth in the Civil Citation as required by Sections 109.2 and 109.3 of this code.

109.2 Admission of Violation(s) Charged in Civil Citations & Payment of Fine by Hand Delivery. Persons, firms, or corporations served with Civil Citations may admit to the violations charged in the Civil Citation by paying the fine(s) set forth in the Civil Citation in person to the Howland Township Clerk. Such payments must be hand-delivered within fourteen (14) days of the date that the Civil Citation was served upon such person, firm, or corporation.

109.3 Admission of Violation(s) Charged in Civil Citations & Payment of Fine by Mail. Persons, firms, or corporations served with Civil Citations may admit to the violations charged in the Civil Citation by paying the fine or fines set forth in the Civil Citation by mailing the payment, to the Howland Township Clerk, 205 Niles-Cortland Road NE, Warren, OH 44484. Such admissions/payments must be received by the Township no later than fourteen (14) days after the date that the Civil Citation was served upon such person, firm, or corporation.

109.4 Effect of Admission and Payment of Fine. Persons, firms, or corporations who admit to the violation(s) 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, firms, or corporations fail to resolve, remove, repair, or otherwise abate that condition, Howland 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, firms, or corporations involved as to the nature of the violation charged. Further, the admission of guilt and payment of the fines set forth in the Civil Citation shall in no way preclude the Howland 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, firms, or corporations served with Civil Citations may deny the violations charged in the Civil Citation by

expressly denying the violations in writing and presenting the denial in person to the Howland Township Clerk. Such denials must be hand-delivered within fourteen (14) days of the date that the Civil Citation was served upon such person, firm, or corporation.

- 110.2 Express Denial of Violations Charged in Civil Citations & Mailing of Denial. Persons, firms, or corporations served with Civil Citations may deny the violations charged in the Civil Citation by expressly denying the violations in writing and by mailing the payment to the Howland Township Clerk, 205 Niles-Cortland Road NE, Warren, Ohio 44484. Such denials must be received by the Township no later than fourteen (14) days after the date that the Civil Citation was served upon such person, firm, or corporation.

### **Section 111: Implicit Denial of Violations charged in Civil Citation**

- 111.1 Implicit Denial of Violation(s). Persons, firms, or corporations who fail to either expressly deny the violations charged in the Civil Citation issued against them in the manner 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(s) 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, firm, or corporation 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 Howland Township Clerk shall notify the Warren 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 Violation. Persons, firms, or corporations found to have violated the provisions of this code charged in the Civil Citation must pay the fines assessed by the court within ten (10) days after the judgment. Failure to pay the fine within this time period will result in the placement of a lien on the property at issue.

### **Section 113: Appeal Process**

- 113.1 Appeal. Persons, firms, or corporations wishing to appeal an adverse determination by the Warren Municipal Court may file an appeal with the 11<sup>th</sup> District Court of Appeals within thirty (30) days after the judgment. The court of appeals schedules a hearing on the matter, and its decision is final.

### **Section 114: Penalties and Fines**

- 114.1 Violation Penalties. Any person, firm, or corporation who is issued a Civil Citation shall be fined in the following amounts:



- A) In the amount of two hundred fifty dollars (\$250.00) for the first offense;
- B) In the amount of five hundred dollars (\$500.00) for the second offense;
- C) In the amount of seven hundred fifty dollars (\$750.00) for the third offense; and
- D) 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, Howland Township will charge an administrative fee for the processing of all Citations paid out to the Howland Township Clerk. The administrative fee for 2005 and 2006 shall be ten dollars (\$10.00) for each Citation paid out. After that time, the administrative fee shall be that fee established on Howland Township's fee schedule for the relevant year.

114.3 Continuing Violation. Each time a Civil Citation is issued for the same violation 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 Howland 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 Planning and Zoning Director 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 or her opinion, or in the opinion of any other pertinent code official, there is imminent danger of failure or collapse of a building or structure which endangers life, or when any structure or part of a structure has fallen and life is endangered by the occupation of the structure, or when there is actual or potential danger to the building occupants or those in the proximity of any structure because of explosives, explosive fumes, or vapors or the presence of toxic fumes, gases, or materials, or operation of defective or dangerous equipment.

