

RESOLUTION 22 - 28, 2022
COLUMBIA TOWNSHIP, HAMILTON COUNTY, OHIO

**AMENDING RES. 21 – 37, 2021 PROVIDING FOR AND AUTHORIZING REMOVAL,
REPAIR OR SECURANCE OF INSECURE, UNINHABITABLE, UNSAFE BUILDINGS OR
STRUCTURES AND REMOVAL OF TALL GRASS, WEEDS AND DEBRIS, DECLARING A
NUISANCE FOR NON-COMPLIANT PROPERTY AT 5770 STEWART RD., DISPENSING
WITH THE SECOND READING, AND DECLARING AN EMERGENCY**

WHEREAS, the Ohio Revised Code authorizes a Board of Township Trustees in §505.86 to provide for removal, repair or securance of buildings or structures that have been declared insecure, unsafe or structurally defective or unfit for human habitation (“Dangerous Structures”) and in §505.87 to abate, control, or remove excessive vegetation, garbage, refuse or other debris determined to constitute a nuisance (“Nuisance or Nuisance Conditions”) from land located in the Township; and

WHEREAS, the Board of Township Trustees of Columbia Township on August 8, 2021 passed Res. 21-37, 2021 to declare 5770 Stewart Road to be a nuisance property due to Dangerous Structures and Nuisance Conditions, specifically unattended insecure, uninhabitable, unsafe buildings or structures, and tall grass, weeds and debris; and

WHEREAS, the Board of Trustees seeks to amend Res. 21-37, 2021 to include additional violation notices and actions against the subject property’s Dangerous Structures and Nuisance Conditions by Hamilton Co. Health Department, Hamilton Co. Planning + Development – Building Office, and local fire district. These agencies determined, as defined in Section 1 below, that the structure is vacant, deteriorated, uninhabitable, unsafe for human habitation, and detrimental to the health, safety and general welfare of all persons who live, work or own property in Columbia Township; and

NOW THEREFORE, BE IT RESOLVED by the Board of Township Trustees, Columbia Township, Ohio, that Res. 21 – 37, 2021 shall be amended to include additional violation notices and actions for 5770 Stewart Rd. as vacant, deteriorated, and unsafe for habitation by Hamilton Co. Planning + Development - Building Office; Hamilton Co. Public Health; and Deer Park – Silverton Joint Fire District as follows:

Section 1(a). Hamilton Co. General Health District issued a Notice of Violation and Notice of Condemnation (November 9, 2021) which condemned the house as a Public Health Nuisance unfit for human habitation. Specifically, as shown on the attached report with photos, the house is not rodent or pest proof and harbors animal pests; is

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without utilities; and there are holes in the roof, broken windows, and multiple openings allowing animals in the house.

Section 1(b). Hamilton Co. Planning + Development sent an Official Building Order – Nuisance Notification for Unsafe Structure (May 27, 2022) which directs the property owner to demolish or repair the conditions that do not comply with the Residential Code of Ohio. Specifically, as shown on the attached Order, the building is vacant, overgrown and deteriorated; the roof is partially collapsed, interior is rotted, and there are no active utilities on the property; the building is not weathertight and is accessible to vermin and wildlife; is uninhabitable; and the property is overgrown with noxious weeds and vines.

Section 1 (c). Deer Park – Silverton Joint Fire District reclassified the abandoned structure as a No-Go Structure - Hamilton Co. Communications Center for fire/EMS and police response.

Section 1 (d). Columbia Township’s Property Maintenance Code officer has determined that the insecure, unsafe buildings or structures, tall grass, weeds and debris located on the subject property are hereby declared to be a nuisance. Specifically, as shown in the attached Notice of Property Maintenance Violation (March 30, 2021): garage door is broken, not secure within the door frame, and has one or more open holes that allow rodent access to the interior; house gutters are not secure and falling sections are a safety hazard; garbage is strewn across the yard; and the yard has tall grass and weeds in violation of the length permitted in the Code.

Section 1(e). The Township performed a title search to verify the current property owner and there are three judgment liens totaling \$5,599.40 (see title search attached).

