

# Exterior Property Maintenance Code for Commercial and Multi-Family Zoning Districts



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**PRAIRIE TOWNSHIP EXTERIOR PROPERTY MAINTENANCE CODE  
FOR COMMERCIAL AND MULTI-FAMILY ZONING DISTRICTS**

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## **ARTICLE I PURPOSE**

### **1.01 PURPOSE**

This exterior property maintenance code has been adopted under Prairie Township's limited home rule authority pursuant to Ohio Revised Code Chapter 504. The purpose of this exterior property maintenance code is to protect the public health, safety, morals, and general welfare as it pertains to premises and buildings used for multi-family residential and commercial purposes. This protection is hereinafter provided by:

- A. Establishing minimum standards for maintaining multi-family residential and commercial 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 its negative impact on the value of surrounding properties; and eliminating hazardous conditions;
- B. Fixing the responsibilities of owners, operators, and occupants of structures and their premises; and
- C. Providing for administration, enforcement, and penalties.

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**ARTICLE II**  
**TITLE**

**2.01 TITLE**

This Code shall be known as "The Prairie Township Exterior Property Maintenance Code for Commercial and Multi-Family Zoning Districts" and is herein referred to as above or as the "Exterior Property Maintenance Code" or "This Code."

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## **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:

- A. Words used in the singular shall include the plural, and the plural the singular;
- B. Words used in the present tense shall include the future tense;
- C. Words in the masculine gender shall include the feminine and neutral;
- D. The word "shall" is mandatory and not discretionary;
- E. The word "may" is permissive;
- F. The phrase "used for" shall include the phrases "arranged for," "designed for," "intended for," "maintained for," and "occupied for;"
- G. The word "person" includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual; and
- H. 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 the Franklin County Commissioners for the regulation of construction, alteration, addition, repair, removal, demolition, use, location, occupancy, and maintenance of all buildings and structures. **DEAD OR DYING VEGETATION:** Vegetation shall be deemed dead or dying by reasonable standards by the zoning inspector unless the property owner can prove otherwise by a certified arborist.

**EXTERIOR PROPERTY AREAS:** The open space on the premises and on adjoining property under the control of owners or operators of such premises.

**GRAFFITI:** Any inscription, design, word, figure, or mark of any type drawn, marked, painted, tagged, etched, engraved, sprayed, scratched, written, or otherwise affixed upon any building, bridge, fence, gate, rock, structure, tree, wall, or other property that defaces, damages, or destroys any public or private, real or personal property, without the privilege to do so.

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

- A. The vehicle is without a valid current registration and/or license plate;
- B. The vehicle is apparently inoperable;
- C. The vehicle is without fully inflated tires and/or has any type of support under it;
- D. The vehicle has a substantially damaged or missing window, windshield, door, motor, transmission, or other similar major part.

**MULTI-FAMILY:** For the purposes of This Code, multi-family shall refer to any residential property containing four (4) or more housing units located in any district intended for multi-family use.

**NOXIOUS WEEDS:** Any plant species defined by the Ohio Department of Agriculture as a noxious weed and listed as such by the Department. For the purposes of this regulation, the most recent version of this list at the time of application of this regulation shall prevail.

**OUTDOOR STORAGE:** Items located on the exterior of the home shall be deemed storage if it is not reasonably considered outdoor furnishings including but not limited to benches, patio tables and chairs, lawn chairs or like furnishings. Also, bar-b-ques are not considered outdoor storage.

**PREMISES:** A tract, lot, plot, or parcel of land including all grounds and buildings.

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

**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 multi-family premises and structures within Prairie Township for human habitation and all premises, buildings, and structures within Prairie Township for commercial purposes, which are now or may become in the future substandard with respect to structure, maintenance, proper drainage, and sanitary conditions, or other similar conditions 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 effect on surrounding property values. Therefore, adequate protection of the public requires the establishment and enforcement of these properly maintenance standards.

