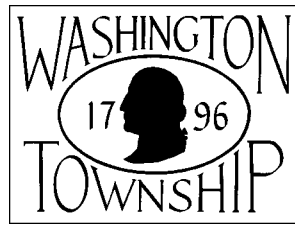


**EXTERIOR PROPERTY MAINTENANCE CODE
FOR
WASHINGTON TOWNSHIP
MONTGOMERY COUNTY, OHIO**



July 16, 2001

**DOCUMENT ADOPTED BY THE WASHINGTON TOWNSHIP TRUSTEES
RESOLUTION # R2001-008**

DATED: July 16, 2001

Originally Approved By:

Miami Valley Regional Planning Commission
400 Miami Valley Tower – Suite 400
Dayton, Ohio 45402

WASHINGTON TOWNSHIP EXTERIOR PROPERTY MAINTENANCE CODE

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ARTICLE 1

PURPOSE

1.01 PURPOSE

The purpose of this Exterior Property Maintenance Code is to protect the public health, safety, morals and general welfare as it pertains to premises and buildings used for residential, commercial and industrial purposes. This protection is hereinafter provided by:

- A. Establishing minimum standards for maintaining residential, commercial and industrial environmental quality to preserve and achieve the presentable appearance of existing structures and premises; avoiding blighting effects of the substandard maintenance of structures and premises and the 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.

It is the intent of Washington Township to work with all citizens to further the best interests of the community, through the fair and consistent administration of this Property Maintenance Code.

ARTICLE 2

TITLE

2.01 TITLE

This code shall be known as “Washington Township Exterior Property Maintenance Code” and is herein referred to as above or as the “Exterior Property Maintenance Code” or “this Code.”

ARTICLE 3

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;
- 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.

ACCESSORY STRUCTURE: A structure which is subordinate to and incidental to that of the main building on the same lot.

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

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

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

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

GRADED: The leveling of land to intended height by removing high ground and filling low ground. All fill dirt shall be brought to the same level.

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.

WOODLAND AREA: An area in its natural state populated by trees and other forest growth.

WORKMANLIKE: Work done in a skillful and well-executed manner that is in good repair and structurally sound.

ARTICLE 4

ADMINISTRATION AND ENFORCEMENT

4.01 APPLICATION OF EXTERIOR PROPERTY MAINTENANCE CODE

The provisions of the Exterior Property Maintenance Code shall apply to all premises and structures within Washington Township which exist now or in the future, with respect to structure, maintenance, proper drainage and sanitary conditions or other similar conditions which otherwise constitute a public nuisance.

4.02 COMPLIANCE REQUIRED

Every portion of any premises or structure, shall comply with the provisions of this Exterior Property Maintenance Code, irrespective of when such structure 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 code or resolution, the provision which established 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 Washington Township or its officers or agents relating to the abatement of a nuisance.

4.05 SEPARABILITY

If any section, subsection, paragraph, sentence, clause or phase 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, 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 Resolutions, Codes or Regulations in effect at the time the violation was committed.

4.07 ENFORCEMENT OFFICIALS

- A. ENFORCEMENT OFFICERS. The Washington Township Trustees shall assign the duties of administering and enforcing this Code to an Enforcement Officer. An Enforcement Officer may call upon any department, division or contractor of the Township for whatever assistance may be necessary in the enforcement of this Code.
- B. LIABILITY. No officer, agent or employee of Washington 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

An Enforcement Officer is authorized to make inspections of exteriors of structures and premises located within the unincorporated area of Washington Township for purposes of enforcing the provisions of this Exterior Property Maintenance Code. For the purpose of making such inspections, and upon showing appropriate identification, an Enforcement Officer is hereby authorized to examine and survey at any reasonable hour all structures and premises.

4.09 WARNING CITATION

It is the policy of Washington Township to use fair and reasonable judgement in the administration of its enforcement actions. To this end, a Warning Citation may be issued for the first occurrence of a violation of this Code. The Warning Citation shall be worded so as to sufficiently identify the premises and the nature of the violation. If the premises owner or person being cited fails to correct the violation in the time allotted by an Enforcement Officer, then a Notice of Violation shall be issued. In his discretion, an Enforcement Officer shall have the right to forego issuing a Warning Citation and may proceed to issue a Notice of Violation. The issuance of a Warning Citation shall not be a prerequisite to the issuance of a Notice of Violation. There shall be no right of appeal from the issuance of a Warning Citation.