Section 2(a). Pursuant to O.R.C. §505.86, the owners and lien holders of record for the properties shall be properly notified of this action. Upon approval of the resolution, the Administrator shall notify the owners of the nuisance declaration by mail, and post notice on the property, at least 30 days in advance of removal, repair or securance and including notice of the right to appeal to the Board of Trustees within 20 days by contacting the Fiscal Officer in writing at the Township offices. The property owners have 30 days to demolish the Dangerous Structure and Abate all Nuisance Conditions set forth in this resolution and described/depicted in the attached reports, notices, and photos.

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Section 2(b). In the event the nuisance is not abated or appealed within the time period allowed, the Township Maintenance Department is hereby directed to remove, repair or secure the insecure, unsafe buildings or structures or to contract for the removal, repair or securance of insecure, unsafe buildings or structures from the listed non-compliant properties.

Section 3. Pursuant to O.R.C. §505.87 and the Columbia Township Exterior Property Maintenance Code, the owners and lien holders of record for the properties shall be properly notified of this action. In the event the nuisance is not abated within seven (7) days, specifically the grass mowed, and weeds and garbage removed, the Township Maintenance Department is hereby directed to remove and discard the tall grass, weeds and debris or contract for the removal of the tall grass, weeds and debris from the listed non-compliant properties.

Section 4. By a separate resolution of the Board of Trustees, the owner of the listed property shall be billed for such services and the Fiscal Officer shall place a special assessment on the real estate tax bill of the property if payment is not made within 30 days.

Section 5. The Trustees of Columbia Township upon majority vote do hereby dispense with the requirement that this resolution be read on two separate days, and hereby authorize the adoption of this resolution upon its first reading.

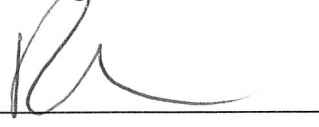


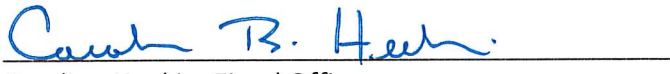
Section 6. This Resolution is hereby declared to be an emergency measure necessary for the preservation of the public peace, health and welfare of the Township. The reason for the emergency is the immediate need to abate the nuisance conditions set forth herein at the earliest possible time to provide for safe and habitable properties in the township.

Motion to accept Resolution made by: MR. KUBICKI

Seconded by: MR. LAMAR

VOTE:

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TRUSTEE	Voting	Signature	Date
David Kubicki, President	yes		<u>06-14-2022</u>
Brian Lamar, Vice-President	yes		<u>06-14-2022</u>
Susan Hughes, Trustee	yes		<u>06.14.2022</u>
ATTEST:		 Caroline Heekin, Fiscal Officer	

Refer to attached additional violation notices and Property Maintenance Code Report with photos.



TITLE REPORT

January 19, 2022

Dinsmore & Shohl LLP
Attn: Betsy Emmert
255 East Fifth Street, Suite 1900
Cincinnati, OH 45202

RE: 5441 Ellmarie Drive, Cincinnati, OH 45227 and
5770 Stewart Road, Columbia Township, OH 45243
File Number: CIN-21-0236

Dear Ms. Emmert:

We conducted a title examination on the properties commonly known as 5441 Ellmarie Drive, Cincinnati, OH 45227 and 5770 Stewart Road, Columbia Township, OH 45243 for the forty-two year period ending on December 21, 2021. The attached [Exhibit A](#) contains the legal description of record of the property. The following items were found:

Property 1: 5441 Ellmarie Drive, Cincinnati, OH 45227

I. Title Vested in:

Sandra H. Nye, per Warranty Deed dated December 29, 1976 and recorded January 10, 1977 in [Deed Book 4069, Page 1616](#) in the records of the Recorder of Hamilton County, Ohio.

II. Mortgages:

No mortgages of record were found.

III. Liens and Judgments:

No liens or judgments of record were found.

IV. Easements, Agreements, Covenants and Restrictions:

Application and Agreement for Water Main Extension recorded October 24, 1951 in [Book 2511, Page 1](#) in the records of the Recorder Hamilton County, Ohio.

Grant of Easement to The Cincinnati and Suburban Bell, Telephone Company and The

Cincinnati Gas and Electric Company, recorded September 29, 1952 in [Book 2569, Page 611](#) in the records of the Recorder Hamilton County, Ohio.

Restrictions:

No restrictions of record were found.