**4.02 COMPLIANCE REQUIRED**

Every portion of a structure or premises used or intended to be used for multi-family residential or commercial purposes, shall comply with the provisions of this Exterior Property Maintenance Code, irrespective of when such building has been 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 or health regulation, or other regulation, the provision which establishes the higher standard for the promotion and protection of the safety and health of the people shall prevail.

**4.04 EXISTING REMEDIES**

Nothing in this Exterior Property Maintenance Code shall be deemed to abolish, impair, or prevent the execution of any existing remedies of Prairie Township or its officers or agents existing under any law or statute, including those provided for under Ohio Revised Code Chapter 504, regulation, resolution, ordinance, or common laws of the State of Ohio.

**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 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 OFFICIALS**

- A. Enforcement Officers. The Township Trustees shall assign the duties of administering and enforcing this Code to the Enforcement Officer. The Enforcement Officer may call upon any department, division, or contractor of the Township for whatever assistance may be necessary to abate a violation of this Code.
- B. Liability. No officer, agent, or employee of Prairie Township shall be personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his duties under this Code.

#### **4.08 INSPECTIONS**

The Enforcement Officer is authorized to make inspections of building exteriors and premises located within Prairie Township for purposes of enforcing the provisions of this Exterior Property Maintenance Code.

#### **4.09 NOTICE OF VIOLATION**

- A. Content. Whenever the Enforcement Officer determines that there is a violation of the provisions of this Code, s/he may give notice of such violation to the person or persons responsible therefore and 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 it 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 the violator to file an appeal of the notice with the Exterior Property Maintenance Code Appeals Board within ten (10) days of receipt of the notice.

B. Service: A notice of violation shall be deemed to be properly served if one (1) or more of the following methods are used:

- 1) By personal delivery to the owner or occupant 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 the United States Post Office addressed to the person or persons responsible at his/her/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 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.

#### **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 Prairie Township Board of Zoning Appeals 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 a concurring vote of the majority of its members may reverse or affirm, wholly or partly, or may modify the decision appealed from, and shall make such order or determination as in its opinion ought to be made. Failure to secure such concurring votes shall be deemed a confirmation of the decision of the inspector.
- B. Hearings. Any person affected by any notice of violation which has been issued in connection with the 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 file in the office of the Enforcement Officer an appeal on forms provided by the Township. The appeal shall be filed within ten (10) days after the date of the notice and order, revocation, or denial of permit. Upon receipt of such a petition, the Appeals Board shall set a time and place for hearing before the Appeals Board and shall give the 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 the petition was filed. At such hearing, the petitioner 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 petitioner or his representative to appear and state his case at such hearing shall have the same effect as if no petition were filed.
- C. Findings. Prior to sustaining any violation notice and compliance order, the Appeals Board shall make the following findings:
- 1) The violator was served with a Notice of Violation as provided for in Section 4.09.
  - 2) The Notice of Violation that was served stated the specific nature of the violation; corrective action needed to be taken to abate the violation; and a specific time period for abatement of the violation.
  - 3) Within the time period stipulated in the Notice of Violation, the violator failed to comply with the Notice of Violation by not abating the violation, and/or by not bringing the use into compliance with the Prairie 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 Prairie Township Exterior Property Maintenance Code and/or conditions imposed by the Appeals Board as a prerequisite to the modification of a previous compliance order.
  - 5) A determination that a violation exists on the property.

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 withdrawing any item appearing on the notice and order. The petitioner shall be notified in writing of such action.

#### **4.11 PROSECUTION**

In case any violation order is not promptly complied with, the Enforcement Officer may request an officer of the Franklin County Sheriff's Department to issue a citation using the Prairie Township Limited Home Rule Citation form. In addition to other legal remedies available, any violation of the Code shall be punishable with unclassified civil fine according to the civil fine schedule as follows:

1st Violation:	\$250.00
2nd Violation:	\$500.00
3rd Violation and subsequent Violations:	\$1,000.00

#### **4.12 RULEMAKING AUTHORITY**

The Enforcement Officer shall have 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; but such rules shall not have the effect of waiving working stresses or fire protection requirements specifically provided in This Code or violating approved practice involving public safety.

