

**EXTERIOR PROPERTY MAINTENANCE CODE
FOR
BUTLER TOWNSHIP,
MONTGOMERY COUNTY, OHIO**

Revised January, 2011

BUTLER TOWNSHIP EXTERIOR PROPERTY MAINTENANCE CODE

TABLE OF CONTENTS

	Page
ARTICLE I	
PURPOSE	
Section 1.01 Purpose	4
ARTICLE II	
TITLE	
Section 1.01 Title	4
ARTICLE III	
DEFINITIONS	
Section 3.01 Construction of Language	5
Section 3.02 Definitions	5
ARTICLE IV	
ADMINISTRATION AND ENFORCEMENT	
Section 4.01 Application of Exterior Property Maintenance Code	8
Section 4.02 Compliance Required	8
Section 4.03 Conflict of Laws	8
Section 4.04 Existing Remedies	8
Section 4.05 Separability	9
Section 4.06 Saving Clause	9
Section 4.07 Enforcement Officers	9
Section 4.08 Inspections	9
Section 4.09 Notice of Violation	10
Section 4.10 Exterior Property Maintenance Code Appeals	11
Section 4.11 Citation Tags	12
Section 4.12 Prosecution	13
Section 4.13 Abatement of Nuisance by Township	13
Section 4.14 Rulemaking Authority	14
Section 4.15 Transfer of Ownership	14
Section 4.16 Abandonment of Construction Project	14
Section 4.17 Impounding of Junk Motor Vehicle	15
Section 4.18 Vegetation and Weed Cutting	15
Section 4.18.1 Notification for Weeds Cutting	15
Section 4.18.2 Failure to Comply with Notice to Cut Weeds, Rank Vegetation, Trees or Bushes	15
Section 4.99 Violation and Penalties	16

ARTICLE V	RESIDENTIAL EXTERIOR PROPERTY MAINTENANCE STANDARDS	
	Section 5.01 Application of Maintenance Standards	17
	Section 5.02 Structural Soundness and Maintenance of Dwellings	17
	Section 5.03 Paint and Coating Materials	18
	Section 5.04 Exterior Property and Structure Exteriors	18
	Section 5.05 Vegetation	20
	Section 5.06 Stairways	20
	Section 5.07 Accessory Structures	20
	Section 5.08 Placement of Garbage Containers	20
	Section 5.09 Junk, Including Motor Vehicles	21
	Section 5.10 Graffiti	22
ARTICLE VI	COMMERCIAL EXTERIOR PROPERTY MAINTENANCE STANDARDS	
	Section 6.01 General Provisions	24
	Section 6.02 Structural Soundness and Maintenance of Commercial Structures	24
	Section 6.03 Paint and Coating Material	26
	Section 6.04 Exterior Property and Structure Exteriors	26
	Section 6.05 Vegetation	28
	Section 6.06 Stairways	28
	Section 6.07 Accessory Structures	28
	Section 6.08 Junk, Including Motor Vehicles	28
	Section 6.09 Graffiti	29
ARTICLE VII	INDUSTRIAL EXTERIOR PROPERTY MAINTENANCE STANDARDS	
	Section 7.01 General Provisions	31
	Section 7.02 Structural Soundness and Maintenance of Industrial Structures	31
	Section 7.03 Paint and Coating Materials	32
	Section 7.04 Exterior Property and Structure Exteriors	33
	Section 7.05 Vegetation	35
	Section 7.06 Stairways	35
	Section 7.07 Accessory Structures	35
	Section 7.08 Junk, Including Motor Vehicles	35
	Section 7.09 Graffiti	36

ARTICLE I

PURPOSE

1.01 PURPOSE

The purpose of this exterior property maintenance code is to protect the public health, safety, morals and general welfare as it pertains to areas, premises and buildings used for residential, commercial, industrial, travel, and public purposes. This protection is hereinafter provided by:

- 1) Establishing minimum standards for maintaining residential, commercial and industrial environmental quality to preserve and achieve the presentable appearance of existing structures and premises; avoiding blighting effects of the substandard maintenance of structures and premises and their negative impact on the value of surrounding properties; and eliminating hazardous conditions;
- 2) Fixing the responsibilities of owners, operators and occupants of structures and their premises; and
- 3) Providing for administration, enforcement and penalties.

ARTICLE II

TITLE

2.01 TITLE

This Code shall be known as "The Butler Township Exterior Property Maintenance Code," and is herein referred to as above, or as the "Exterior Property Maintenance Code," or, in context, as "this Maintenance Code."

ARTICLE III

DEFINITIONS

3.01 CONSTRUCTION OF LANGUAGE

For the purpose of this Exterior Property Maintenance Code certain terms or words shall be interpreted as follows:

- 1) Words used in the singular shall include the plural, and the plural the singular;
- 2) Words used in the present tense shall include the future tense;
- 3) Words in the masculine gender shall include the feminine and neuter;
- 4) The word "shall" is mandatory and not discretionary;
- 5) The word "may" is permissive;
- 6) The phrase "used for" shall include the phrases "arranged for," "designed for," "intended for," "maintained for," and "occupied for;"
- 7) The work "person" includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual; and
- 8) The word "dwelling" includes the word "residence."

3.02 DEFINITIONS

All words used in this Exterior Property Maintenance Code shall have their customary meanings, except those specifically defined in this Section.

BUILDING CODE: The most current edition of the state of Ohio building code, or such other code as may be officially designated by Montgomery County Commissioners for the regulation of construction, alteration, addition, repair, removal, demolition, use, location, occupancy, and maintenance of all buildings and structures.

EXTERIOR PROPERTY AREAS: Open space on the premises; on adjoining property under the control of owners or operators of such premises; or being used by persons within public areas, such as alleys, parks, streets or other public spaces.

GRAFFITI: In addition to its usual and customary meaning of defacing walls or structures with messages or slogans, "graffiti" shall also mean any letter, numeral, figure, emblem, insignia, picture, outline, character, spectacle, delineation, announcement, word, phrase, diagram, symbol, sketch, inscription or representation wherein the contents: depict or represent any sexual activity or sexual organs; make explicit or implicit references to criminal activities or groups which promote or are involved in criminal activity; make explicit or implicit references to searing or fighting words; include defamatory references about any person or personal relationships; or include any marking, of any

kind, which results in damage to, defacing or marring of, or discolor of, any sidewalk, street or public property, or the exterior surface of a wall, fence, door, building, or other structure, whether publicly or privately owned.

JUNK OR INOPERABLE VEHICLE: A vehicle, including but not limited to cars, trucks, busses, trailers, and boats, shall be deemed a junk or inoperable vehicle whenever any of the following occur:

- 1) The vehicle is without a valid current registration and/or license plate;
- 2) The vehicle is apparently inoperable;
- 3) The vehicle is without fully inflated tires and/or has any type of support under it;
- 4) The vehicle has a substantially damaged or missing window, windshield, door, motor, transmission, or other similar major part;
- 5) The vehicle is left on private property without permission of the person having the right of possession of the property;
- 6) A trailer or other item(s) has been left on public property, unattached to motive power, in violation of notice by an Enforcement Official to remove same from all public properties.

OWNER: “Owner” means and includes the owner of record of the subject property, whether public or private, at the time of the placement or discovery of graffiti or a public nuisance; or at a subsequent time, the beneficial owner under a land contract, the contract purchaser, or that person, persons, or trust in whose name the general taxes for the last preceding year were paid, except that “owner” shall not include Butler Township.

MOTOR VEHICLE: Shall be as defined in Section 4501 (B) of the Ohio Revised Code.

PREMISES: A lot, plot, site, or parcel of land, including the buildings or structures thereon.