4.10 NOTICE OF VIOLATION

- A. CONTENT. Whenever an Enforcement Officer determines that there is a violation of the provisions of this Code, 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 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 an 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 an owner or occupant of the premises at his/their last known address, with return receipt requested. If a Certified Mail envelope is returned with endorsement showing that the envelope is unclaimed, then service shall be sent by ordinary mail and the mailing shall be evidenced by a Certificate of Mailing which shall be filed by an 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 premises, the last address, if known, of the owners, the parcel identification, the location and nature of the violation. Service is complete upon said posting and publication.

4.11 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 Washington 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 those members hearing the appeal may reverse or affirm, wholly or partly, or may modify the decision appealed from, and shall make such order or determination as in its opinion

ought to be made. Failure to secure such concurring votes shall be deemed a confirmation of the decision of the inspector.

- 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 an 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 an appeal, the Appeals Board shall set a time and place for hearing before the Appeals Board and shall give the appellant 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 appeal was filed. At such hearing, the appellant shall be given an opportunity to be heard and to show cause why any item appearing on such notice and order should be modified, or withdrawn. The failure of the appellant or his representative to appear and state his case at such hearing shall have the same effect as if no appeal was filed.
- C. FINDINGS. Prior to sustaining any Notice of Violation and compliance order, the Appeals Board shall make the following findings:
- 1) The violator was served with a Notice of Violation as provided in Section 4.10.
 - 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 not bringing the use into compliance with the Washington Township Exterior Property Maintenance Code.
 - 4) Upon expiration of the date indicated for compliance in the Notice of Violation, the premises or structure was being maintained in violation of specific provisions of the Washington 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) 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.

4.12 CIVIL REMEDIES

If the recipient of a Notice of Violation fails to comply with said Notice of Violation within the stated period of time, the Board of Trustees may institute an action for injunction, mandamus, or abatement or any other appropriate action or proceeding to enjoin, correct or abate such violation.

4.13 VIOLATION PENALTIES

- A. 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.
- B. 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.
- C. The application of the penalty provided in subsection (B) hereof shall not be held to prevent the enforced removal of prohibited conditions.

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, shall have all building materials and construction equipment removed from the site.

4.15 ANNUAL REVIEW

In the month of April of each year, the chairman of the Exterior Property Maintenance Code Appeal Board shall appoint a committee to review the Exterior Property Maintenance Code. This committee shall issue a report to the Board of Trustees of Washington Township of any proposed amendments or deletions to the Code.

ARTICLE 5

RESIDENTIAL EXTERIOR PROPERTY MAINTENANCE STANDARDS

5.01 APPLICATION OF MAINTENANCE STANDARDS

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

5.02 STRUCTURAL SOUNDNESS AND MAINTENANCE OF DWELLINGS

All structures shall be maintained as follows:

- A. FOUNDATIONS. Foundations shall support the structure at all points and shall be free of all holes and cracks as to prevent the entrance of rodents, water or dampness to the interior of the structure or lessen the capability of the foundation to support the building.
- B. EXTERIOR WALLS AND SURFACES. Exterior walls and other exterior surface materials shall be free of holes, cracks, loose or rotting boards and timbers or any other condition as to prevent the entrance of rodents, rain or dampness to the interior of the building.
- C. WINDOWS. Windows shall be fully supplied with window glass or a Montgomery County Building Department 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.
- D. EXTERIOR DOORS. Doors shall be maintained so as to be structurally sound, fit within frames so as to be weatherproof, windproof, and waterproof and be provided with door hinges and door latches which are in good working condition.
- E. ROOF. Roof members, covering and flashing shall be structurally sound and tight so as to prevent the entrance of moisture and be maintained by renewal, repair, waterproofing or other suitable means. Roof drainage shall be adequate to prevent rainwater from causing dampness in the interior portion of the structure.
- F. GUTTERS. Rain gutters, downspouts, leaders or other means of water diversion shall be provided to collect/conduct and discharge all water from the roof and maintained so as not to leak or cause dampness in the walls, ceiling, or basements or adversely affect adjacent properties.

- G. CHIMNEYS. Chimneys shall be free of cracks, holes or missing portions and maintained in sound condition.
- H. PORCHES/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, kept in sound condition and in good repair.
- I. STRUCTURAL MEMBER. Any structural member of a structure which has become deteriorated or damaged to the extent that it does not serve the purpose as originally intended shall be renewed, restored, repaired, or replaced as is necessary to serve the purpose as originally intended.
- J. EXTERIOR SURFACES. 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 coverings. Surfaces shall be maintained so as to be kept clean and free of flaking, loose or peeling paint or covering.
- K. BASEMENT. Basement or cellar hatchways shall be so constructed and maintained as to prevent the entrance of rodents, rain and surface drainage into the building.
- 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.