#### **4.13 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 property 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 the Enforcement Officer and shall furnish to the code official a signed and notarized statement from the grantee, transferee, mortgagee, or lessee, acknowledging the 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.

#### **4.14 ABANDONMENT OF CONSTRUCTION PROJECT**

Any building or structure for which a building permit has been issued, and except for circumstances beyond the property owner's control (e.g., labor strikes, inclement weather, etc.), all construction work shall be diligently pursued to completion. 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, and all building materials and construction equipment, shall be removed from the site. All construction projects and other improvement projects, including landscaping improvements, shall be completed within twelve (12) months from the date of the commencement of such construction project or improvement.

#### **4.99 VIOLATION AND PENALTIES**

No person shall violate any provision or fail to conform to any of the requirements of this Exterior Property Maintenance Code or fail to comply with any order made thereunder.

- A. Whoever violates any section of This Code shall be guilty of a minor misdemeanor and be fined not more than one hundred dollars (\$100.00). A separate offense shall be deemed committed each day during or on which a violation occurs or continues.
- B. The application of the penalty provided in subsection (A) hereof shall not be held to prevent the enforced removal of prohibited conditions.



**ARTICLE V**  
**MFR-12 EXTERIOR PROPERTY MAINTENANCE STANDARDS**

**5.01 APPLICATION OF MAINTENANCE STANDARDS**

The following standards are applicable to all residential structures and dwelling units, located in the MFR-12 zoning district.

**5.02 STRUCTURAL SOUNDNESS AND MAINTENANCE OF DWELLINGS**

Every foundation, exterior wall, and roof of every multi-family dwelling or 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 habitation 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. Building Drainage. Rain gutters, downspouts, spillways, and splash blocks shall be provided when necessary to prevent drainage from adversely affecting adjacent properties, and shall be properly installed and maintained.
- C. 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.
- D. 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, be capable of being easily opened and held in position by hardware, and maintained so as to exclude adverse weather elements from entering the structure.
- E. 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 be provided with door hinges and door latches which are in good working condition.
- F. 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.

- G. Gutters. Rain gutters, downspouts, leaders, or other means of water diversion shall be provided and properly maintained 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.
- H. Chimneys. Chimneys shall be free of cracks, holes, or missing portions, and maintained in sound condition.
- I. 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.
- J. 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.
- K. Exterior Surfaces. Except for materials that have been designated 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.
- L. Basement. Basement or cellar hatchways shall be so constructed and maintained as to prevent the entrance of rodents, rain and surface drainage into the dwelling.
- M. Decorative Features Associated with Structures. All cornices, entablatures, bell courses, corbels, terra cotta trim, wall facings, shutters, and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition and must be replaced if missing, broken, or no longer secure.

### **5.03 DUMPSTERS AND DUMPSTER AREAS**

All dumpsters, fencing, and landscape bedding surrounding dumpsters shall be maintained in good repair.

- A. Dumpsters. Property must maintain an adequate number of dumpsters to accommodate the number of units on the property. Dumpster areas must be maintained free of uncontained trash, debris, and vegetation. Dumpsters shall be emptied by a trash hauler that is licensed and registered with the Township no less frequently than two (2) times per week, or as necessary to prevent overflowing trash. Dumpsters shall have operable doors and

shall be maintained so as to exclude rodents and adverse weather elements from entering the structure. Surfaces shall be maintained so as to be kept clean and free of flaking, loose, or peeling paint.

B. Fencing. Fencing shall be constructed from ground level and is to be free of missing, defective, rotting, or deteriorated supports or other members, kept in sound condition and in good repair.

C. Landscaped Areas. Landscaped areas surrounding dumpsters shall be maintained so as to be free of trash, debris, and any foreign material not normally associated with landscaping plants and materials.