V. Taxes:

The real estate taxes in this commitment reflect tax information available from the Hamilton County, Ohio Auditor's Office as of the date of this commitment. The Company is not responsible for errors or inaccuracies based on this information, or for any changes in the tax amounts or valuations after the date hereof. Tax information is as follows:

For real estate tax purposes, the real estate is shown on the current duplicates of the Auditor and Treasurer as Parcel Number 520-0215-0073-00 with valuations as follows:

Land Value:	\$4,490.00
Building Value:	\$20,290.00
Total Value:	\$24,780.00
Semi-Annual Taxes:	\$960.46
Certified Assessments:	\$15.13 - (Paid Annually)
Delinquent Taxes, Assessments, & Penalties:	\$0.00

Real estate taxes for the first half of 2021 are a lien, due and payable. Real estate taxes for the second half of 2021 and thereafter are a lien, but are not yet due and payable.

Property 2: 5770 Stewart Road, Columbia Township, OH 45243

I. Title Vested in:

Dana Brean, David Brean and John Brean, per Fiduciary Deed dated April 4, 1986 and recorded April 8, 1986 in [Deed Book 4337, Page 348](#) in the records of the Recorder of Hamilton County, Ohio.

Note: John Brean appears to be deceased (2014). However, no probate estate was found of record.

II. Mortgages:

No mortgages of record were found.

III. Liens and Judgments:

Judgment Lien: State of Ohio vs Dana A. Brean recorded April 25, 2005 in [Judgment Docket CJ05004253](#) Office of the Clerk of Superior Court for Hamilton County. We are advised the amount due is \$4,109.50.

Judgment Lien: State of Ohio vs Dana A. Brean recorded May 22, 2013 in [Judgment Docket CJ13009269](#) Office of the Clerk of Superior Court for Hamilton County. We are advised the amount due is \$901.33.

Judgment Lien: State of Ohio vs Dana Brean recorded December 21, 2021 in [Judgment Docket CJ21036678](#) Office of the Clerk of Superior Court for Hamilton County. We are

advised the amount due is \$588.57.

IV. Easements, Agreements, Covenants and Restrictions:

No easements of record were found.

Restrictions:

No restrictions of record were found.

V. Taxes:

The real estate taxes in this commitment reflect tax information available from the Hamilton County, Ohio Auditor's Office as of the date of this commitment. The Company is not responsible for errors or inaccuracies based on this information, or for any changes in the tax amounts or valuations after the date hereof. Tax information is as follows:

For real estate tax purposes, the real estate is shown on the current duplicates of the Auditor and Treasurer as Parcel Number 520-0216-0013-00 with valuations as follows:

Land Value:	\$6,760.00
Building Value:	\$24,420.00
Total Value:	\$31,180.00
Semi-Annual Taxes:	\$1,147.26
Certified Assessments:	\$7.56 - (Paid Annually)
Delinquent Taxes, Assessments, & Penalties:	\$0.00

Real estate taxes for the first half of 2021 are a lien, due and payable. Real estate taxes for the second half of 2021 and thereafter are a lien, but are not yet due and payable.

This report is for informational purposes only. It does not guaranty or insure title to the subject property nor does it constitute a commitment to guaranty or insure the same.

This report is intended solely for the person or entity to whom it is addressed and may not be relied upon by any other person or entity.

Mercantile Title Agency, Inc.

By: _____
Brian K. Groemminger
President

EXHIBIT A

Property 1 - 5441 Ellmarie Drive
Parcel ID No.: 520-0215-0073-00

Situated in Section 17, Township 4, Fractional Range 2, Columbia Township, Hamilton County, Ohio, and more particularly described as follows:

Being all of Lot No. Twenty-four (24) of Hillsdale Homes Subdivision as recorded in Plat Book 59, Pages 24 and 25 of the Plat Records of Hamilton County, Ohio.

Property 2 - 5770 Stewart Road
Parcel ID No.: 520-0216-0013-00

Situated in Section 17, Town 4, Fractional Range 2, Columbia Township, Hamilton County, Ohio

And being all of Lot No. 10 of Block "C", Stewart Road Subdivision, as shown on plat of said subdivision, as recorded in Plat Book 71, Pages 85 and 86 of the Hamilton County, Ohio Recorder's Office.

Certified Mail # 7020 3160 0002 0720 0826
Receipt Requested



PREVENT. PROMOTE. PROTECT.