5.03 PAIN AND COATING MATERIALS

All paint and other coating materials shall be free of any lead. These materials shall also be free of dangerous substances banned from general use by authorized Federal, State, County, or Local Regulatory Agencies for health and safety reasons.

5.04 EXTERIOR PREMISES

All premises shall be properly maintained as follows:

- A. EXTERIOR SPACE. The exterior open space shall be maintained or so improved so as to provide for:
 - 1) The immediate diversion of water away from structures 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) Yard-walks, 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. 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 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 fences, retaining walls, or similar structures shall always be in the state of good repair. If any fence, retaining wall, or similar structure is found not to be in the state of good 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 graded and kept free noxious weeds, debris and other materials which may cause a fire, health, or safety hazard.
- E. HAZARDS. Hazards and unsanitary conditions shall be eliminated.
- F. DRAINAGE. All portions of all premises shall be so graded that there is no pooling of water or recurrent entrance of water into any part of any structure except when such pooling or retention of water is part of a plan approved by the County Engineer. All condensate and water cooling water shall be appropriately discharged into an approved drainage system.
- G. DRAINAGE SWALES. Swales are to be maintained by the owners of the premises 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. Swales should be mowed as part of the yard. In meadow situations the swales 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.

5.05 VEGETATION

- A. MAINTENANCE OF PLANTINGS. All plant materials, especially trees and shrubs, afflicted with decay, disease, insect infestation, or otherwise considered dangerous to other plant material shall be removed or appropriately treated. All sound plant materials, especially trees and shrubs, shall be properly maintained and not evidence signs of neglect.
- B. WOODLAND AREAS. All woodland areas should be left in their natural condition.

5.06 STAIRWAYS

- A. EXTERIOR STAIRWAYS. All exterior stairways on all 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, an Enforcement Officer may require their installation in accordance with the provisions of the Montgomery County Building Code.

5.07 ACCESSORY STRUCTURES

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

ARTICLE 6

COMMERCIAL EXTERIOR PROPERTY MAINTENANCE STANDARDS

6.01 GENERAL PROVISIONS

Every commercial structure and commercial unit shall meet all of the provisions and requirements of the official Zoning Code, Building Code, Fire Code and Health Code 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

All structures shall be maintained as follows:

- A. FOUNDATIONS. Foundations shall support the structure at all points and shall be free of all holes and cracks as to prevent the entrance of rodents, water or dampness to the interior of the structure or lessen the capability of the foundation to support the building.
- B. EXTERIOR WALLS AND SURFACES. Exterior walls and other exterior surface materials shall be free of holes, cracks, loose or rotting boards and timbers or any other condition as to prevent the entrance of rodents, rain or dampness to the interior of the building.
- C. WINDOWS. Windows shall be fully supplied with window glass or a Montgomery County Building Department approved substitute which is glazed and is without open cracks or holes, shall have sashes in good condition which fit within frames, and maintained so as to exclude adverse weather elements from entering the structure.
- D. EXTERIOR DOORS. Doors shall be maintained so as to be structurally sound, fit with frames so as to be weatherproof, windproof, and waterproof, and be provided with door hinges and door latches which are in good working condition.

- E. ROOF. Roof members, covering and flashing shall be structurally sound and tight so as to prevent the entrance of moisture and be maintained by renewal, repair, waterproofing or other suitable means. Roof drainage shall be adequate to prevent rainwater from causing dampness in the exterior portion of the structure.
- F. GUTTERS. Rain gutters, downspouts, leaders or other means of water diversion shall be provided to collect/conduct and discharge all water from the roof and maintained so as not to leak or cause dampness in the walls, ceiling, or basements or adversely affect adjacent properties.
- G. CHIMNEYS. Chimneys shall be free of cracks, holes or missing portions and maintained in sound condition.
- H. PORCHES/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, kept in sound condition and in good repair.
- I. STRUCTURAL MEMBER. Any structural member of a structure which has become deteriorated or damaged to the extent that it does not serve the purpose as originally intended shall be renewed, restored, repaired, or replaced as is necessary to serve the purpose as originally intended.
- J. EXTERIOR SURFACE. Except for materials that have been designed or manufactured to remain untreated, all exterior wood, composition or metal surfaces shall be protected from the elements by paint or other protective coverings. Surfaces shall be maintained so as to be kept clean and free of flaking, loose or peeling paint or covering.
- K. BASEMENT. Basement or cellar hatchways shall be so constructed and maintained as to prevent the entrance of rodents, rain and surface drainage into the structure.
- L. DECORATIVE FEATURES. All cornices, entablatures, bell courses, corbels, terra cotta trim, wall facings, and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.