## CHAPTER 2 – RESIDENTIAL MAINTENANCE STANDARDS

### Section 201: General

- 201.1 Scope. The provisions of this chapter shall govern the minimum conditions and the responsibilities of persons for maintenance of residential structures, equipment and exterior property.
- 201.2 Responsibility. The owner of the premises shall maintain the structure(s) 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 premises which they occupy and control.
- 201.3 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, safety, or welfare.

### Section 202: Exterior Premises

- 202.1 General Maintenance. 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. No premises shall be in a condition that constitutes a health hazard, safety hazard, or general nuisance.
- 202.2 Driveways and Walkways. All driveways, walkways, stairs and similar areas shall be kept in a proper state of repair, and maintained free from hazardous conditions.
- 202.3 Weeds. All premises and exterior property shall be maintained free from noxious weeds and grass in excess of eight (8) inches in height. 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 Howland 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. These regulations shall not apply to undeveloped properties.
- 202.4 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.
- 202.5 Mosquito Infestation. All structures and exterior property shall be kept free of the accumulation of stagnant water by any means, which may yield the potential for serving as a breeding ground for mosquitoes.
- 202.6 Fences and Walls. The following guidelines shall regulate fencing in residential districts:
- A) All fences, retaining walls, or similar structures shall be anchored firmly in the ground, shall be constructed in a workmanlike manner and maintained in that same manner so that fences, retaining

walls, or similar structures shall always be in the state of good repair. If any fence, retaining wall, or similar structure is found not to be in a state of good repair, it shall be removed, replaced, or repaired as required. All fences shall be treated periodically with paint or chemicals in an effort to delay deterioration, except when the materials have been designed or manufactured to remain untreated.

- B) Fences shall be placed so as to face the adjacent property owner's lot.
- C) Barbed/razor wire and electric fences are not permitted.

202.7 Motor Vehicles. Parking and/or storing of any vehicle on a lawn or dirt surface shall be prohibited. Except as provided for in other regulations, no inoperative motor vehicle shall be parked, kept or stored on any premises (pervious and/or impervious) in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. Painting of vehicles is prohibited unless conducted inside an approved spray booth. Semi-tractors and/or trailers, motor vehicles over one ton capacity (16,000 lbs.), or any equipment customarily used for commercial or industrial purposes shall not be stored on any premises. Parking or storing of aircraft(s) and farm equipment outside of a garage or barn shall also be prohibited.

*Exception:* A vehicle of any type is permitted to undergo major overhaul, including body work, provided that such work is performed inside a structure or similarly enclosed area designed and approved for such purposes.

202.8 Yards and Open Areas. All yards, courts and lots shall be graded and kept free of noxious debris and other materials which may cause a fire, health or safety hazard.

202.9 Burning of Materials. Burning shall be prohibited in all residential areas.

*Exception:* Burning of wood, and only wood, is permitted for cooking purposes, in a contained manner. Burning of wood, and only wood, is also permitted within metal barrels so as to provide heat for outdoor workers.

### **Section 203: Exterior Structure**

203.1 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.

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

203.3 Foundation Walls. All foundation walls shall be maintained free from open cracks and breaks and kept in such a condition so as to prevent the entry of rodents and other pests, as well as water.

203.4 Exterior Walls. All exterior walls shall be free from holes, cracks, breaks, loose or rotting materials, and shall be constructed and maintained to be weatherproof and properly surfaced to prevent deterioration.

203.5 Roofs and Drainage. The roof members and covering shall be structurally sound to prevent the entrance of moisture and be maintained by renewal, repair, waterproofing or other suitable means. Roof drainage shall be adequate to prevent rainwater from causing dampness in the interior portion of the structure.

203.6 Gutters and Downspouts. Rain gutters, downspouts, leaders or other means of water diversion shall be provided to collect/conduct and discharge all water from the roof and maintained so as not to adversely affect adjacent properties.