PUBLIC NUISANCE: includes the following:

- 1) The physical condition or use of any premises regarded as a public nuisance as defined herein or at common law; or
- 2) Any physical condition, use, or occupancy of any premises or its appurtenances considered an attractive nuisance to children, including but not limited to junk, inoperable or unlicensed vehicles, abandoned wells, shafts, basements, excavations, abandoned refrigerators, or;
- 3) Any premises which have improperly working drainage facilities; or
- 4) Any premises designated by fire, police, or public health authorities as unsafe for human habitation or use; or
- 5) Any premises, which are manifestly capable of being a fire hazard, or are manifestly unsafe or unsecured so as to endanger life, limb or property; or

- 6) Any premises which are unsanitary, or which are littered with rubbish or garbage.

PUBLIC PROPERTY: Shall mean any street, highway, or public right of way, and any other publicly owned property or facility.

RUBBISH: Rubbish includes both combustible and non-combustible waste materials, car parts, motors, and abandoned appliances. The term shall also include rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery, dust, and similar materials, as well as residue from the burning of wood, coal, and other combustible materials.

STRUCTURE: Anything constructed or erected which requires location on the ground or attachment to something having location on the ground.

TRAILER: Shall include and be defined by RC Sections 4501.01 (M), (N), and (P).

ARTICLE IV

ADMINISTRATION AND ENFORCEMENT

4.01 APPLICATION OF EXTERIOR PROPERTY MAINTENANCE CODE

The provisions of the Exterior Property Maintenance Code shall apply to all premises, structures and public property within Butler Township used either for human habitation or for commercial, industrial, or public purposes, which are now, or may become in the future, substandard with respect to structure, maintenance, proper drainage, sanitary conditions, or which otherwise constitute a public nuisance. The existence of such conditions, factors or characteristics adversely affects public health, safety, morals and general welfare, and leads to the continuation, extension and aggravation of blight and its attendant negative affects on surrounding property values. Adequate protection of the public, therefore, requires the establishment and enforcement of this Maintenance Code.

4.02 COMPLIANCE REQUIRED

Every portion of a building or premises used or intended to be used for residential, commercial, or industrial purposes, shall comply with the provisions of this Exterior Property Maintenance Code, irrespective of when such building was constructed, altered or repaired, or premises occupied, except as hereinafter provided.

4.03 CONFLICT OF LAWS

In any case where a provision of this Exterior Property Maintenance Code is found to be in conflict with a provision of any zoning, building, fire, safety, health, or other regulation, the provision of which establishes a higher standard for the promotion and protection of the safety and health, the conflicting provision shall prevail.

4.04 EXISTING REMEDIES

Nothing in this Exterior Property Maintenance Code shall be interpreted to abolish, impair, or prevent the execution of any existing remedies of Butler Township, or its officers or agents, related to the abatement of a public nuisance.

4.05 SEPARABILITY

If any section, subsection, paragraph, sentence, clause or phrase of this Exterior Property Maintenance Code is declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this Exterior Property Maintenance Code, which portions shall continue in full force and effect, and to this end the provisions of this Exterior Property Maintenance Code are hereby declared to be severable.

4.06 SAVING CLAUSE

This Exterior Property Maintenance Code shall not affect violations of any other resolution, ordinance, code or regulation existing prior to the effective date of this Exterior Property Maintenance Code, and any violation of such shall be governed and shall continue to be punishable to the full extent of the law under the provisions of those ordinances, codes or regulations in effect at the time the violation was committed.

4.07 ENFORCEMENT OFFICERS

- A. Enforcement Officers. The Township Trustees shall assign the duties of administering and enforcing this Maintenance Code to qualified Enforcement Officers. Enforcement Officers may call upon any department, division or contractor of the Township for whatever assistance may be necessary to abate a violation of this Exterior Property Maintenance Code.
- B. Liability. No officer, agent or employee of Butler 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 duties under this Code.

4.08 INSPECTIONS

Enforcement Officers, for purposes of enforcing the provisions of this Exterior Property Maintenance Code, are authorized to make inspections of building exteriors and premises located within Butler Township. For the purpose of making such inspections, and upon showing appropriate identification, Enforcement Officers are hereby authorized to examine and survey, at any reasonable hour, all residential, commercial, industrial, and other premises.

4.09 NOTICE OF VIOLATION

- A. Content. Whenever Enforcement Officers determine there is a violation of the provisions of this Code, Notice of such violation may be given to the property owner, and/or person or persons responsible therefore, and such Notice may order compliance as hereinafter provided. Such Notice and order shall:
- 1) Be in writing;
 - 2) Include a description of the real estate sufficient for identification;
 - 3) Include a statement of the reason or reasons why Notice is being issued;
 - 4) Include a correction order allowing a reasonable time for the repairs and improvements required to bring the property into compliance with the provisions of this Code; and
 - 5) State the right of an aggrieved person to file an appeal of the Notice with the Maintenance Code Appeals Board within ten (10) days of receipt of said Notice.
- B. Service: A Notice of Violation shall be deemed properly served if one or more of the following methods are used:
- 1) By personal delivery to the owner or occupant(s) of the premises, or by leaving the Notice at the premises with a person of suitable age and discretion; or
 - 2) By certified mail, deposited in a United States Post Office, addressed to the person or persons responsible at his/their last known address, with return receipt requested. If a certified mail envelope is returned with endorsement showing that the envelope is unclaimed, then service shall be sent by ordinary mail, and the mailing shall be evidenced by a certificate of mailing which shall be filed by the Enforcement Officer. Service shall be deemed complete when the fact of mailing is entered of record, provided that the ordinary mail envelope is not returned by the postal authorities with an endorsement showing failure of delivery; or
 - 3) By posting a copy of the Notice form in a conspicuous place on the premises found in violation and publishing a legal notice in a newspaper of general circulation in the Butler Township. The legal notice shall identify the owners of the property, the last address, if known, of the owners, the parcel identification, and the location and nature of the violation; or
 - 4) For a junk motor vehicle, as an addition or alternative to providing service as described above, enforcement officials may provide service by affixing a Notice of Violation in a conspicuous place to the exterior of the vehicle.

4.10 EXTERIOR PROPERTY MAINTENANCE CODE APPEALS

- A. Appeals Board. To implement the purposes and requirements of this Exterior Property Maintenance Code, there is hereby created the Exterior Property Maintenance Code Appeals Board, hereinafter referred to as the Board. For the purposes of this Code, the Butler Township Board of Zoning Appeals (BZA) shall function as the Exterior Property Maintenance Code Appeals Board.
- 1) Procedure. Said Board may adopt rules of procedure not inconsistent 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.
 - 2) Authority. The Board shall hear all appeals relative to the enforcement of this Code, and, by concurring vote of a majority of its members, may reverse, affirm or modify, wholly or in part, the decision appealed from; and the Board shall make such order or determination as in its opinion ought to be made. Failure to secure a majority BZA opinion to modify a Notice of Violation shall be deemed a confirmation of decisions by the Enforcement Officer.
- B. Hearings. Any person affected by any Notice of Violation which has been issued in connection with enforcement of any provision of this Exterior Property Maintenance Code, may request, and shall be granted, a hearing on the matter before the Exterior Property Maintenance Code Appeals Board, provided that such person shall properly file an appeal, on forms provided by Butler Township, in the Butler Township administrative offices. Such appeal shall be filed within ten (10) days after the date of the Notice and Order. Upon receipt of such an appeal, the Exterior Property Maintenance Code Appeals Board shall set a time and place for hearing, and shall give the appellant petitioner written notice thereof by first class mail postmarked at least ten (10) days prior to such hearing. The hearing shall be held no less than ten (10) days and no more than thirty (30) days from the date an appeals petition is filed. At such hearing, the appellant shall be given an opportunity to be heard, and to show cause why any item appearing on such Notice and Order should be modified or withdrawn. The failure of the appellant or their representative to appear at such hearing and state a basis of appeal shall have the same effect as if no petition were filed.
- C. Findings. Prior to sustaining any Notice of Violation and compliance order, the Exterior Property Maintenance Code Appeals Board shall make the following findings:
- 1) The violator was served with a Notice of Violation and/or Citation Tag as provided for in Sections 4.09 and 4.11.