6.03 PAIN AND COATING MATERIALS

All paint and other coating materials shall be free of any lead. These materials shall also be free of dangerous substances banned from general use by authorized Federal, State, County, or Local Regulatory Agencies for health and safety reasons.

6.04 EXTERIOR PREMISES

All premises shall be properly maintained as follows:

- A. EXTERIOR SPACE. The exterior open space around each structure shall be maintained or so improved so as to provide for:
- 1) The immediate diversion of water away from structures 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, lot premises or adjacent premises and structures; and
 - 3) Yard-walks, parking areas, driveways and exterior steps which are of a permanently hard, dust free surface of sound construction and properly maintained.

- B. MAINTENANCE. The exterior of all premises and every structure thereon including but not limited to walls, roofs, cornices, chimneys, drains, towers, porches, landings, fire escapes, stairs, store fronts, signs, windows, doors, awnings, marquees, and all surfaces thereof, 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 Washington 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 repair. If any fence, retaining wall, or similar structure is found not to be in the state of good 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 graded and kept free of noxious weeds, debris and other materials which may cause a fire, health, or safety hazard.
- E. HAZARDS. Hazards and unsanitary conditions shall be eliminated.
- F. DRAINAGE. All portions of all premises shall be so graded that there is no pooling of water or recurrent entrance of water into any part of any structure except where such pooling or retention of water is part of a plan approved by the County Engineer. All condensate and waste cooling water shall be appropriately discharged into an approved drainage system.

- G. DRAINAGE SWALES. Swales are to be maintained by the owners of the premises 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. Swales should be mowed as part of the yard. In meadow situations the swales 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.
- H. 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.
- I. 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.
 - 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 Washington 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 & 3.
- J. 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. All lighting fixtures shall comply with Washington Township Zoning Resolution.

6.05 VEGETATION

- A. MAINTENANCE OF PLANTINGS. All plant materials, especially trees and shrubs, afflicted with decay, disease, insect infestation, or otherwise considered dangerous to other plant material shall be removed or appropriately treated. All sound plant materials, especially trees and shrubs, shall be properly maintained and not evidence signs of neglect.
- B. WOODLAND AREAS. All woodland areas should be left in their natural condition.

6.06 STAIRWAYS

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

6.07 ACCESSORY STRUCTURES

- A. 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.

ARTICLE 7

INDUSTRIAL EXTERIOR PROPERTY MAINTENANCE STANDARDS

7.01 GENERAL PROVISIONS

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

The following Industrial Exterior Property Maintenance Standards are applicable to all industrial structures, and portions of mixed-use structures which are devoted to industrial use, including all exterior and structural requirements, soundness and maintenance.

7.02 STRUCTURAL SOUNDNESS AND MAINTENANCE OF INDUSTRIAL STRUCTURES

All structures shall be maintained as follows:

- A. FOUNDATIONS. Foundations shall support the structure at all points and shall be free of all holes and cracks as to prevent the entrance of rodents, water or dampness to the interior of the structure or lessen the capability of the foundation to support to building.
- B. EXTERIOR WALLS AND SURFACES. Exterior walls and other exterior surface materials shall be free of holes, cracks, loose or rotting boards and timbers or any other condition which might admit rodents, rain or dampness to the interior of the building.
- C. WINDOWS. Windows shall be fully supplied with window glass or a Montgomery County Building Department approved substitute which is glazed and is without open cracks or holes, shall have sashes in good condition which fit within frames, and maintained so as to exclude adverse weather elements from entering the structure.
- D. EXTERIOR DOORS. Doors shall be maintained so as to be structurally sound, fit within frames so as to be weatherproof, windproof, and waterproof and be provided with door hinges and door latches which are in good working condition.
- E. ROOF. Roof members, covering and flashing shall be structurally sound and tight so as to prevent the entrance of moisture and be maintained by renewal,

repair, waterproofing or other suitable means. Roof drainage shall be adequate to prevent rain water from causing dampness in the interior portion of the building.