- 203.7 Stairways, Decks, Porches and Balconies. Every exterior stairway, deck, porch and balcony, and all appurtenances thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads.
- 203.8 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.
- 203.9 Accessory structures. All accessory structures, including detached garages, fences and walls, shall be maintained to be structurally sound and in good repair. The erection and maintenance of such structures shall also comply with the provisions and requirements of the *Howland Township Zoning Resolution*.
- 203.10 Defacement of Property. No person shall willfully or wantonly damage, mutilate or deface any exterior surface of any structure or building 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 204: Rubbish and Garbage**

- 204.1 Accumulation, Dumping, Storing, and/or Burying of Rubbish or Garbage. All exterior property and premises, and the interior of every structure, carport, deck, and patio shall be free from any accumulation, dumping, storing, and/or burying of rubbish and/or garbage, including, but not limited to tires, combustible and noncombustible waste materials, abandoned construction materials and debris, paper, rags, cartons, boxes, excelsior, rubber, leather, tin cans, metals, mineral matter, glass, crockery and dust, animal and vegetable waste, residue from burned materials, inoperable and broken appliances and household equipment, and other similar materials.
- 204.2 Disposal of Rubbish. Every occupant of a structure shall dispose of rubbish in a clean and sanitary manner by placing such rubbish in approved containers.
- 204.3 Rubbish Storage Containers. The owner of occupied premises shall supply approved covered containers for rubbish, and the owner of the premises shall be responsible for the removal of rubbish.
- 204.4 Disposal of Garbage. Every occupant of a structure shall dispose of garbage in a clean and sanitary manner by placing such garbage in an approved garbage disposal facility or approved garbage containers.
- 204.5 Garbage Containers. The operator of every residence producing garbage shall provide, and at all times cause to be utilized, approved leak proof containers for the storage of such materials until removed from the premises for disposal.

#### **Section 205: Swimming Pools, Spas and Hot Tubs**

- 205.1 Swimming Pools. Swimming pools shall be maintained in a clean, sanitary condition, and in good repair.
- 205.2 Enclosures. Private swimming pools, hot tubs and spas containing water more than 24 inches (610mm) in depth shall be completely surrounded by a fence or barrier at least 72 inches (1830mm) 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 (1372mm) 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 (152mm) from the gatepost. No existing pool

enclosure shall be removed, replaced or changed in a manner that reduces its effectiveness as a safety barrier.

**Section 206: Signage**

- 206.1 Prohibited and Obsolete Signs. All prohibited and obsolete signs as defined by the *Howland Township Zoning Resolutions* and signs with expired zoning permits shall be removed or replaced pursuant to the applicable sections of the Zoning Resolution or enforced consistent with the procedures of this code.
- 206.2 Sign Maintenance. All signage and incidental landscaping and/or lighting shall be maintained in good condition and shall not show evidence of deterioration.

## CHAPTER 3 – COMMERCIAL MAINTENANCE STANDARDS

### Section 301: General

- 301.1 Scope. The provisions of this chapter shall govern the minimum conditions and the responsibilities of persons, firms or corporations for maintenance of commercial structures, commercial units, exterior property and portions of mixed-use structures which are devoted to commercial use.
- 301.2 Responsibility. The owner of the premises shall maintain the structure(s) 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. Building occupants are responsible for keeping in a clean, sanitary and safe condition that part of the 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, safety, or welfare.

### Section 302: Exterior Premises

- 302.1 General Maintenance. All exterior property and premises shall be maintained in a clean, safe and sanitary condition, free of debris and other materials which may cause a fire, health or safety hazard. 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 accumulation of stagnant water thereon, or within any structure located thereon.
- Exception:* Nothing in this section shall be construed to restrict or prohibit approved retention areas and reservoirs.
- 302.3 Driveways and Walkways. All driveways, walkways, stairs, 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 noxious weeds and grass in excess of eight (8) inches in height. 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 Howland 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. These regulations shall not apply to undeveloped properties.
- 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 Mosquito Infestation. All structures and exterior property shall be kept free of the accumulation of

stagnant water by any means, which may yield the potential for serving as a breeding ground for mosquitoes.

302.7 Fences and Walls. The following guidelines shall regulate fencing in commercial districts:

- A) All fences, retaining walls, or similar structures shall be anchored firmly in the ground, shall be constructed in a workmanlike manner and maintained in that same manner so that fences, retaining walls, or similar structures shall always be in the state of good repair. If any fence, retaining wall, or similar structure is found not to be in a state of good repair, it shall be removed, replaced, or repaired as required. All fences shall be treated periodically with paint or chemicals in an effort to delay deterioration, except when the materials have been designed or manufactured to remain untreated.
- B) The finished side of any fence shall be placed as to face the adjacent property.
- C) Barbed/razor wire and electric fences are not permitted.