Notice of Violation Notice of Condemnation

November 9, 2021

DANA BREAN ET AL
5770 STEWART RD
CINCINNATI, OH 45227

250 William Howard Taft Road, 2nd Floor
Cincinnati, OH 45219

Phone 513.946.7800
Fax 513.946.7890

hamiltoncountyhealth.org

Re: 5770 Stewart Rd Columbia Twp. Nuisance # 515142

To whom it may concern,

A site investigation was conducted on November 5, 2021 at the above referenced property in response to a complaint received by Hamilton County General Health District. This letter details the observations made during the investigation, existing violations of the Ohio Revised Code (ORC), the Hamilton County District Board of Health Environmental Sanitation Regulation No. 1-67, and corrective actions required to obtain compliance with the applicable regulations.

Observations

At the time of the inspection, I observed that the home was not weathertight nor rodent and pest proof. The property is without utilities and is harboring pests like racoons. There are holes in the roof, broken windows, and multiple openings allowing animals in and out of the home.



11/5/21- Collapsing roof

11/5/21- Holes in garage door

the Hamilton County General Health District. Environmental Sanitation Regulation No. 1-67 states:

6.1 Any dwelling or dwelling unit which shall be found to have any of the following defects shall be condemned as unfit for human habitation and shall be so designated and placarded by the health commissioner.

- (a) One which is so damaged, decayed, dilapidated, insanitary, unsafe, or vermin infested that it creates a serious hazard to the health or safety of the occupants or of the public.
- (b) One that lacks illumination, ventilation, or sanitation facilities adequate to protect the health or safety of the occupants or of the public.
- (c) One which because of its general condition or location is insanitary, or otherwise dangerous to the health or safety of the occupants or of the public.

Required Corrective Action

As the owner of the property, you are responsible for maintaining the property in a clean and sanitary condition. You shall ensure that the property is weather tight and rodent proof. The property needs to be supplied with a potable water supply with adequate pressure. The house needs to be supplied with working outlets that are properly installed, maintained in good and safe working condition, and shall be connected to the source of electric power in a safe manner.

The above actions must be completed by December 9, 2021. Failure to do so may result in referral of this case to the Environmental Division at the Office of the Hamilton County Prosecuting Attorney.

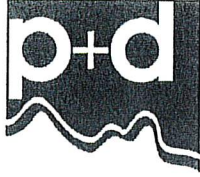
A re-inspection of the property by the Environmental Health Division of Hamilton County Public Health will be conducted on or after December 9, 2021 to ensure corrective actions have been made to remedy the situation. In addition, continued surveillance of the property will be conducted to verify compliance.

Please feel free to contact me if you have any questions or concerns at (513) 946-7827.

Sincerely,

Andrew Piper, REHSIT
Environmental Health Division

CC: Jeremy Hessel, Environmental Health Director
Tucker Stone, Environmental Health Supervisor
Melissa Taylor, Columbia Township



HAMILTON COUNTY
**Planning +
Development**

138 E COURT ST., RM 801
CINCINNATI, OH 45202

GENERAL INFORMATION
(513) 946-4550
www.hamiltoncountyohio.gov/pd

Director
James Noyes

Assistant Director
Steve Johns, AICP

Divisions

Chief Building Official
Michael Stehlin, AIA

Community Development
Maria Collins

Community Planning
Chris Schneider

Land Use + Zoning
Bryan Snyder, AICP

Stormwater + Infrastructure
Mohammad Islam, PE

**Board of County
Commissioners**

Denise Driehaus
Stephanie Summerow Dumas
Alicia Reece

Adjudication #HBC 2022008
Property Address:
5770 Stewart Rd. (Ave.)
Cincinnati, Ohio 45227, Columbia Twp.

Owner:
Dana Brean Et Al
5770 Stewart Ave.
Cincinnati, Ohio 45227

Re: Official Building Order/Nuisance Notification

Date: May 27, 2022

Dear Dana Brean;

The Hamilton County Building Inspections Division has received notification from Hamilton County Health Department of a property maintenance/nuisance complaint.

As directed by Ohio Revised Code (ORC) Sections 3781 and 3791, the purpose of this letter is to advise you that the building is found to have conditions which do not comply with the Residential Code of Ohio (RCO) for an occupiable structure. **This letter is an adjudication order, listing the item(s) requested for appeal, pursuant to RCO Section 109.1.**

(UNSAFE STRUCTURE – DEMOLISH OR REPAIR)

Observations:

- On 1/11/22 and again on 5/26/22 an inspector from our office inspected this property and found it to be vacant and deteriorated and unsafe for habitation.

