



Property Maintenance Code



Effective May 1, 2007

*Based on the International Property Maintenance Code
International Code Council*

PROPERTY MAINTENANCE CODE OF COLERAIN TOWNSHIP

CHAPTER 1 ADMINISTRATION

SECTION 101 GENERAL

101.1 Title. These regulations shall be known as the *Property Maintenance Code of Colerain Township*, hereinafter referred to as “this code.”

101.2 Scope. The provisions of this code shall apply to all existing residential and nonresidential structures and all existing premises and constitute minimum requirements and standards for premises, structures, equipment and facilities; the responsibility of owners, operators and occupants; and for administration, enforcement and penalties, subject to the limitations on applicability set out in Section 102, below.

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.

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.

SECTION 102 APPLICABILITY

102.1 General. The provisions of this code shall apply to all 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 *Hamilton County Building Code and the Colerain Township Zoning Resolution*. 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 in this code shall not be construed to abolish or impair existing remedies of Colerain Township or its officers or agencies relating to the removal or demolition of any structure which is dangerous, unsafe and unsanitary, or those remedies relating to abatement, control or removal of vegetation, garbage, or refuse and other debris from land in Colerain Township if it constitutes a nuisance.

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 Property in Agricultural Use. The provisions of this code shall not apply to property in agricultural use which is exempt from township zoning control under Ohio Revised Code Sec. 505.21, except that the provisions of this code shall apply to the residential structure and outbuildings used for residential purposes.

102.8 Referenced codes and standards. The codes and standards referenced in this code shall be those that are listed in Chapter 4 and 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.

102.9 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 official in charge.

SECTION 103 ZONING DEPARTMENT

103.1 General. The Colerain Township Zoning Department shall be responsible for the enforcement and application of this code. The Zoning Administrator shall be the official in charge.

103.2 Inspectors. Colerain Township shall employ inspectors in such numbers as it deems necessary to perform the duties required by this code. These inspectors shall report to the Zoning Administrator.

SECTION 104 DUTIES AND POWERS OF THE CODE OFFICIAL

104.1 General. The Zoning Administrator and the inspectors assigned to the Zoning Department shall enforce the provisions of this code.

104.2 Policy-Making authority. The Zoning Administrator shall have authority as necessary, with the advice and consent of the Colerain Township Administrator and/or the Colerain 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 Zoning Administrator shall have authority to interpret and implement the provisions of this code to secure the intent thereof, and to designate requirements applicable because of local climatic or other conditions.

104.4 Inspections. The Zoning Administrator and/or inspectors assigned to the Zoning Department 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 Zoning Administrator is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise, subject to the approval of the Colerain Township Administrator.

104.5 Right of entry. The Zoning Administrator and/or the inspectors assigned to the 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. All attempts to enter a structure or premises shall be subject to constitutional restrictions on unreasonable searches and seizures. If entry is refused or not obtained, the Zoning Administrator is authorized to pursue recourse as provided by law.

104.6 Identification. The Zoning Administrator and inspectors assigned to the 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 Zoning Administrator shall issue all necessary notices or orders to ensure compliance with this code.

104.8 Department records. The Zoning Administrator 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 Colerain Township's retention policy.

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 Notice of Violation. The Zoning Administrator 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.

105.3 Form of Notice of Violation. Whenever the Zoning Administrator 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 must be in writing;
2. The Notice shall be sent to the person, firm, or corporation listed by the Hamilton County Auditor's Office as owner of the property at issue;
3. The Notice must include a description of the property at issue which description is sufficient for identification purposes;
4. The Notice must 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 must 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 must include a deadline by which time the person receiving the Notice shall be required to take the necessary corrective action required to bring the property into compliance with the provisions of this code.

105.4 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 by the Hamilton 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; or
5. Posted in a conspicuous place in or about the property at issue if the Notice is returned showing that the Notice was not delivered.

105.5 Extension of Compliance Deadline. For good cause shown, the Zoning Administrator may, at his or 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 Zoning Administrator 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 and 105.4 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 106 VIOLATIONS

106.1 Unlawful Acts. As provided in Ohio Revised Code Section 505.74, 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.

106.2 Notice of Violation. The Zoning Administrator shall serve a notice of violation or order in accordance with Section 105.

106.3 Prosecution of Violation. Any person, firm, or corporation in violation of this Code, who fails to comply with a notice of violation or order served under Section 105, shall be subject to prosecution in the Hamilton County Municipal Court pursuant to Ohio Revised Code Section 505.74. Each day of violation shall constitute a separate offense.

106.4 Violation penalties. Upon a finding of guilty by the Hamilton County Municipal Court, a person, firm, or corporation in violation of this code shall be subject to the penalties set out in Ohio Revised Code Section 505.99.

106.5 Other Legal Action Not Precluded. The imposition of the fines and penalties herein prescribed shall not preclude the Colerain Township Board of Trustees from instituting, by and through its Township Attorney or Hamilton County Prosecutor, 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.

106.6 Emergency Measures. Nothing in the provisions of this code shall prohibit the Zoning Administrator 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, 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 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 not defined. Where terms are not defined in this code the usual customary definition shall apply.

201.4 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 202 GENERAL DEFINITIONS

AGRICULTURAL USE. “Agricultural Use” shall have the same definition as in the Colerain Township Zoning Resolution, as the same may be amended from time to time.

APPROVED. Approved by the code official.

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

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 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 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.

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 Zoning Department who are duly authorized representatives of the Zoning Administrator. Inspectors are charged with initial administration and enforcement of this code, under the direction and supervision of the Zoning Administrator.

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.

PREMISES. A 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, 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. 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.

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.

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

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 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. Nothing in this code shall be deemed to prevent or preclude Colerain Township from utilizing the nuisance provisions pertaining to uncut grass and weeds contained in the Ohio Revised Code on any premises on which they may be found.

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 Motor vehicles. Except as provided for in other regulations, no inoperable or unlicensed 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.

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 (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 (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 F 1346 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.

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

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

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

304.16 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.

304.17 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, carport, deck, and patio 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 containers. 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 outside on premises. Refrigerators and similar equipment may be placed outside for scheduled trash removal only if the doors are first removed.

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 leakproof containers provided with closefitting 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.

CHAPTER 4 REFERENCED STANDARDS

This chapter lists the codes and standards that are referenced in various sections of this document. The standards are listed herein by the promulgating agency of the standard and the section or sections of this document that reference the standard. The application of the referenced standards shall be specified in Section 102.7.

<u>Title</u>	<u>References in Code Sec. Number:</u>
Colerain Township Zoning Code	101.3, 102.3
Hamilton County Building Code	101.3, 102.3
Ohio Revised Code	106.1, 106.3, 106.4

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