#### **5.04 PAIN T 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.

#### **5.05 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 multi-family dwelling shall be maintained or so improved with the necessary infrastructure or accommodations 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) Yard-walks, parking areas, and driveways of a concrete, asphalt, pavers or similar surface which are of sound construction and properly maintained in good repair and in safe condition and shall be free from:
  - a. Crumbling
  - b. Cracking
  - c. Scaling
  - d. Pitting
  - e. Broken curbs
  - f. Breaks

- g. Excavations
- h. Projections
- i. Obstructions
- j. Weeds or grasses

Any cracks should be sealed or resurfaced periodically. All other maladies should be repaired to bring the driveway into compliance. The following graphics are examples of driveways that are not in compliance with this Section:



*The above graphics are for illustrative purposes only.*

- 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 the purpose 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. Fences and Walls. All fences, retaining walls, or similar structures shall be anchored firmly in the ground, shall be constructed in a workmanlike manner and maintained in that same manner so that such approved fences, retaining walls, or similar structures shall always be in the state of good structural repair. If any fence, retaining wall, or similar structure is found not to be in the state of good structural repair, it shall be removed, replaced, or repaired as required. Except when constructed of materials that have been designed or manufactured to remain untreated, all fences shall be treated periodically with paint or chemicals so as to retard deterioration.

- D. 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.
- E. Hazards. Hazards and unsanitary conditions shall be eliminated.
- F. Occupancy. No temporary buildings, trailers, recreational vehicles, tents, or garages shall be used temporarily or permanently as a residence.
- G. Storage. All outdoor storage of any kind shall be prohibited, except for motor vehicles and other vehicles that are permitted under the Prairie Township Zoning Resolution.
- H. Drainage. The exterior open space around each multi-family dwelling shall be maintained or improved so as to provide for the immediate diversion of water away from buildings and for proper drainage of the property so as to not discharge water onto adjacent property through existing, established, or approved storm sewers, swales, or streams. 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.
- I. 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 shrubs and/or trees, or discharge, empty, or place any material, fill, or waste 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 grasses to grow taller to retard runoff and prevent erosion. Swales in woodland areas should be left in their natural condition leaving understory growth to retard runoff and prevent erosion.
- J. Junk, Inoperable, or Unlicensed Vehicle. No junk, inoperable, or unlicensed vehicle shall be located on any multi-family residential property, except when stored within a completely enclosed building. Any covers on non-junk, operable or licensed vehicles must be tarps or covers designed for such purposes and must be maintained in a good and clean condition.
- K. Trees and Shrubs. All trees and shrubs shall be properly maintained and not present evidence of neglect, including periodic trimming. If trees or shrubs become unsound and removal is necessary, the stumps shall be completely removed or ground down so as not to be visible in the front and side yard, and shall be left no higher than two (2) feet high in the rear yard.
- L. Defacement of Property. If any person willfully or wantonly defaces, damages, or destroys 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 property owner to restore said surface to an approved state of maintenance and repair.

## **5.06 VEGETATION**

- A. Vegetation Cutting Required. All grass, weeds, or rank vegetation shall be periodically cut and maintained. Shrubs and bushes shall be trimmed and maintained in good condition.
- 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 by reasonable standards by the zoning inspector, unless the property owner can prove otherwise by a certified arborist shall be removed or appropriately treated. All sound plant materials, especially trees and shrubs, shall be properly maintained and not evidence signs of neglect.
- C. Trees shall be planted no closer than 24" to the nearest property line, as measured from the side of the trunk closest to that property line.

## **5.07 STAIRWAYS**

- A. Exterior Stairways. All exterior stairways on all multi-family residential 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 Franklin County Building Code.

## **5.08 VACANT STRUCTURES AND LAND**

All vacant structures and their premises or vacant land shall be maintained in a clean, safe, and secure condition including:

- A. Yards and vacant lots should be maintained including landscape beds and all other vegetation. Grass shall be periodically cut and maintained.
- B. Structures shall be secured and maintained in good condition.
- C. Lots shall be maintained free of debris, refuse, and litter.