- 2) The Citation Tag and/or Notice of Violation that was served stated the specific nature of the violation, corrective action needed to abate the violation, and a specific time period for violation abatement.
 - 3) Within the time period stipulated in the Citation Tag and/or Notice of Violation, the appellant failed to comply with the Notice of Violation by not bringing affected premises into compliance with the Butler Township Exterior Property Maintenance Code.
 - 4) Upon expiration of the date indicated for compliance in the Notice of Violation, the property was being maintained in violation of specific provisions of the Butler Township Exterior Property Maintenance Code and/or conditions imposed by the Appeals Board as modification of a previous compliance order.
- D. Authority of Appeals Board. Within thirty (30) days of the close of the public hearing, the Appeals Board shall render a decision sustaining, modifying, or negating any item appearing on the Notice and Order. The appellant shall be notified in writing of such action.

4.11 CITATION TAGS

Enforcement Officers are authorized to use Citation Tags for purposes of giving due notice and summons to persons responsible for violations of this Exterior Property Maintenance Code.

- A. Contents: Citation Tags shall be put in writing on an appropriate form, state the nature of the violation, refer to the section or sections of this Code that have been violated, and state the appropriate assessment or penalty therefore.
- B. Payment of Assessment: When a Citation Tag has been served, such person or persons named shall appear at the place or places designated upon such tag, and shall pay the assessment for the violation noted on the Citation Tag. Upon full payment of the assessment, within the time limit specified, no further action will be taken to prosecute the violation noted on the citation, provided remedial action, if necessary, is taken.
- C. Notice and Future Violation: The Citation Tag, as herein provided, shall be sufficient notice, summons, and legal service thereof for the purposes specified thereon; provided, however, that the use of such tags shall not prohibit the issuance of either additional Citation Tags or additional legal notices of violation in the event violations are continued or repeated.
- D. Establishment of Fee Schedule by Township Trustees: Prior to the issuance of any Citation Tag, the Board of Butler Township Trustees

shall adopt by resolution a Citation Tag assessment fee schedule. From time to time, and upon its own motion, said Township Trustees may modify the Citation Tag assessment fee schedule.

- E. Penalty Assessment: When a violation citation tag has been issued pursuant to this section, an amount established by the Township Trustees is hereby assessed on the violator. If the assessment is paid within the seventy-two (72) hour period immediately following the issuance of the citation tag, all assessments are reduced by fifty percent (50%) subject to additional citations and assessment if the violation is not terminated within twenty-four (24) hours. Failure to pay the assessment within a period of thirty (30) days after the date of service of the citation tag shall constitute a minor misdemeanor, punishable as provided in Section 4.99 of this resolution. Assessments may also be attached to the property taxes for the property in question.

4.12 PROSECUTION

In case any Notice of Violation order is not promptly complied with, an Enforcement Officer may request the Township Attorney to institute an appropriate action or proceeding at law to exact the penalty provided in Section 4.99 of this Code, and in addition thereto, may ask the Township Attorney to proceed at law or in equity against the persons responsible for a violation for purposes of seeking abatement of such nuisance.

4.13 ABATEMENT OF NUISANCE BY BUTLER TOWNSHIP AND COST RECOVERY

Should a nuisance not be abated at the expiration of the time stated in the Notice of Violation issued by an Enforcement Officer, or during any extensions granted, or during such additional time as the Exterior Property Maintenance Code Appeals Board may grant, the Enforcement Officer shall be authorized at any time thereafter to: 1) either request a court to authorize entry upon private property to take such action as is deemed appropriate to abate the nuisance; or 2), in the case of public property, effect removal of the public nuisance. These remedies shall exist in addition to any remedies provided elsewhere in this Maintenance Code. In abating such nuisance, the Enforcement Officer may call on any department, division, or contractor of the Township for whatever assistance may be necessary to abate the aforesaid nuisance; or may, by private contract, abate such nuisance, with the cost of the abatement contract paid for from Township funds. All costs for abating such nuisance shall be recovered in the following manner:

- 1) The owner(s) shall be billed directly, by certified mail deposited with the United States Post Office. In the event the certified mail envelope is returned with an endorsement showing that the envelope has been

unclaimed, then service shall be sent by ordinary mail and the mailing shall be evidenced by a certificate of mailing filed by the Enforcement Officer.

- 2) If the costs are not so recovered within thirty (30) days of receipt of the mailing described in Section 4.13(1), the Township may collect the cost in accordance with the Ohio Revised Code.

4.14 RULEMAKING AUTHORITY

Enforcement Officers shall have such power as may be necessary in the interest of public safety, health and general welfare, to adopt and promulgate rules and regulations to implement the provisions of this Code, to secure the intent thereof, and to designate requirements applicable because of local climatic or other conditions. Such rules shall not have the effect of abrogating: 1) policies contained in this Code; or 2) fire protection requirements specifically provided for in this Code; or 3) violating approved public safety practice.

4.15 TRANSFER OF OWNERSHIP

It shall be unlawful for the owner of any building or structure who has received a notice of violation to sell, transfer, mortgage, lease or otherwise dispose of same to another until the provisions of the Notice of Violation have been complied with, or until such owner shall first furnish the grantee, transferee, mortgagee or lessee a true copy of any Notice of Violation issued by an Enforcement Officer and shall furnish to the code official a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging receipt of such Notice of Violation and fully accepting the responsibility, without condition, for making the corrections or repairs required by such Notice of Violation.

4.16 ABANDONMENT OF CONSTRUCTION PROJECT

All construction work shall be diligently pursued to completion on any building or structure for which a building permit has been issued, unless forestalled by circumstances beyond the property owner's control (e.g., labor strikes, inclement weather, et cetera). Any construction project upon which no substantial work has been undertaken for a period of six (6) months shall be deemed abandoned. Upon any construction project being deemed abandoned, all buildings or structures not completed to the degree such buildings or structures have been indicated on the plans submitted in support of a building permit, as well as all building materials and construction equipment, shall be removed from the site.

4.17 IMPOUNDING OF JUNK MOTOR VEHICLES

Notwithstanding other provision of this Code, an Enforcement Officer may order into storage any vehicle maintained in violation of any provision of this Code. Prior to removal of any junk motor vehicle, Enforcement Officials shall record the vehicle's make and model, when available, and designate the place of storage.

4.18 VEGETATION AND WEED CUTTING

- A. No person owning or being in possession of land within the Township shall fail to keep such property free and clear of all noxious weeds and rank vegetation, or fail to cut all such weeds and vegetation on land either owned or in their possession, whenever such weeds or vegetation have grown to a height of eight (8) inches or more.
- B. In addition to the requirement of Section 4.18 (A), no person shall permit any grass or weeds to grow to a height of eight (8) inches or more on any section of public right of way, including any easement areas contiguous to their property and on their property side of any pavement traveled by motor vehicles.
- C. No person shall permit trees, bushes, shrubs, or other growth to overhang or block any part of either a sidewalk or unpaved, but traveled, portion of a street for a height of seven (7) feet above said surface; or to overhang or block any part of a paved street for a height of fourteen (14) feet above the surface.

4.18.1 NOTIFICATION FOR WEED CUTTING

Whenever an Enforcement Officer determines there is a violation of Sections 4.18, A. or B., notice shall be given as provided in Section 4.09, except that it shall be permissible for the Enforcement Officer only to provide such notice to the person in charge of the property once annually, thereby permitting all subsequent enforcement actions in a given year to be undertaken without notice.

4.18.2 FAILURE TO COMPLY WITH NOTICE TO CUT WEEDS, RANK VEGETATION, TREES OR BUSHES

In addition to other remedies provided for in this Code, upon expiration of the Notice of Violation, an Enforcement Officer may cause noxious weeds, rank vegetation, trees, or bushes to be cut and destroyed, with all costs thereof billed to the property owner. If billed costs are not recovered within thirty

(30) days of receipt of the mailing described in Section 4.13(A), the Township may collect the cost in accordance with the Ohio Revised Code.