Conclusions:

The building is vacant, overgrown and deteriorated. The roof is partially collapsed, the interior is rotted, and there are no utilities active on the property. The building is not weathertight and is accessible for vermin and wildlife. The property is overgrown with noxious weeds and vines. The building must be demolished or repaired.

OBC 105.1: Approvals required.

- Permits are required for demolition or for repair. The property shall not be occupied unless permits are secured for repair and inspections passed for re-occupancy.

Per OBC Section 110 you have a right to appeal this decision within thirty (30) days of the mailing of this notice by filing for a hearing with the Board of Building Appeals at 138 E. Court Street, Cincinnati, Ohio 45202. You have the right to be represented by counsel, present arguments, or contentions orally or in writing, and present evidence and examine witnesses appearing for or against you. This right shall expire **July 1, 2022.**

The Owner or Owner's agent shall notify the Building Official if any of the above adjudication items will be brought into compliance within thirty (30) days from the date of this letter. Failure to comply with this adjudication order may result in prosecution and penalties in accordance Section 3791.04 of the Ohio Revised Code.

Sincerely,

Michael Stehlin
Chief Building Official
Certified mail 5/27/22 posted on building 5/31/22



Online Property Access

| < First << Prev Next >> Last > | [RETURN TO SEARCH LIST](#) Property 1 of 1

Parcel ID 520-0216-0013-00 **Address** 5770 STEWART RD **Index Order** Parcel Number **Tax Year** 2020 Payable 2021

I Want To...


- [Start a New Search](#)
- [Email the Auditor](#)
- [View the Online Help](#)
- [Auditor's Home](#)

View:

- [Property Summary](#)
- [Appraisal Information](#)
- [Levy Information](#)
- [Transfer](#)
- [Value History](#)
- [Board of Revision](#)
- [Payment Detail](#)
- [Tax Distributions](#)
- Images**
- [Special Assessment/Payoff](#)
- [Tax Lien Certificates](#)
- [CAGIS Online Maps](#)
- [Aerial Imagery](#)
- [Owner Names](#)

Print:

- [Current Page](#)
- [Property Report](#)

Property Information		
Tax District 004 - COLUMBIA-SILV-CINTI		
School District CINCINNATI CSD		
Appraisal Area 52002 - COLUMBIA 02	Land Use 510 - SINGLE FAMILY DWLG	Images / Sketches 
Owner Name and Address BREAN DANA ET AL 5770 STEWART AVE CINCINNATI OH 452271228 <i>(call 946-4015 if incorrect)</i>	Mailing Name and Address BREAN DANA ETAL 5770 STEWART RD CINCINNATI OH 45227 <i>(call 946-4800 if incorrect)</i>	
Assessed Value 31,180	Effective Tax Rate 83.957000	Total Tax \$3,768.00
Property Description STEWART RD 90 X 270.484 IRR LOT 10 STEWART RD SUB BLK C		

Appraisal / Sales Summary	
Year Built	1958
Total Rooms	5
# Bedrooms	2
# Full Bathrooms	1
# Half Bathrooms	0
Last Transfer Date	4/1/1986
Last Sale Amount	\$0
Conveyance Number	0
Deed Type	WE - Warranty Deed (EX)
Deed Number	
# of Parcels Sold	1
Acreage	0.558

Tax / Credit / Value Summary	
Board of Revision	No
Rental Registration	No
Homestead	No
Owner Occupancy Credit	Yes
Foreclosure	No
Special Assessments	Yes
Market Land Value	19,300
CAUV Value	0
Market Improvement Value	69,770
Market Total Value	89,070
TIF Value	0
Abated Value	0
Exempt Value	0
Taxes Paid	\$1,179.33
Tax as % of Total Value	2.953%

Notes



NOTICE OF PROPERTY MAINTENANCE VIOLATION

Date: 03-30-2021

Case No: CT2021-4

To: Brean Dana ET AL
5770 Stewart Ave
Cincinnati, Oh 45227

Property Location: 5770 Stewart Ave

Parcel No: 520-0216-0013-00

- Investigate and determine zoning / property maintenance code violations.
- Issue zoning certificates and conduct field inspections as required.
- Maintain records of inspections.
- Issue reports on inspections.
- Prepare zoning / property maintenance notices.
- Assist public in zoning and code enforcement issues.
- Respond to inquiries by the public.
- Insure maintenance of all necessary files and records of correspondence.
- Respond to inquiries by the public.
- Other duties as assigned by the Township Administrator / Planning and Zoning Administrator pertaining to planning and zoning activities in Sycamore Township.