302.8 Motor Vehicles. Parking and/or storing of any vehicle on a lawn or dirt surface shall be prohibited. Except as provided for in other regulations, no inoperative motor vehicle shall be parked, kept or stored on any premises (pervious and/or impervious) in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. Painting of vehicles is prohibited unless conducted inside an approved spray booth. Semi-tractors and/or trailers, motor vehicles over one ton capacity (16,000 lbs.), or any equipment customarily used for commercial or industrial purposes shall not be stored on any premises. Parking or storing of aircraft(s) and farm equipment outside of a garage or barn shall also be prohibited.

*Exception:* A vehicle of any type is permitted to undergo major overhaul, including body work, provided that such work is performed inside a structure or similarly enclosed area designed and approved for such purposes.

302.9 Maintenance of Plantings. All plant materials, especially trees and shrubs, afflicted with decay, disease, insect infestation, or otherwise considered dangerous to other plant material shall be removed and replaced or appropriately treated. All sound plant materials, especially trees and shrubs, shall be properly maintained, void of evidence of neglect.

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

302.11 Burning of Materials. Burning shall be prohibited in all commercial areas.

*Exception:* Burning of wood, and only wood, is permitted for cooking purposes, in a contained manner. Burning of wood, and only wood, is also permitted within metal barrels so as to provide heat for outdoor workers.

### **Section 303: Exterior Structure**

303.1 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.

303.2 Structural Members. All structural members shall be maintained free from deterioration, and shall be capable of safely supporting the imposed loads.

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

- 303.4 Exterior Walls. All exterior walls shall be free from holes, cracks, breaks, loose or rotting materials, and shall be constructed and maintained to be weatherproof and properly surfaced to prevent deterioration.
- 303.5 Roofs and Drainage. The roof members and covering shall be structurally sound to prevent the entrance of moisture and be maintained by renewal, repair, waterproofing or other suitable means. Roof drainage shall be adequate to prevent rainwater from causing dampness in the interior portion of the structure.
- 303.6 Gutters and Downspouts. Rain gutters, downspouts, leaders or other means of water diversion shall be provided to collect/conduct and discharge all water from the roof and maintained so as not to adversely affect adjacent properties.
- 303.7 Stairways, Decks, Porches and Balconies. Every exterior stairway, deck, porch and balcony, and all appurtenances thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads.
- 303.8 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.
- 303.9 Accessory structures. All accessory structures, including detached garages, fences and walls, shall be maintained to be structurally sound and in good repair. The erection and maintenance of such structures shall also comply with the provisions and requirements of the *Howland Township Zoning Resolution*.
- 303.10 Defacement of Property. No person shall willfully or wantonly damage, mutilate or deface any exterior surface of any structure or building 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 304: Rubbish and Garbage**

- 304.1 Accumulation, Dumping, Storing, and/or Burying of Rubbish or Garbage. All exterior property and premises, and the interior of every structure, carport, deck, and patio shall be free from any accumulation , dumping, storing, and/or burying of rubbish and/or garbage, including, but not limited to tires, combustible and noncombustible waste materials, abandoned construction materials and debris, paper, rags, cartons, boxes, excelsior, rubber, leather, tin cans, metals, mineral matter, glass, crockery and dust, animal and vegetable waste, residue from burned materials, inoperable and broken appliances and household equipment, and other similar materials.
- 304.2 Disposal of Rubbish. Every occupant of a structure shall dispose of rubbish in a clean and sanitary manner by placing such rubbish in approved containers.
- 304.3 Rubbish Storage Containers. The owner of occupied premises shall supply approved covered containers for rubbish, and the owner of the premises shall be responsible for the removal of rubbish.
- 304.4 Disposal of Garbage. Every occupant of a structure shall dispose of garbage in a clean and sanitary manner by placing such garbage in an approved garbage disposal facility or approved garbage containers.
- 304.5 Garbage Containers. The operator of every business or 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 305: Signage**