- F. GUTTERS. Rain gutters, downspouts, leaders or other means of water diversion shall be provided to collect/conduct and discharge all water from the roof and maintained so as not to leak or cause dampness in the walls, ceiling, or basements or adversely affect adjacent properties.
- G. CHIMNEYS. Chimneys shall be free of cracks, holes or missing portions and maintained in sound condition.
- H. STRUCTURAL MEMBER. Any structural member of a structure which has become deteriorated or damaged to the extent that it does not serve the purpose as originally intended shall be renewed, restored, repaired, or replaced as is necessary to serve the purpose as originally intended.
- I. EXTERIOR SURFACE. Except for materials that have been designed or manufactured to remain untreated, all exterior wood, composition or metal surfaces shall be protected from the elements by paint or other protective coverings. Surfaces shall be maintained so as to be kept clean and free of flaking, loose or peeling paint or covering.
- J. DECORATIVE FEATURES. All cornices, entablatures, bell courses, corbels, terra cotta trim, wall facings, and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.

7.03 PAINT AND COATING MATERIALS

All paint and other coating materials shall be free of any lead. These materials shall also be free of dangerous substances banned from general use by authorized Federal, State, County, or Local Regulator Agencies for health and safety reasons.

7.04 EXTERIOR PREMISES

All premises shall be properly maintained as follows.

- A. EXTERIOR SPACE. The exterior open space around each structure shall be maintained or so improved so as to provide for:
 - 1) The immediate diversion of water away from structures 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, lot premises or adjacent premises and structures; and
 - 3) Yard-walks, parking areas, driveways and exterior steps which are of a permanently hard, dust free surface of sound construction and properly maintained.

- B. MAINTENANCE. The exterior of all premises and every structure thereon including but not limited to walls, roofs, cornices, chimneys, drains, towers, fire escapes, stairs, store fronts, signs, windows, doors, awnings, marquees, and all surfaces thereof, shall be maintained and shall be painted or protected where necessary for the purpose of preservation.

All canopies, marquees, signs, awnings, exterior stairways, fire escapes, standpipes, exhaust ducts, and similar overhanging extensions, including their supporting structures where exposed to public view, shall be maintained in good condition and shall not show evidence of ripping, tearing, or deterioration. Prohibited and obsolete signs shall be removed or replaced pursuant to the applicable sections of the Washington 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 graded and kept free of noxious weeds, debris and other materials which may cause a fire, health, or safety hazard.
- E. HAZARDS. Hazards and unsanitary conditions shall be eliminated.
- F. DRAINAGE. All portions of all premises shall be so graded that there is no pooling of water or recurrent entrance of water into any part of any building except when such pooling or retention of water is part of a plan approved by the County Engineer. All condensate and waste cooling water shall be appropriately discharged into an approved drainage system.
- G. DRAINAGE SWALES. Swales are to be maintained by the owners of the premises 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. Swales should be mowed as part of the yard. In meadow situations the swales 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.

H. 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.

I. 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.
- 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 Washington 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 & 3.

K. EXTERIOR LIGHT FIXTURES. Exterior lighting fixtures over steps, paths, walkways, courts, drives and parking lots shall be neatly maintained in operable condition and lighted for sufficient periods of time before and after working hours to provide for pedestrian and employee safety and properly aimed so as not to shine on adjacent properties. All lighting fixtures shall comply with Washington Township Zoning Resolution.

7.05 VEGETATION

A. MAINTENANCE OF PLANTINGS. All plant materials, especially trees and shrubs, afflicted with decay, disease, insect infestation, or otherwise considered dangerous to other plant material shall be removed or appropriately treated. All sound plant materials, especially trees and shrubs, shall be properly maintained and not evidence signs of neglect.

B. WOODLAND AREAS. All woodland areas should be left in their natural condition.

7.06 STAIRWAYS

A. EXTERIOR STAIRWAYS. All exterior stairways on all industrial premises shall be in accordance with the following provisions:

- 1) Stairways shall be maintained free of holes, grooves, and cracks which constitute a safety hazard;
- 2) Stairways shall be maintained free of rotted or deteriorated supports;
- 3) Stairways shall have treads of uniform width and risers of uniform height; and
- 4) Stairway handrails and/or railings shall be firmly fastened and maintained in good condition. Where the absence of handrails and/or railings create a

hazardous condition, an Enforcement Officer may require their installation in accordance with the provisions of the Building Code.

7.07 ACCESSORY STRUCTURES

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