-00

You are hereby notified that you are in violation of the Columbia Township Exterior Property Maintenance Code, specifically:

ARTICLE V

RESIDENTIAL EXTERIOR PROPERTY MAINTENANCE STANDARDS

5.01 SCOPE

The provisions of this Code set forth the minimum conditions and the responsibilities of every person and/or legal entity owning, leasing, occupying or having charge of any premises for the maintenance of structures, equipment, and exterior property to preserve and to achieve the presentable appearance of existing structures and premises and to avoid blighting effects of the substandard maintenance of structures and premises, and their negative impact on the value of surrounding

properties, and to eliminate hazardous conditions.

5.02 RESPONSIBILITY

Every person and/or legal entity owning, leasing, occupying or having charge of any premises shall keep such premises in compliance with these requirements, except as otherwise provided in this Code. A person shall not occupy as owner-occupant or permit another person to occupy premises which are not in a sanitary and safe condition and which do not comply with the requirements of this Code.

5.03 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.

5.04 STRUCTURAL SOUNDNESS AND MAINTENANCE OF DWELLINGS

- A. General Maintenance. All exterior property and premises shall be maintained in a clean, safe, and sanitary condition. The owner, lessee, occupant, or person or entity having charge of the property shall keep all parts of the exterior property in a clean and sanitary condition. No premises shall be in a condition that constitutes a health hazard, safety hazard, or general nuisance.
- B. Protective Treatment. All exterior surfaces including, but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces re-painted. All siding and masonry joints as well as those between the building envelope and the perimeter of windows, doors, and skylights shall be maintained weather resistant and water tight. All metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion and all surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.
- C. 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 reduce the capability of the foundation to support the building.

- D. 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. 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. 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.
- E. Windows, Skylight, Doors and Frames. 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. Skylights, doors, and frames shall be kept in sound condition, good repair and weather tight.
- F. 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.
- G. 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.
- H. Gutters and Roof Drains. 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. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions.
- I. Chimneys and Towers. All chimneys, cooling towers, smoke stacks, and similar appurtenances shall be maintained structurally safe and sound, and in good repair. All exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.
- J. Porches and Decks. Every porch or deck 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, and kept in sound condition and in good repair.

- 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 dwelling.
- L. 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.
- M. 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.
- N. Overhang extensions. All overhang extensions including, but not limited to, canopies, marquees, signs, awnings, fire escapes, standpipes and exhaust ducts shall be maintained in good repair and be properly anchored so as to be kept in a sound condition. When required, all exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.
- O. Sidewalks and driveways. All sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair, and maintained free from hazardous conditions.
- P. Building Security. Doors, windows or hatchways for dwelling units shall be provided with devices designed to provide security for the occupants and property within.

5.05 PAIN AND COATING MATERIALS

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

5.06 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 dwelling 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 premises;
 2. Grass, plantings or other suitable ground cover to prevent soil erosion which is or may become detrimental to the structures, premises use or adjacent premises and structures;
 3. Sidewalks, walkways, parking areas, and driveways of a concrete, asphalt, pavers or similar surface 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. Yards. All yards, courts, and lots shall be graded and kept free of overgrown grasses, debris and other materials which may cause a fire, health, safety hazard, or general unsightliness.
- C. Hazards. Hazards and unsanitary conditions shall be eliminated.
- D. Occupancy. No temporary buildings, trailers, recreational vehicles, tents, or garages shall be used temporarily or permanently as a residence in the course of construction.
- E. Storage. Except as provided for in other regulations of the Township, all outdoor storage of any kind shall be prohibited.
- F. Grading. All premises shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of water thereon, or within any structure located thereon.
- 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 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 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.
- I. 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 a state of good structural repair. If any fence, retaining wall, or

similar structure is found not to be in a 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.