- 305.1 Prohibited and Obsolete Signs. All prohibited and obsolete signs as defined by the *Howland Township Zoning Resolution* and signs with expired zoning permits shall be removed or replaced pursuant to the applicable sections of the Zoning Resolution or enforced consistent with the procedures of this code.
- 305.2 Sign Maintenance. All signage and incidental landscaping and/or lighting shall be maintained in good condition and shall not show evidence of deterioration. Neither lighting nor signage shall be permitted to be posted on trees or utility poles. Externally illuminated signs shall consist of concealed cut-off fixtures with a maximum of ½ foot candle surface illumination to avoid unnecessary glare.
- 305.3 Visibility Triangles. All signage shall be located outside of all visibility triangles at intersections and ingress/egress points, and shall not be located in such a manner as to constitute a traffic or safety hazard.

### **Section 306: Conduct of Business (within CRD zoning districts)**

- 306.1 Business Activity. All business activity, except for off-street loading, shall be conducted within completely enclosed buildings. In addition, all construction activity must be reviewed and approved by the Howland Township Zoning Commission.
- 306.2 Business Storage and Display. All storage of materials, goods, or products, including inoperable vehicles, shall be within a completely enclosed building only, as approved by the Howland Township Zoning Commission and/or the Howland Township Planning and Zoning Department. Those properties with CRD-2 zoning shall be permitted to have outdoor storage and/or display of goods, merchandise, or equipment, so long as said storage is completely screened from view.
- 306.3 Landscape Fences and Walls. Fences and/or walls shall be constructed of wood, iron, decorative aluminum, stone, brick, or decorative block. Retaining walls shall be constructed of stone, decorative wall systems, brick, or wood. Barbed/razor wire fencing and electric fencing are not permitted.
- 306.4 Buffer and Screening Requirements. When CRD property is being developed, and it abuts property zoned or used for residential purposes, a six-foot tall buffer shall be constructed of an appropriate mounding, fencing, or vegetative material, and shall be constructed along the entire length of any abutting side or rear yard. Screen plantings shall have a minimum height of five feet and should be of such size, species, and spacing as can reasonably be expected to produce an opaque six-foot screen within three (3) years.
- 306.5 Vegetative Ground Cover Required. All green areas shall be graded and seeded with an all-season, well maintained vegetative ground cover.
- 306.6 Minimum Landscaping. A minimum of 10 ornamental trees (1.5-caliper inches or greater) and 25 shrubs (18" to 24" or greater) shall be required per 100 feet of frontage, and shall be applicable to the area between the street side façade of the building(s) and the right-of-way. In addition, at least five percent (5%) of parking areas shall be landscaped when at least fifteen (15) parking spaces exist.
- 306.7 Ground-Mounted Mechanical Equipment. All ground-mounted mechanical equipment shall be screened from view and integrated into the landscaping concept for the site.
- 306.8 Container and/or Dumpster Enclosures. All storage of trash and garbage containers and/or dumpsters shall be effectively screened from view within an enclosure as approved by the Howland Township

Zoning Commission and/or the Howland Township Planning and Zoning Department. All enclosures shall be maintained in good condition.

- 306.9 Exterior Lighting. Exterior lighting fixtures over steps, paths, walkways, courts, drives and parking lots shall be neatly maintained in operable condition and lit for sufficient periods of time before and after business hours to provide for pedestrian and employee safety and properly aimed so as not to shine on adjacent properties. All lighting fixtures shall comply with the requirements of the *Howland Township Zoning Resolution*.

## CHAPTER 4 – INDUSTRIAL MAINTENANCE STANDARDS

### Section 401: General

- 401.1 Scope. The provisions of this chapter shall govern the minimum conditions and the responsibilities of persons, firms or corporations for maintenance of industrial structures, units, exterior property and portions of mixed-use structures which are devoted to industrial use.
- 401.2 Responsibility. The owner of the premises shall maintain the structure(s) 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. Building occupants are responsible for keeping in a clean, sanitary and safe condition that part of the premises which they occupy and control.
- 401.3 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, safety, or welfare.