## 5.09 MISCELLANEOUS

- A. Every multi-family dwelling shall have posted in a conspicuous place the identifying house or street number so that such numbers are clearly visible from the road right-of-way on which the multi-family dwelling is located. Street or house numbers shall be displayed using numerals not less than four (4) inches in height so public safety vehicles can easily locate the dwelling in case of an emergency.
- B. Holiday decorations shall be kept in a neat appearance, securely attached/anchored to the structure and, if mechanical or illuminated, all parts must be in working order.

## 5.10 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 or wall, or surface of other property that is publicly or privately owned, including but not limited to sidewalks, walls, buildings, fences and signs.
- 2) No parent or legal guardian shall knowingly permit any minor child in his or her custody or control to violate Paragraph A (1) of this Section.
- 3) The parent or legal guardian, or 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 therefrom.

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 within fourteen (14) 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 Township 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(s) 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 owner(s) shall be subject to the penalties provided in Section 4.99 of This Code.

- 2) If the Township performs the graffiti removal pursuant to Paragraph C (1) of this Section, it shall be entitled to a lien upon which the work was performed for the cost of the removal.
- 3) If an owner of private property fails to remove the 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 money in written return to the Auditor of Franklin 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 Section 4.99 of This Code.



**ARTICLE VI**  
**COMMERCIAL EXTERIOR PROPERTY MAINTENANCE STANDARDS**

**6.01 GENERAL PROVISIONS**

Every commercial structure, unit, and property 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. Building Drainage. Rain gutters, downspouts, spillways, and splash blocks shall be provided when necessary to prevent drainage from adversely affecting adjacent properties, and shall be properly installed and maintained.
- C. 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.
- D. 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.

- E. 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 be provided with door hinges and door latches which are in good working condition.
- F. 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.
- G. Gutters. Rain gutters, downspouts, leaders, or other means of water diversion shall be provided and properly maintained 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.
- H. Chimneys. Chimneys shall be free of cracks, holes, or missing portions and maintained in sound condition.
- I. 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.
- J. 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.
- K. 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.
- L. 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.
- M. Decorative Features Associated with Structures. All cornices, entablatures, bell courses, corbels, terracotta trim, wall facings, shutters and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition and must be replaced if missing or no longer secure.

### **6.03 Dumpsters and Dumpster Areas**

All dumpsters, fencing, and landscape bedding surrounding dumpsters shall be maintained in good repair.

- A. Dumpsters. Property must maintain an adequate number of dumpsters to accommodate the number of units on the property. Dumpster areas must be maintained free of uncontained trash, debris, and vegetation. Dumpsters shall be emptied by a trash hauler that is licensed and registered with the Township no less frequently than one (1) times per week, or as necessary to prevent overflowing trash. Dumpsters shall have operable doors and shall be maintained so as to exclude rodents and adverse weather elements from entering the structure. Surfaces shall be maintained so as to be kept clean and free of flaking, loose, or peeling paint.
- B. Fencing shall be constructed from ground level and is to be free of missing, defective, rotting, or deteriorated supports or other members, kept in sound condition and in good repair.
- C. Landscaped areas surrounding dumpsters shall be maintained so as to be free of trash, debris, and any foreign material not normally associated with landscaping plants and materials.

### **6.04 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.

### **6.05 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 with the necessary infrastructure or accommodations 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 in good repair and in safe condition and shall be free from:

- a. Crumbling
- b. Cracking
- c. Scaling
- d. Pitting
- e. Broken curbs
- f. Breaks
- g. Excavations
- h. Projections
- i. Obstructions
- j. Weeds or grasses

Any cracks should be sealed or resurfaced periodically. All other maladies should be repaired to bring the driveway into compliance. The following graphics are examples of driveways that are not in compliance with this Section:



*The above graphics are for illustrative purposes only.*

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 Prairie Township Zoning Resolution.