- J. Commercial Vehicle. No commercial vehicle with a gross vehicle weight rated in excess of 10,000 pounds, based on manufacturer's federal identification decal or serial number, or any commercial vehicle more than seven (7) feet in height, may be parked on any residential property, except for commercial vehicles making service calls or vehicles being used to move personal goods to or from a subject property.
- K. Furniture. No furniture intended for indoor use may be stored outside, unless it is in a completely enclosed porch or patio room.
- L. Off Street Parking. Parking and/or storing of any vehicle on a lawn or dirt surface shall be prohibited. On all tracts in residential districts, all open off-street parking areas shall be graded and surfaced with bituminous concrete (asphalt), Portland cement concrete, brick, cobble-stone or similar hard surface. Tracts with nonconforming gravel driveways may have gravel parking areas, but in no case shall a landscaped area (i.e., neither paved nor graveled) be used as an open off-street parking area.
- M. Trailers and Recreational Vehicles. If a licensed and operable trailer, utility trailer, watercraft, camping or recreational equipment is parked or stored outside a garage, it shall be parked or stored to the rear of a line which is an extension of the rear wall of the house. On a corner lot; however, the camping or recreational equipment may not be stored on any side of the house toward a street. All camping or recreational equipment shall cover no more than 400 square feet of yard area, with a maximum of two (2) pieces of camping or recreational equipment permitted. The vehicles must be registered to a resident of the respective property. RV's and Utility Trailers may be parked for purposes of loading and unloading for forty-eight (48) hours.
- N. Street Numbers. Each structure to which a street number has been assigned shall have such number displayed in a position easily observed and readable from the public right-of-way. All numbers shall be in Arabic numerals at least four (4) inches high and one-half (1/2) inch stroke and of a color contrasting to the background.
- O. Rodent harborage. All structures and exterior property shall be kept free from rodent harborage and infestation. Where rodents are found, they shall be promptly exterminated by approved processes which will not be injurious to human health. After extermination,

proper precautions shall be taken to eliminate rodent harborage and prevent re-infestation.

- P. Sanitation. All exterior property and premises shall be maintained in a clean, safe, and sanitary condition. The owner, lessee, occupant, or person or entity having charge of the premises shall keep that part of the exterior property which such person or entity occupies or controls in a clean and sanitary condition.

5.07 VEGETATION

- A. No person or entity owning, leasing, occupying or having charge of land within the Township shall fail to keep such property free and clear of all noxious (brush, briars, burrs, vines, Russian thistle, Canadian thistle, common thistle, wild lettuce, wild mustard, wild parsnip, ragweed, milkweed, ironweed, et. al.) weeds and rank vegetation or fail to cut all such weeds and vegetation on land owned or in his or her possession whenever such weeds or vegetation have grown to a height of eight (8) inches or more.
- B. In addition to the requirement of paragraph "A" hereof, 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 an easement area, contiguous to his or her property and on his or her property side of any pavement traveled by motor vehicles.
- C. No person owning, leasing, operating, occupying or having charge of land within the Township shall permit trees, bushes, shrubs, or other growth to overhang or block any part of a sidewalk or unpaved but traveled portion of a street for a height of seven (7) feet above the surface, or any part of a paved street for a height of fourteen (14) feet above the surface.
- D. 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.

5.08 STAIRWAYS

All exterior stairways on all residential premises shall:

- A. Be maintained free of holes, grooves, and cracks which constitute a safety hazard;
- B. Be maintained free of rotted or deteriorated supports;
- C. Have treads of uniform width and risers of uniform height; and

D. 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 Hamilton County Building Code.

5.09 ACCESSORY STRUCTURES

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

5.10 WASTE RECEPTACLES

A. Accumulation, Dumping, Storing, and/or Burying of Rubbish or Garbage. All exterior property and premises, and the interior of every structure, carport, deck, and patio shall be free from any accumulation, dumping, storing, and/or burying of rubbish and/or garbage including, but not limited to tires, combustible and noncombustible waste materials, abandoned construction materials and debris, paper, rags, cartons, boxes, excelsior, rubber, leather, tin cans, metals, mineral matter, glass, crockery and dust, animal and vegetable waste, residue from burned materials, inoperable and broken appliances and household equipment, and other similar materials.

B. Disposal of Rubbish/Garbage. Every owner, lessee, occupant, or person or entity having charge of any structure shall dispose of rubbish/garbage in a clean and sanitary manner by placing such rubbish/garbage in approved containers.

C. Rubbish/Garbage Storage Containers. The owner of occupied premises shall supply approved covered containers for rubbish/garbage. The owner, lessee, occupant, or person or entity having charge of the premises shall be responsible for the removal of rubbish/garbage.