### Section 402: Exterior Premises

- 402.1 General Maintenance. All exterior property and premises shall be maintained in a clean, safe and sanitary condition, free of debris and other materials which may cause a fire, health or safety hazard. The occupant shall keep that part of the exterior property which such occupant occupies or controls in a clean and sanitary condition.
- 402.2 Grading and Drainage. All premises shall be graded and maintained to prevent the accumulation of stagnant water thereon, or within any structure located thereon.
- Exception:* Nothing in this section shall be construed to restrict or prohibit approved retention areas and reservoirs.
- 402.3 Driveways and Walkways. All driveways, walkways, stairs, parking spaces and similar areas shall be kept in a proper state of repair, and maintained free from hazardous conditions.
- 402.4 Weeds. All premises and exterior property shall be maintained free from noxious weeds and grass in excess of eight (8) inches in height. 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 Howland 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. These regulations shall not apply to undeveloped properties.
- 402.5 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.
- 402.6 Mosquito Infestation. All structures and exterior property shall be kept free of the accumulation of

stagnant water by any means, which may yield the potential for serving as a breeding ground for mosquitoes.

402.7 Fences and Walls. The following guidelines shall regulate fencing in industrial districts:

- A) All fences, retaining walls, or similar structures shall be anchored firmly in the ground, shall be constructed in a workmanlike manner and maintained in that same manner so that fences, retaining walls, or similar structures shall always be in the state of good repair. If any fence, retaining wall, or similar structure is found not to be in a state of good repair, it shall be removed, replaced, or repaired as required. All fences shall be treated periodically with paint or chemicals in an effort to delay deterioration, except when the materials have been designed or manufactured to remain untreated.
- B) The finished side of any fence shall be placed as to face the adjacent property owner's lot.
- C) Barbed/razor wire and electric fences are not permitted.

402.8 Motor Vehicles. Except as provided for in other regulations, no inoperative motor vehicle shall be parked, kept or stored on any premises, and no vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. Painting of vehicles is prohibited unless conducted inside an approved spray booth.

*Exception:* A vehicle of any type is permitted to undergo major overhaul, including body work, provided that such work is performed inside a structure or similarly enclosed area designed and approved for such purposes.

402.9 Maintenance of Plantings. All plant materials, especially trees and shrubs, afflicted with decay, disease, insect infestation, or otherwise considered dangerous to other plant material shall be removed and replaced or appropriately treated. All sound plant materials, especially trees and shrubs, shall be properly maintained, void of evidence of neglect.

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

### **Section 403: Exterior Structure**

403.1 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.

403.2 Structural Members. All structural members shall be maintained free from deterioration, and shall be capable of safely supporting the imposed loads.

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

403.4 Exterior Walls. All exterior walls shall be free from holes, cracks, breaks, loose or rotting materials, and shall be constructed and maintained to be weatherproof and properly surfaced to prevent deterioration.

403.5 Roofs and Drainage. The roof members and covering shall be structurally sound to prevent the entrance of moisture and be maintained by renewal, repair, waterproofing or other suitable means. Roof drainage shall be adequate to prevent rainwater from causing dampness in the interior portion of the structure.

403.6 Gutters and Downspouts. Rain gutters, downspouts, leaders or other means of water diversion shall be

provided to collect/conduct and discharge all water from the roof and maintained so as not to adversely affect adjacent properties.

- 403.7 Stairways, Decks, Porches and Balconies. Every exterior stairway, deck, porch and balcony, and all appurtenances thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads.
- 403.8 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.
- 403.9 Accessory structures. All accessory structures, including detached garages, fences and walls, shall be maintained to be structurally sound and in good repair. The erection and maintenance of such structures shall also comply with the provisions and requirements of the *Howland Township Zoning Resolution*.
- 403.10 Defacement of Property. No person shall willfully or wantonly damage, mutilate or deface any exterior surface of any structure or building 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 404: Rubbish and Garbage**

- 404.1 Accumulation, Dumping, Storing, and/or Burying of Rubbish or Garbage. All exterior property and premises, and the interior of every structure, carport, deck, and patio shall be free from any accumulation, dumping, storing, and/or burying of rubbish and/or garbage, including, but not limited to tires, combustible and noncombustible waste materials, abandoned construction materials and debris, paper, rags, cartons, boxes, excelsior, rubber, leather, tin cans, metals, mineral matter, glass, crockery and dust, animal and vegetable waste, residue from burned materials, inoperable and broken appliances and household equipment, and other similar materials.
- 404.2 Disposal of Rubbish. Every occupant of a structure shall dispose of rubbish in a clean and sanitary manner by placing such rubbish in approved containers.
- 404.3 Rubbish Storage Containers. The owner of occupied premises shall supply approved covered containers for rubbish, and the owner of the premises shall be responsible for the removal of rubbish.
- 404.4 Disposal of Garbage. Every occupant of a structure shall dispose of garbage in a clean and sanitary manner by placing such garbage in an approved garbage disposal facility or approved garbage containers.
- 404.5 Garbage Containers. The operator of every business or 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 405: Signage**