4.99 VIOLATIONS AND PENALTIES

- A. No person shall violate any provision of, or fail to conform to, the requirements of this Exterior Property Maintenance Code, nor fail to comply with any order made thereunder.
- B. Whoever violates any section of this Code shall be guilty of a minor misdemeanor, and may be fined not more than one hundred dollars (\$100.00). A separate offense shall be deemed committed each day on which a violation occurs or continues.
- C. The application of the penalty provided in subsection B. hereof shall not be held to prevent the enforced removal of prohibited conditions.

ARTICLE V

RESIDENTIAL EXTERIOR PROPERTY MAINTENANCE STANDARDS

5.01 APPLICATION OF MAINTENANCE STANDARDS

The following standards are applicable to all residential structures, dwelling units, residential portions of mixed use structures, and all dwelling units located in commercial buildings.

5.02 STRUCTURAL SOUNDNESS AND MAINTENANCE OF DWELLINGS

All foundations, exterior walls, and the roofs of every dwelling shall be so constructed and maintained, and shall be kept in good repair and in safe condition, so as to make all occupied rooms and other interior areas weather-tight, water-tight, rodent-proof, fit for human habitation, and kept so as not to adversely affect the neighborhood in which they are located. Good repair, maintenance, and safe conditions shall include, but not be limited to, the following:

- 1) Foundations. Foundations shall support the building at all points and shall be free of holes and cracks which may admit rodents, water, or dampness to the interior of the building, or which may lessen the capability of the foundation to support the building.
- 2) Exterior Walls and Surfaces. Exterior walls and other exterior surface materials shall be free of holes, cracks, loose or rotting boards and timbers, or any other condition which might admit rodents, water, or dampness to the interior of a dwelling.
- 3) Windows. Windows shall be fully supplied with window glass or an approved substitute which is glazed and without open cracks or holes. Sashes shall be in good condition, properly fitted within frames, capable of being easily opened and held in position by hardware, and shall be maintained so as to exclude adverse weather elements from entering the structure.
- 4) Exterior Doors. Doors shall be maintained so as to be structurally sound; fit within frames so as to be weatherproof, windproof, and water-proof; and shall be provided with door hinges and door latches which are in good working condition.
- 5) Roof. Roof members, roof coverings, and flashing shall be structurally sound and tight so as to prevent the entrance of moisture, and shall be maintained by renewal, repair, waterproofing or other suitable means. Roof drainage shall be adequate to prevent rain water from causing dampness within the building.
- 6) Gutters. Rain gutters, downspouts, leaders or other means of water diversion shall be provided to collect, conduct, and discharge all water

from the roof, and such appurtenances shall be maintained so as not to leak or cause dampness in the walls, ceiling, or basements or adversely affect adjacent properties.

- 7) Chimneys. Chimneys shall be free of cracks, holes, missing portions and mortar, and shall be maintained in sound condition.
- 8) Porch. Every porch shall be so constructed and maintained so as to be free of missing, defective, rotted, or deteriorated foundations, supports, floors, railings, and steps thereto, so as to be safe to use, and porch elements shall be kept in sound condition and in good repair.
- 9) Exterior Surfaces. Except for materials that have been designed to remain untreated, all exterior wood, composition, or metal surfaces shall be protected from the elements by paint or other protective covering. Surfaces shall be maintained so as to be kept clean and free of flaking and loose or peeling paint.
- 10) Basement. Basement or cellar hatchways shall be so constructed and maintained as to prevent the entrance of rodents, rain, and surface drainage into a dwelling.
- 11) Decorative Features: All cornices, entablatures, bell 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.

5.03 PAINT AND COATING MATERIALS

All paint and other coating materials shall be free of any lead. Such materials also shall be free of dangerous substances banned for health and safety reasons from general use by authorized federal, state, county, or local regulatory agencies.

5.04 PROPERTY AND STRUCTURE EXTERIORS

All buildings, and the exterior of all premises, shall be properly maintained so as to achieve a presentable appearance and avoid blighting effects and hazardous conditions.

- A. Exterior Space. The exterior open space around every dwelling shall be improved and maintained so as to provide for:
 - 1) The immediate diversion of water away from buildings, and proper drainage of the lot;
 - 2) Grass, plantings, or other suitable ground cover to prevent soil erosion which is, or may become, detrimental to the structures, lot use, or adjacent lots and structures;
 - 3) Walks, parking areas, and driveways of either concrete, asphalt, pavers, or a similar surface, all of which are of sound construction and properly maintained; and

- 4) Exterior steps which are of sound construction and properly maintained, free of hazardous conditions.
- B. Maintenance. The exterior of all premises and every structure thereon, including but not limited to walls, roofs, cornices, chimneys, drains, towers, porches, landings, fire escapes, stairs, signs, windows, doors, awnings, and all surfaces thereof, shall be maintained so as to avoid any blighting effects on neighboring properties, and shall be painted or protected where necessary for purposes of preservation. All canopies, signs, awnings, exterior stairways, fire escapes, standpipes, exhaust ducts, porches, balconies, and similar overhanging extensions, where exposed to public view, shall be maintained in good condition, and shall not show evidence of ripping, tearing, or deterioration.
- C. Yards. All yards, courts, and lots shall be kept free of overgrown grasses, debris, and other materials which may cause a fire, health, safety hazard, or general unsightliness.
- D. Hazards. Hazards and unsanitary conditions shall be eliminated.
- E. Occupancy. No temporary buildings, trailers, recreational vehicles, tents, garages, barns or similar abodes shall be used either temporarily or permanently as a residence during the course of construction on a site or for any other reason.
- F. Storage. Except as provided for in other regulations of the Township, outdoor storage of any kind shall be prohibited.
- G. Drainage. All portions of premises shall be graded so that there is no pooling of water or recurrent entrance of water into any part of any building except when such pooling or retention of water is part of a plan approved by the County Engineer. All condensate and waste cooling water shall be appropriately discharged into an approved drainage system.
- H. Drainage Swales. Swales are to be maintained by owners of the parcels on which they are located. At no time shall shrubs and/or trees be planted; nor shall any material, fill or waste be discharged, emptied, or placed into any swale so as to divert or impede drainage flow. Small swales can be mowed as part of the yard. Larger swales, in meadow situations, should be mowed less frequently in order to allow taller grasses to grow in order to retard runoff and prevent erosion. Swales in woodland areas shall be left in their natural condition, leaving understory growth to retard runoff and prevent erosion.

- I. Junk, Inoperable or Unlicensed Vehicle. No junk, inoperable, or unlicensed vehicle shall be located on any residential property or public property, or in violation of applicable zoning district regulations, except when stored within a completely enclosed building.

5.05 VEGETATION

- A. Vegetation Cutting Required. All grass, weeds and rank vegetation shall be periodically cut so as not to exceed a height of eight (8) inches.
- B. Maintenance of Plantings. All plant materials, especially trees and shrubs, afflicted with decay, disease, insect infestation, or otherwise considered dangerous to other plant materials, shall be removed or appropriately treated. All sound plant materials, especially trees and shrubs, shall be properly maintained and not evidence signs of neglect.

5.06 STAIRWAYS

- A. Exterior Stairways. Exterior stairways on all residential premises shall be kept in accordance with the following provisions:
 - 1) Stairways shall be maintained free of holes, grooves, and cracks which constitute a safety hazard;
 - 2) Stairways shall be maintained free of rotted or deteriorated supports;
 - 3) Stairways shall have treads of uniform width and risers of uniform height; and
 - 4) Stairway handrails and/or railings shall be firmly fastened and maintained in good condition. Where the absence of handrails and/or railings creates a hazardous condition, an Enforcement Officer may require installation in accordance with the provisions of the Montgomery County Building Code.