D. Placement of Rubbish/Garbage Containers. All approved residential rubbish/garbage containers shall be placed at the curb or authorized alley location for pick-up unless prior arrangements have been made with the township and collector for pickup at another location. No such rubbish/garbage container shall be placed at the curb earlier than 24 hours preceding the pickup and all containers shall be removed within 24 hours after the pickup. When not at the curb for pickup, all rubbish/garbage receptacles shall either be in an enclosed building or placed behind the front building line.

1. Multi-Family Dwelling Units. All multi-family dwelling units utilizing a dumpster for waste 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 5.10(D).

2. Bundling of Waste. If waste is of such nature that it cannot be put in the regulation containers, it shall be placed in a manner as specified by the Township.
3. Report of Collection Failures. Every owner, lessee, occupant, or person or entity having charge of the property is required to maintain surveillance over the garbage and rubbish (waste) 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.

5.11 JUNK OR INOPERABLE VEHICLE

- A. Storage of Junk or Inoperable Vehicle on Private Property. No junk, inoperable, or unlicensed vehicle shall be located on any residential property, except when stored within a completely enclosed building.
- B. Parking of Junk or Inoperable Vehicle on Public Property. No junk or inoperable vehicle shall be located on any public property for a period in excess of twenty-four hours.
- C. Impounding of Junk or Inoperable 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 or inoperable vehicle, the Enforcement Officer shall photograph the junk or inoperable vehicle and record the make, model and serial number when available. The place of storage shall be designated by the Enforcement Officer.
- D. Disposition of Junk or Inoperable Vehicles Ordered Into Storage. Any junk or inoperable vehicle ordered into storage that remains unclaimed for a period of thirty (30) days may be disposed of at a vehicle salvage dealer or scrap metal processing facility owned by or under contract with the Township for the disposal of such 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 monies accruing from the disposition of an unclaimed 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. Upon proving ownership, the owner of any junk or inoperable vehicle ordered into storage pursuant to this resolution may reclaim it upon

payment of all expenses or charges incurred in its removal.

5.12 DEFACEMENT OF PROPERTY

A. Prohibited Conduct.

1. No person shall inscribe, draw or otherwise place or cause to be placed, anything defacing the surface of any building, structure, wall, or surface of other property, including, but not limited to, sidewalks, walls, buildings, fences and signs, that are publicly or privately owned.

2. No parent or legal guardian shall knowingly permit any minor child in his or her custody to violate this section.

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 penalty 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 penalty or made restitution or reparation within the time ordered by the court, and further provided that such parent or legal guardian was served with the original summons or with notice of any subsequent proceedings arising therefrom.

B. Removal.

1. It shall be the duty of the owner, lessee, occupant, or person or entity having charge of any property or structure upon which anything defacing it is placed or made, to remove, eradicate, or eliminate such defacement.

C. Removal by the Township.

1. If the owner, lessee, occupant, or person or entity having charge of private property fails to remove anything defacing the property and does not comply with the notices to remove such defacement within the timeframe specified by the Enforcement Officer, the Township shall remove or abate the item or thing defacing the owner's property and may employ the necessary labor to perform such task. All costs for removing or abating such defacement shall be recovered in the following manner:

- a. 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 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.

- b. If the costs are not so recovered within thirty (30) days of receipt of the mailing described in Section 4.13(B)(1), the Township may collect the cost in accordance with the Ohio Revised Code and/or assess the cost to the owner via liens approved by the Township Trustees.

In order to comply with this notice, please do the following:

Remove gutter from porch.

Remove all rubbish and garbage from property.

Fix Garage door and make it secure with no holes in it.

You are further informed that unless you correct this violation or otherwise comply with this notice within 14 days of this notice, you will be subject to the penalty as provided by the Columbia Township Exterior Property Maintenance Code.

If you do not bring the property into compliance within the specified time and/or contact this office to make other arrangements, a Violation Citation will be issued. Each day the violation continues, after issuance of the Violation Citation, is a separate offense and cited as such.

You may appeal this Notice of Violation to the Exterior Property Maintenance Code Appeals Board within fourteen (14) calendar days of receiving this Notice.

Please contact me at 513-792-7249 with any questions or regarding compliance with this section of the Columbia Township Property Maintenance Code.

Thank you in advance for your cooperation.

Kevin Clark.

Code Enforcement Officer