- 405.1 Prohibited and Obsolete Signs. All prohibited and obsolete signs as defined by the *Howland Township Zoning Resolution* and signs with expired zoning permits shall be removed or replaced pursuant to the applicable sections of the Zoning Resolution or enforced consistent with the procedures of this code.
- 405.2 Sign Maintenance. All signage and incidental landscaping and/or lighting shall be maintained in good condition and shall not show evidence of deterioration. Neither lighting nor signage shall be permitted to

be posted on trees or utility poles.

405.3 Visibility Triangles. All signage shall be located outside of all visibility triangles at intersections and ingress/egress points, and shall not be located in such a manner as to constitute a traffic or safety hazard.

**Section 406: Exterior Lighting**

406.1 Exterior Lighting. Exterior lighting fixtures over steps, paths, walkways, courts, drives and parking lots shall be neatly maintained in operable condition and lit for sufficient periods of time before and after business hours to provide for pedestrian and employee safety and properly aimed so as not to shine on adjacent properties. All lighting fixtures shall comply with the requirements of the *Howland Township Zoning Resolution*.

## CHAPTER 5 – DEFINITIONS

### Section 501: General

- 501.1 *Scope.* Unless otherwise expressly stated, the following terms shall, for the purposes of this code, have the meanings shown in this chapter.
- 501.2 *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.
- 501.3 *Terms not defined.* Where terms are not defined in this code the usual customary definition shall apply.
- 501.4 *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 502: General Definitions

**ACCESSORY STRUCTURE** – A structure that is subordinate and incidental to that of the main building on the same lot or parcel.

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

**BASEMENT** – That portion of a building which is partly or completely below grade.

**BUILDING** – Any permanent or stationary structure having a roof supported by columns or walls.

**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 this code. Civil Citations are set forth to be the penalty to be imposed for the violation charged.

**DWELLING UNIT** – Any building or portion thereof occupied or intended to be occupied exclusively for residential purposes, but not including a tent, cabin, trailer, trailer coach or other temporary or transient structure or facility.

**EASEMENT** – That portion of land or property reserved for present or future use by a person or agency other than 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 premises and adjoining property under the control of owners or operators of such premises. Exterior property shall include such open areas as carports and other storage areas open and visible to passersby.

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

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

**HISTORIC BUILDING** – A building or structure listed in the National Register of Historic Places inventory.

**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 MOTOR VEHICLE** – A vehicle which cannot be driven upon the public streets for reasons including, but not limited to, it being unlicensed, wrecked, abandoned, in a state of disrepair, or incapable of being moved under its own power.

**INSPECTORS** – Persons assigned to the Planning and Zoning Department who are duly authorized representatives of the Planning and Zoning Director. Inspectors are charged with initial administration and enforcement of this code, under the direction and supervision of the Planning and Zoning Director.

**NATIONAL REGISTER OF HISTORIC PLACES** – The official list of historic properties recognized by the United States Department of the Interior as worthy of preservation for their local, state, or national significance in American history, architecture, archaeology, engineering, or culture.

**NOTICE OF VIOLATION** – Written notice sent to persons, firms or corporations 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 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 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 group acting as a unit.

**PLANNING AND ZONING DIRECTOR** – The official in charge of the administration and enforcement of this code, or any duly authorized representative.

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

**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 by the public for public use.

**RUBBISH** – Combustible and noncombustible waste materials except garbage; the term shall include the residue from burning of wood, coal, coke and other combustible materials, tires, 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.

**STRUCTURE** – Anything constructed or erected that requires location on the ground, or attachment to something having location on the ground.

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

**VENTILATION** – The natural or mechanical process of plying conditioned or unconditioned air to, or removing 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 structure.