5.07 ACCESSORY STRUCTURES

Structures accessory to dwellings, including detached garages, shall be structurally sound, neatly maintained, and in good repair, or such accessory structures shall be razed to grade level and the resulting debris removed from the premises.

5.08 PLACEMENT OF GARBAGE CONTAINERS

All approved residential garbage containers shall be placed for pick-up either at the curb or at an authorized alley location unless prior arrangements have been made with the Township for pickup at another location. No garbage container shall be placed at the curb earlier than 24 hours preceding scheduled pickup, and all such containers shall be removed within 24 hours after pickup.

When not at the curb for pickup, all garbage containers shall either be in an enclosed building or placed behind the front building line (the front wall of the house).

- A. Multi-Family Dwelling Units. All multi-family dwelling units utilizing a dumpster for trash removal must locate the dumpster to the rear of the structure. If a multi-family unit does not use a dumpster, residents must follow the same requirements as defined in Section 5.08, "Placement of Garbage Containers."
- B. Bundling of Trash. If trash is of such nature that it cannot be put in regulation containers, it shall be placed in a manner as specified by the township contract with the trash hauler, and placed at the curb or alley as specified under Section 5.08 "Placement of Garbage Containers."
- C. Report of Collection Failures. Every owner, occupant, tenant or lessee is required to maintain surveillance over the garbage and trash storage, handling and collection on his premises. Any missed pickup must be reported to the township offices no later than one business day after the scheduled pickup.
- D. Bulk Trash Pick-Up. Unless special arrangements have been made with the township prior to placement, bulk items shall not be placed at the curb earlier than 48 hours preceding the scheduled pickup.
- E. Penalty. In addition to penalties specified in Section 4.99, "Violations and Penalties", violations of section 5.08, paragraph D, may result in the township abating the violation at the property owner's expense.

5.09 JUNK, INCLUDING MOTOR VEHICLES

- A. Storage of Junk Motor Vehicle on Private Property. No junk motor vehicle shall be maintained on any private property unless such vehicle is stored within a completely enclosed building.
- B. Parking of Junk Motor Vehicles and Other Items on Public Property. No trailer, storage container, junk motor vehicle or other item owned privately shall be maintained on any public property.
- C. Impounding of Junk Motor Vehicle and Other Items . In addition to other remedies provided by law, the enforcement officer may order into storage any vehicle maintained in violation of any provision of this resolution. Prior to removal of any junk motor vehicle, the enforcement officer shall photograph the junk motor vehicle and record the make, model and serial number when available. The place of storage shall be designated by the enforcement official.

- D. Disposition of Junk Motor Vehicles Ordered into Storage. Any junk motor vehicle order into storage that remains unclaimed for a period of thirty (30) days may be disposed of at a motor vehicle salvage dealer or scrap metal processing facility owned by or under contract with the township for the disposal of such motor vehicles, or may be sold by the township or licensed auctioneer at a public auction, after giving notice thereof by advertisement, published once a week for two successive weeks in a newspaper of general circulation in the township. Any moneys accruing from the disposition of an unclaimed motor vehicle that are in excess of the expenses resulting from the removal and storage of the vehicle shall be credited to the general fund of the township.

- E. Towing and Storage Charge; Recovery of Impounded Vehicle. The owner of any junk vehicle order into storage pursuant to this resolution may reclaim it upon payment of any expenses or charges incurred in its removal, in amount not to exceed forty dollars (\$40.00), and storage charge in an amount not to exceed five dollars (\$5.00) per twenty-four hour period, and upon presentation of proof of ownership, which shall be evidenced by a certificate of title to the motor vehicle.

5.10 GRAFITTI

- A. Prohibited Conduct
 - 1) No person shall inscribe, draw, or otherwise place or cause to be placed, any graffiti upon the surface of any building, structure, wall or surface of other property, including, but not limited to sidewalks, walls, building, fences and signs, that is publicly or privately owned.
 - 2) No parent or legal guardian shall knowingly permit any minor child in his or her custody or control to violate Paragraph A.1 hereof.
 - 3) The parent or legal guardian of a minor defendant who resides with such parent or legal guardian at the time of the offense may be held liable for any fine or condition of restitution or reparation imposed by a court upon a minor for violations of this section, provided that such minor has not paid such fine or made restitution or reparation within the time ordered by the court, and further provided that such parent or legal guardian has been served with summons of notice to appear, whether in the original caused or in any subsequent proceedings arising there from.

- B. Removal by Owner

It shall be the duty of the owner of the structure or wall or other private property, upon which any graffiti is placed or made, to remove, eradicate

or eliminate such inscription or representation with fourteen days of the occurrence unless granted additional time by the Township.

C. Removal by the Township

- 1) The Township shall have the right but not the duty to remove graffiti from the exterior of private property if the owner informs the city of the presence of such graffiti and of the owner's inability to remove it. Prior to the Township entering any private property to remove graffiti, the owner must sign a statement authorizing removal by the Township and agreeing to pay the reasonable cost of such removal and to allow the recording of a lien against the real estate upon which the work was performed if the cost is not paid to the township within thirty (30) days of the date of the invoice sent to the owner. The owner must also sign a release holding the Township harmless from any claims, damages or suits brought for damages pursuant to any adverse or injurious effects of such chemicals or from the actions taken by the Township commencing working on the property. If the property owner does not remove the graffiti within the time specified or extended time requested and granted by the township, or if the Township is unable to perform the work at the request of the owner, the owners shall be subject to the penalties provided in subsection "e" hereof.
- 2) If the Township performs the graffiti removal pursuant to Paragraph C.1 hereof, it shall be entitled to a lien upon which the work was performed for the cost of the removal.
- 3) If the owner of private property fails to remove graffiti and fails to comply with the notices to remove graffiti, the township shall cause the removal of the graffiti from the owner's property and may employ the necessary labor to perform such task. All expenses incurred shall be paid out of any money in written return to the Auditor of Montgomery county with a statement of the charges for services in graffiti removal, together with a proper amounts shall be entered upon the tax duplicate, shall constitute a lien upon such lands from the date of the entry, and shall be collected as other taxes and returned to the Township with the General Fund. The remedy provided for in this subsection is in addition to the penalty provided in subsection "e" hereof.

ARTICLE VI

COMMERCIAL EXTERIOR PROPERTY MAINTENANCE STANDARDS

6.01 GENERAL PROVISIONS

Every commercial structure and commercial unit shall meet all of the provisions and requirements of the official zoning code, building code, fire code and health ordinance applicable to the structure and its intended and present use. Where these codes require the provision of a particular facility or equipment, or where they set a structural or installation standard, such related parts of every commercial structure and commercial unit shall be maintained to the minimum standard provided for in the applicable section of this Code or to the minimum standard provided for in the above codes, whichever standard is higher.

The following commercial exterior property maintenance standards are applicable to all commercial structures, commercial units, and portions of mixed use structures which are devoted to commercial use, including all exterior and structural requirements, soundness and maintenance.

6.02 STRUCTURAL SOUNDNESS AND MAINTENANCE OF COMMERCIAL STRUCTURES

Every foundation, floor, wall, ceiling and roof of every commercial structure shall be so constructed and maintained and be kept in good repair and in safe condition so as to make all occupied rooms and other interior areas weather-tight, water-tight, rodent proof and so as to be fit for human use and so as to not adversely affect the neighborhood in which they are located. Good repair, maintenance and safe condition shall include but is not limited to the following:

- A. Foundations. Foundations shall support the building at all points and shall be free of all holes and cracks which admit rodents, water or dampness to the interior of the building or lessen the capability of the foundation to support the building.
- B. Exterior Walls and Surfaces. Exterior walls and other exterior surface materials shall be free of holes, cracks, loose or rotting boards and timbers or any other condition which might admit rodents, rain or dampness to the interior of the dwelling.
- C. Windows. Windows shall be fully supplied with window glass or an approved substitute which is glazed and is without open cracks or holes, shall have sashes in good condition which fit within frames, and

maintained so as to exclude adverse weather elements from entering the structure.