- C. Fences and Walls. All fences, retaining walls, or similar structures shall be anchored firmly in the ground, shall be constructed in a workmanlike manner and maintained in that same manner so that such approved fences, retaining walls, or similar structures shall always be in the state of good structural repair. If any fence, retaining wall, or similar structure is found not to be in the state of good structural repair, it shall be removed, replaced, or repaired as required. Except when constructed of materials that have been designed or manufactured to remain untreated, all fences shall be treated periodically with paint or chemicals so as to retard deterioration.
- D. 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.
- E. Hazards. Hazards and unsanitary conditions shall be eliminated.
- F. Occupancy. No temporary buildings, trailers, recreational vehicles, tents, or garages shall be used temporarily or permanently as a residence.
- G. 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.
- H. 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.
- I. 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 Prairie Township Zoning Resolution.
- J. 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.
- K. 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 as directed in the Prairie Township Zoning Resolution.
- 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 Prairie 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.

L. 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).

M. Defacement of Property. If any person willfully or wantonly defaces, damages, or destroys 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 property owner to restore said surface to an approved state of maintenance and repair.

## 6.06 VEGETATION

A. Vegetation Cutting Required. All grass, weeds, or rank vegetation shall be periodically cut and maintained. All trees, bushes, and shrubs shall be properly maintained and not present evidence of neglect including periodic trimming. If trees or shrubs become unsound and removal is necessary, the stumps shall be completely removed or ground down so as not to be visible in the front and side yard, and shall be left no higher than two (2) feet high in the rear yard.

B. Maintenance of Plantings. All plant materials, especially trees and shrubs, afflicted with decay, disease, insect infestation, or otherwise considered dangerous by reasonable standards by the zoning inspector, unless the property owner can prove otherwise by a certified arborist, 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.

C. Trees shall be planted no closer than 24" to the nearest property line, as measured from the side of the trunk closest to that property line.

## **6.07 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 create a hazardous condition, the Enforcement Officer may require their installation in accordance with the provisions of the Franklin County Building Code.

## **6.08 ACCESSORY STRUCTURES**

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.

## **6.09 VACANT STRUCTURES AND LAND**

All vacant structures and their premises or vacant land shall be maintained in a clean, safe, and secure condition including:

- A. Yards and vacant lots should be maintained including landscape beds and all other vegetation. Grass shall be periodically cut and maintained.
- B. Structures shall be secured and maintained in good condition.
- C. Lots shall be maintained free of debris, refuse, and litter.

## **6.10 MISCELLANEOUS**

A. Every dwelling shall have posted in a conspicuous place the identifying house or street number so that such numbers are clearly visible from the road right-of-way on which the dwelling is located. Street or house numbers shall be displayed using numerals not less than four (4) inches in height so public safety vehicles can easily locate the dwelling in case of an emergency.

- B. Holiday decorations shall be kept in a neat appearance, securely attached/anchored to the structure and, if mechanical or illuminated, all parts must be in working order.
- C. All exterior gathering points must be adequately screened from adjacent residential districts, including but not limited to smoking areas, outside waiting areas, and employee lunch tables.

## **6.11 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 or wall or surface of other property that is publicly or privately owned, including but not limited to sidewalks, walls, buildings, fences and signs.
- 2) No parent or legal guardian shall knowingly permit any minor child in his or her custody or control to violate Paragraph A (1) of this Section.
- 3) The parent or legal guardian, or 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 therefrom.

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 within 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 Township 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(s) 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 owner(s) shall be subject to the penalties provided in Section 4.99 of This Code.

- 2) If the Township performs the graffiti removal pursuant to Paragraph C (1) of this Section, it shall be entitled to a lien upon which the work was performed for the cost of the removal.
- 3) If an owner of private property fails to remove the 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 money in written return to the Auditor of Franklin 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 Section 4.99 of This Code.

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