- D. Exterior Doors. Doors shall be maintained so as to be structurally sound, fit within frames so as to be weatherproof, windproof, and waterproof and be provided with door hinges and door latches which are in good working condition.
- E. Roof. Roof members, covering and flashing shall be structurally sound and tight so as to prevent the entrance of moisture and be maintained by renewal, repair, waterproofing or other suitable means. Roof drainage shall be adequate to prevent rain water from causing dampness in the interior portion of the building.
- F. Gutters. Rain gutters, downspouts, leaders or other means of water diversion shall be provided to collect/conduct and discharge all water from the roof and maintained so as not to leak or cause dampness in the walls, ceiling, or basements or adversely affect adjacent properties.
- G. Chimneys. Chimneys shall be free of cracks, holes or missing portions and maintained in sound condition.
- H. Porch. Every porch shall be so constructed and maintained so as to be free of missing, defective, rotting or deteriorated foundations, supports, floors, other members, and steps thereto, so as to be safe to use and kept in sound condition and in good repair.
- I. Structural Member. Any structural member of a structure which has become deteriorated or damaged to the extent that it does not serve the purpose as originally intended shall be renewed, restored, repaired, or replaced as is necessary to serve the purpose as originally intended.
- J. Exterior Surface. Except for materials that have been designed or manufactured to remain untreated, all exterior wood, composition or metal surfaces shall be protected from the elements by paint or other protective covering. Surfaces shall be maintained so as to be kept clean and free of flaking, loose or peeling paint or covering.
- K. Basement. Basement or cellar hatchways shall be so constructed and maintained as to prevent the entrance of rodents, rain and surface drainage into the structure.
- L. Decorative Features. All cornices, entablatures, bell courses, corbels, terracotta trim, wall facings, and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.

6.03 PAIN AND COATING MATERIALS

All paint and other coating materials shall be free of any lead. These materials shall also be free of dangerous substances banned from general use by authorized federal, state, county, or local regulatory agencies for health and safety reasons.

6.04 EXTERIOR PROPERTY AND STRUCTURE EXTERIORS

All buildings and the exterior of all premises shall be properly maintained to achieve a presentable appearance and to avoid blighting effects and hazardous conditions.

- A. Exterior Space. The exterior open space around each structure shall be maintained or so improved so as to provide for:
- 1) The immediate diversion of water away from buildings and proper drainage of the lot;
 - 2) Grass, plantings or other suitable ground cover to prevent soil erosion which is or may become detrimental to the structures, lot use or adjacent lots and structures; and
 - 3) Yard-walks, parking areas, driveways and exterior steps which are of a permanently hard, dust free surface of sound construction and properly maintained.
- B. Maintenance. The exterior of all premises and every structure thereon including but not limited to walls, roofs, cornices, chimneys, drains, towers, porches, landings, fire escapes, stairs, store fronts, signs, windows, doors, awnings, marquees, and all surfaces thereof, shall be maintained so as to avoid any blighting effects on neighboring properties and shall be painted or protected where necessary for the purpose of preservation.

All canopies, marquees, signs, awnings, exterior stairways, fire escapes, standpipes, exhaust ducts, porches, balconies, and similar overhanging extensions, and their supporting structures where exposed to public view, shall be maintained in good condition and shall not show evidence of ripping, tearing, or deterioration. Prohibited and obsolete signs shall be removed or replaced pursuant to the applicable sections of the Butler Township Zoning Resolution.

- C. Yards. All yards, courts, and lots shall be kept free of noxious weeds, overgrown grasses, debris and other materials which may cause a fire, health, safety hazard, or general unsightliness.
- D. Hazards. Hazards and unsanitary conditions shall be eliminated.

- E. Occupancy. No temporary buildings, trailers, recreational vehicles, tents, or garages shall be used temporarily or permanently as a residence in the course of construction.
- F. Drainage. All portions of all premises shall be so graded that there is no pooling of water or recurrent entrance of water into any part of any building except where such pooling or retention of water is part of a plan approved by the County Engineer. All condensate and waste cooling water shall be appropriately discharged into an approved drainage system.
- G. Drainage Swales. Swales are to be maintained by the owners of the parcels on which they are located, and at no time will anyone plant trees and/or shrubs or discharge, empty, or place any material fill or waste into any swale so as to impede or divert drainage flow. Small swales can be mowed as part of the yard. Larger swales in meadow situations should be mowed less frequently in order to allow grasses to grow taller to retard runoff and prevent erosion. Swales in woodland areas should be left in their natural condition leaving the understory growth to retard runoff and prevent erosion.
- H. Junk, Inoperable or Unlicensed Vehicle. No junk, inoperable, or unlicensed vehicle shall be located on any commercial property, except when stored within a completely enclosed building or in a manner in conformance with the Butler Township Zoning Resolution.
- I. 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.
- J. Conduct of Business.
 - 1) All business activity, except for off-street loading, shall be conducted within completely enclosed buildings.
 - 2) All storage of trash and garbage containers and/or dumpsters shall be effectively screened from view in a manner approved by the Enforcement Officer.
 - 3) All storage of materials, goods or products, including inoperable vehicles, shall be within a completely enclosed building.
EXCEPTION: *Those businesses which are permitted or conditionally permitted under the terms of the Butler Township Zoning Resolution to conduct business or maintain outdoor storage of materials, goods or products out-of-doors are excepted from compliance with this and subparagraph 1.*
- K. Exterior Light Fixtures. Exterior lighting fixtures over steps, paths, walkways, courts, drives and parking lots shall be neatly maintained in

operable condition and lighted for sufficient periods of time before and after business hours to provide for pedestrian and employee safety and properly aimed so as not to shine on adjacent properties (per local zoning regulation).

6.05 VEGETATION

- A. Vegetation Cutting Required. All grass, weeds or rank vegetation shall be periodically cut and in no case shall exceed a height of eight (8) inches.
- B. 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 or appropriately treated. All sound plant materials, especially trees and shrubs, shall be properly maintained and not evidence signs of neglect.

6.06 STAIRWAYS

- A. Exterior Stairways. All exterior stairways on all commercial premises shall be in accordance with the following procedures:
 - 1) Stairways shall be maintained free of holes, grooves, and cracks which constitute a safety hazard;
 - 2) Stairways shall be maintained free of rotted or deteriorated supports;
 - 3) Stairways shall have treads of uniform width and risers of uniform height; and
 - 4) Stairway handrails and/or railings shall be firmly fastened and maintained in good condition. Where the absence of handrails and/or railings creates a hazardous condition, the Enforcement Officer may require their installation in accordance with the provisions of the Montgomery County Building Code.

6.07 ACCESSORY STRUCTURES

All structures accessory to commercial use, including signs and detached storage buildings, shall be maintained structurally sound, neatly maintained, and in good repair or shall be razed to grade level and debris removed from the premises.

6.08 JUNK, INCLUDING MOTOR VEHICLES

- A. Storage of Junk Motor Vehicle on Private Property. No junk motor vehicle shall be maintained on any private property unless such vehicle is stored within a completely enclosed building.

- B. Parking of Junk Motor Vehicles and Other Items on Public Property. No trailer, storage container, junk motor vehicle or other item owned privately shall be maintained on any public property.
- C. Impounding of Junk Motor Vehicle. In addition to other remedies provided by law, the enforcement officer may order into storage any vehicle maintained in violation of any provision of this resolution. Prior to removal of any junk motor vehicle, the enforcement officer shall photograph the junk motor vehicle and record the make, model and serial number when available. The place of storage shall be designated by the enforcement official.
- D. Disposition of Junk Motor Vehicles Ordered into Storage. Any junk motor vehicle ordered into storage that remains unclaimed for a period of thirty (30) days may be disposed of at a motor vehicle salvage dealer or scrap metal processing facility owned by or under contract with the township for the disposal of such motor vehicles, or may be sold by the township or licensed auctioneer at a public auction, after giving notice thereof by advertisement, published once a week for two successive weeks in a newspaper of general circulation in the township. Any moneys accruing from the disposition of an unclaimed motor vehicle that are in excess of the expenses resulting from the removal and storage of the vehicle shall be credited to the general fund of the township.
- E. Towing and Storage Charge; Recovery of Impounded Vehicle. The owner of any junk vehicle ordered into storage pursuant to this resolution may reclaim it upon payment of any expenses or charges incurred in its removal, in amount not to exceed forty dollars (\$40.00), and storage charge in an amount not to exceed five dollars (\$5.00) per twenty-four hour period, and upon presentation of proof of ownership, which shall be evidenced by a certificate of title to the motor vehicle.

6.09 GRAFFITI

- A. Prohibited Conduct
 - 1) No person shall inscribe, draw, or otherwise place or cause to be placed, any graffiti upon the surface of any building, structure, wall or surface of other property, including, but not limited to sidewalks, walls, building, fences and signs, that is publicly or privately owned.
 - 2) No parent or legal guardian shall knowingly permit any minor child in his or her custody or control to violate Paragraph A.1 hereof.
 - 3) The parent or legal guardian of a minor defendant who resides with such parent or legal guardian at the time of the offense may be held liable for any fine or condition of restitution or reparation imposed

by a court upon a minor for violations of this section, provided that such minor has not paid such fine or made restitution or reparation within the time ordered by the court, and further provided that such parent or legal guardian has been served with summons of notice to appear, whether in the original caused or in any subsequent proceedings arising there from.

B. Removal by Owner

It shall be the duty of the owner of the structure or wall or other private property, upon which any graffiti is placed or made, to remove, eradicate or eliminate such inscription or representation with fourteen days of the occurrence unless granted additional time by the Township.

C. Removal by the Township

- 1) The Township shall have the right but not the duty to remove graffiti from the exterior of private property if the owner informs the city of the presence of such graffiti and of the owner's inability to remove it. Prior to the Township entering any private property to remove graffiti, the owner must sign a statement authorizing removal by the Township and agreeing to pay the reasonable cost of such removal and to allow the recording of a lien against the real estate upon which the work was performed if the cost is not paid to the township within thirty (30) days of the date of the invoice sent to the owner. The owner must also sign a release holding the Township harmless from any claims, damages or suits brought for damages pursuant to any adverse or injurious effects of such chemicals or from the actions taken by the Township commencing working on the property. If the property owner does not remove the graffiti within the time specified or extended time requested and granted by the township, or if the Township is unable to perform the work at the request of the owner, the owners shall be subject to the penalties provided in subsection "e" hereof.
- 2) If the Township performs the graffiti removal pursuant to Paragraph C.1 hereof, it shall be entitled to a lien upon which the work was performed for the cost of the removal.
- 3) If the owner of private property fails to remove graffiti and fails to comply with the notices to remove graffiti, the township shall cause the removal of the graffiti from the owner's property and may employ the necessary labor to perform such task. All expenses incurred shall be paid out of any money in written return to the Auditor of Montgomery county with a statement of the charges for services in graffiti removal, together with a proper amounts shall be entered upon the tax duplicate, shall constitute a lien upon such lands from the date of the entry, and shall be collected as other taxes and returned to the Township with the

General Fund. The remedy provided for in this subsection is in addition to the penalty provided in subsection “e” hereof.

ARTICLE VII

INDUSTRIAL EXTERIOR PROPERTY MAINTENANCE STANDARDS

7.01 GENERAL PROVISIONS

Every industrial structure and industrial use shall meet all provisions and requirements of the official zoning code, building code, fire code and health ordinance applicable to the structure and its intended and present use. Where these codes require the provision of a particular facility or equipment, or where they set a structural or installation standard, such related parts of every industrial structure and industrial use shall be maintained to the minimum standard provided for in the applicable section of this Code or to the minimum standard provided for in the above codes, whichever standard is higher.

The following industrial exterior property maintenance standards are applicable to all industrial structures, industrial uses, and portions of mixed use structures which are devoted to industrial use, including all exterior and structural requirements, soundness and maintenance.

7.02 STRUCTURAL SOUNDNESS AND MAINTENANCE OF INDUSTRIAL STRUCTURES

Every foundation, floor, wall, ceiling and roof of every industrial structure shall be so constructed and maintained and be kept in good repair and in safe condition so as to make all interior areas weather-tight, water-tight, rodent proof and so as to be fit for human use and so as to not adversely affect the neighborhood in which they are located. Good repair, maintenance and safe condition shall include but is not limited to the following:

- A. Foundations. Foundations shall support the building at all points and shall be free of all holes and cracks which admit rodents, water or dampness to the interior of the building or lessen the capability of the foundation to support the building.
- B. Exterior Walls and Surfaces. Exterior walls and other exterior surface materials shall be free of holes, cracks, loose or rotting boards and timbers or any other condition which might admit rodents, rain or dampness to the interior of the building.

- C. Windows. Windows shall be fully supplied with window glass or an approved substitute which is glazed and is without open cracks or holes, shall have sashes in good condition which fit within frames, and maintained so as to exclude adverse weather elements from entering the structure.
- D. Exterior Doors. Doors shall be maintained so as to be structurally sound, fit within frames so as to be weatherproof, windproof, and waterproof and be provided with door hinges and door latches which are in good working condition.
- E. Roof. Roof members, covering and flashing shall be structurally sound and tight so as to prevent the entrance of moisture and be maintained by renewal, repair, waterproofing or other suitable means. Roof drainage shall be adequate to prevent rain water from causing dampness in the interior portion of the building.
- F. Gutters. Rain gutters, downspouts, leaders or other means of water diversion shall be provided to collect/conduct and discharge all water from the roof and maintained so as not to leak or cause dampness in the walls, ceiling, or basements or adversely affect adjacent properties.
- G. Chimneys. Chimneys shall be free of cracks, holes or missing portions and maintained in sound condition.
- H. Structural Member. Any structural member of a structure which has become deteriorated or damaged to the extent that it does not serve the purpose as originally intended shall be renewed, restored, repaired, or replaced as is necessary to serve the purpose as originally intended.
- I. Exterior Surface. Except for materials that have been designed or manufactured to remain untreated, all exterior wood, composition or metal surfaces shall be protected from the elements by paint or other protective covering. Surfaces shall be maintained so as to be kept clean and free of flaking, loose or peeling paint or covering.
- J. Decorative Features. All cornices, entablatures, bell courses, corbels, terracotta trim, wall facings, and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.

7.03 PAINT AND COATING MATERIALS

All paint and other coating materials shall be free of any lead. These materials shall also be free of dangerous substances banned from general use

by authorized federal, state, county, or local regulatory agencies for health and safety reasons.

7.04 EXTERIOR PROPERTY AND STRUCTURE EXTERIORS

All buildings and the exterior of all premises shall be properly maintained to achieve a presentable appearance and to avoid blighting effects and hazardous conditions.

- A. Exterior Space. The exterior open space around each structure shall be maintained or so improved so as to provide for:
 - 1) The immediate diversion of water away from buildings and proper drainage of the lot;
 - 2) Grass, plantings or other suitable ground cover to prevent soil erosion which is or may become detrimental to the structures, lot use or adjacent lots and structures; and
 - 3) Yard-walks, parking areas, driveways and exterior steps which are of a permanently hard, dust free surface of sound construction and properly maintained.

- B. Maintenance. The exterior of all premises and every structure thereon including but not limited to walls, roofs, cornices, chimneys, drains, towers, fire escapes, stairs, fronts, signs, windows, doors, awnings, marquees, and all surfaces thereof, shall be maintained so as to avoid any blighting effects on neighboring properties and shall be painted or protected where necessary for the purpose of preservation.

All canopies, marquees, signs, awnings, exterior stairways, fire escapes, standpipes, exhaust ducts, and similar overhanging extensions, including their supporting structures where exposed to public view, shall be maintained in good condition and shall not show evidence of ripping, tearing, or deterioration. Prohibited and obsolete signs shall be removed or replaced pursuant to the applicable sections of the Butler Township Zoning Resolution.

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

- D. Hazards. Hazards and unsanitary conditions shall be eliminated.

- E. Occupancy. No temporary buildings, trailers, recreational vehicles, tents, or garages shall be used temporarily or permanently as a residence in the course of construction.

- F. Drainage. All portions of all premises shall be so graded that there is no pooling of water or recurrent entrance of water into any part of any building except when such pooling or retention of water is part of a plan approved by the County Engineer. All condensate and waste cooling water shall be appropriately discharged into an approved drainage system.
- G. Drainage Swales. Swales are to be maintained by the owners of the parcels on which they are located, and at no time will anyone plant trees and/or shrubs or discharge, empty, or place any material fill or waste into any swale so as to impede or divert drainage flow. Small swales can be mowed as part of the yard. Larger swales in meadow situations should be mowed less frequently in order to allow grasses to grow taller to retard runoff and prevent erosion. Swales in woodland areas should be left in their natural condition leaving the understory growth to retard runoff and prevent erosion.
- H. Junk, inoperable or Unlicensed Vehicle. No junk, inoperable, or unlicensed vehicle shall be located on any industrial property, except when stored within a completely enclosed building or in a manner in conformance with the Butler Township Zoning Resolution.
- I. 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.
- J. Conduct of Business.
- 1) All business activity, except for off-street loading, shall be conducted within completely enclosed buildings.
 - 2) All storage of trash and garbage containers and/or dumpsters shall be effectively screened from view in a manner approved by the Enforcement Officer.
 - 3) All storage of materials, goods or products, including inoperable vehicles, shall be within a completely enclosed building.
EXCEPTION: *Those businesses which are permitted or conditionally permitted under the terms of the Butler Township Zoning Resolution to conduct business or maintain outdoor storage of materials, goods or products out-of-doors are excepted from compliance with this and subparagraph 1.*
- K. Exterior Light Fixtures. Exterior lighting fixtures over steps, paths, walkways, courts, drives and parking lots shall be neatly maintained in operable condition and lighted for sufficient periods of time before and after working hours to provide for pedestrian and employee safety and properly aimed so as not to shine on adjacent properties (per local zoning regulation).

7.05 VEGETATION

- A. Vegetation Cutting Required. All grass, weeds or rank vegetation shall be periodically cut and in no case shall exceed a height of eight (8) inches.
- B. 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 or appropriately treated. All sound plant materials, especially trees and shrubs, shall be properly maintained and not evidence signs of neglect.

7.06 STAIRWAYS

Exterior Stairways. All exterior stairways on all industrial premises shall be in accordance with the following provisions:

- 1) Stairways shall be maintained free of holes, grooves, and cracks which constitute a safety hazard;
- 2) Stairways shall be maintained free of rotted or deteriorated supports;
- 3) Stairways shall have treads of uniform width and risers of uniform height; and
- 4) Stairway handrails and/or railings shall be firmly fastened and maintained in good condition. Where the absence of handrails and/or railings create a hazardous condition, the Enforcement Officer may require their installation in accordance with the provisions of the Building Code.

7.07 ACCESSORY STRUCTURES

All structures accessory to the industrial use, including signs, shall be maintained structurally sound and in good repair or shall be razed to grade level and debris removed from the premises.

7.08 JUNK, INCLUDING MOTOR VEHICLES

- A. Storage of Junk Motor Vehicle on Private Property. No junk motor vehicle shall be maintained on any private property unless such vehicle is stored within a completely enclosed building.
- B. Parking of Junk Motor Vehicles and Other Items on Public Property. No trailer, storage container, junk motor vehicle or other item owned privately shall be maintained on any public property.
- C. Impounding of Junk Motor Vehicle. In addition to other remedies provided by law, the enforcement officer may order into storage any vehicle maintained in violation of any provision of this resolution. Prior

to removal of any junk motor vehicle, the enforcement officer shall photograph the junk motor vehicle and record the make, model and serial number when available. The place of storage shall be designated by the enforcement official.

- D. Disposition of Junk Motor Vehicles Ordered into Storage. Any junk motor vehicle order into storage that remains unclaimed for a period of thirty (30) days may be disposed of at a motor vehicle salvage dealer or scrap metal processing facility owned by or under contract with the township for the disposal of such motor vehicles, or may be sold by the township or licensed auctioneer at a public auction, after giving notice thereof by advertisement, published once a week for two successive weeks in a newspaper of general circulation in the township. Any moneys accruing from the disposition of an unclaimed motor vehicle that are in excess of the expenses resulting from the removal and storage of the vehicle shall be credited to the general fund of the township.
- E. Towing and Storage Charge; Recovery of Impounded Vehicle. The owner of any junk vehicle ordered into storage pursuant to this resolution may reclaim it upon payment of any expenses or charges incurred in its removal, in an amount not to exceed forty dollars (\$40.00), with a storage charge in an amount not to exceed five dollars (\$5.00) per twenty-four hour period, and upon presentation of proof of ownership, which shall be evidenced by a certificate of title to the motor vehicle.

7.09 GRAFFITI

- A. Prohibited Conduct
 - 1) No person shall inscribe, draw, or otherwise place or cause to be placed, any graffiti upon the surface of any building, structure, wall or surface of other property, including, but not limited to sidewalks, walls, building, fences and signs, that is publicly or privately owned.
 - 2) No parent or legal guardian shall knowingly permit any minor child in his or her custody or control to violate Paragraph A.1 hereof.
 - 3) The parent or legal guardian of a minor defendant who resides with such parent or legal guardian at the time of the offense may be held liable for any fine or condition of restitution or reparation imposed by a court upon a minor for violations of this section, provided that such minor has not paid such fine or made restitution or reparation within the time ordered by the court, and further provided that such parent or legal guardian has been served with summons of notice to appear, whether in the original caused or in any subsequent proceedings arising there from.

B. Removal by Owner

It shall be the duty of the owner of the structure or wall or other private property, upon which any graffiti is placed or made, to remove, eradicate or eliminate such inscription or representation with fourteen days of the occurrence unless granted additional time by the Township.

C. Removal by the Township

- 1) The Township shall have the right but not the duty to remove graffiti from the exterior of private property if the owner informs the city of the presence of such graffiti and of the owner's inability to remove it. Prior to the Township entering any private property to remove graffiti, the owner must sign a statement authorizing removal by the Township and agreeing to pay the reasonable cost of such removal and to allow the recording of a lien against the real estate upon which the work was performed if the cost is not paid to the township within thirty (30) days of the date of the invoice sent to the owner. The owner must also sign a release holding the Township harmless from any claims, damages or suits brought for damages pursuant to any adverse or injurious effects of such chemicals or from the actions taken by the Township commencing working on the property. If the property owner does not remove the graffiti within the time specified or extended time requested and granted by the township, or if the Township is unable to perform the work at the request of the owner, the owners shall be subject to the penalties provided in subsection "e" hereof.
- 2) If the Township performs the graffiti removal pursuant to Paragraph C.1 hereof, it shall be entitled to a lien upon which the work was performed for the cost of the removal.
- 3) If the owner of private property fails to remove graffiti and fails to comply with the notices to remove graffiti, the township shall cause the removal of the graffiti from the owner's property and may employ the necessary labor to perform such task. All expenses incurred shall be paid out of any money in written return to the Auditor of Montgomery county with a statement of the charges for services in graffiti removal, together with a proper amounts shall be entered upon the tax duplicate, shall constitute a lien upon such lands from the date of the entry, and shall be collected as other taxes and returned to the Township with the General Fund. The remedy provided for in this subsection is in addition to the penalty provided in subsection "e" hereof.