

## NUISANCE PROPERTY STANDARDS AND PROCEDURES

### VEGETATION, GARBAGE, REFUSE AND OTHER DEBRIS

ORC Section 505.87 authorizes the Board of Trustees to provide for the abatement, control, or removal of vegetation, garbage, refuse and other debris from land in the Township, if the Board determines that the owner's maintenance of such vegetation, garbage, refuse and other debris constitutes a nuisance. The materials contemplated for regulation by this policy are separated into two primary topics of vegetation and refuse/debris and are defined and described on the attached lists. The policy to be followed in the administration of the legislation is as follows:

1. Upon receipt of the a complaint or determination by the Zoning Administrator that the public safety or health is being affected, a Zoning Inspector shall make an onsite inspection of the property and prepare a written report with a supporting description of the material contemplated by this policy, photographs and other documentation.
2. Where a written report has been prepared as a result of a complaint, Zoning Inspector shall send a notice to the property owner which provides the property owner with a **seven (7)** day period from the letter mailing date to address with the Zoning Inspector the contents of the written report before the filing of the report with the Board of Trustees as required in subparagraph 3.
3. After conclusion of the **seven (7)** day period described in subparagraph 2, the Zoning Inspector shall file the written report with the Board of Trustees along with any information supplied by the property owner for the Board of Trustees' determination of whether the questioned material is covered by this policy and further whether the accumulation or storage of this material constitutes a nuisance. Factors to be considered by the Board of Trustees in determining whether a covered material is a nuisance are:
  - A. A matter that endangers life or health, or;
  - B. Obstructs the reasonable and comfortable use of surrounding properties. This is a community standard decision where the average property owner's sensitivities would be the guide in reaching this decision. The determined sensitivity level must be balanced against the regulated property owner's interest in the free use of their land. The nuisance standard is also relative according to the type of property owner being regulated, the surrounding property uses (residential, rural, commercial, industrial) and the character and extent of the potential interference with the use of surrounding properties.
4. If the Board of Trustees determines that the subject material is contemplated by this policy and also constitutes a nuisance, a notice to abate the nuisance shall be sent to the owner of the land by certified mail if the owner is a resident of the township or is a nonresident whose address is known, and by certified mail to lien holders of record; alternatively if the owner is a resident of the township or is a nonresident whose address is known, the board may give notice to the owner by causing any of its agents or employees to post the notice on the principal structure on the land and to photograph that posted notice with a camera capable of recording the date of the photograph on it. If the owner's address is unknown and cannot reasonably be obtained, it is sufficient to publish the notice once in a newspaper of general circulation in the township. The owner of the land or holders of liens of record upon the land may enter into an agreement with the Board of Township Trustees providing for either party to the agreement to perform the abatement, control, or removal before the time the Board is required to provide for the abatement, control, or removal with the owner.
5. After the completion of the notification period required in subparagraph 4, if the Owner of the land has failed to abate, control or remove the vegetation, refuse or debris constituting a nuisance, the Board

of Trustees shall provide for the abatement, control, or removal of the nuisance unless the Board of Trustees has entered into an agreement with the owner of record or the holders of liens of record upon the real estate to perform the abatement, control removal of the nuisance. In order to abate, control, or remove said vegetation, refuse or debris, the Board of Trustees may employ the necessary labor, materials, and equipment to perform the task.

6. The Board of Trustees shall approve all expenses so incurred and said expenses shall be paid from the Townships general fund with monies not otherwise appropriated. A report shall be prepared and filed with the county auditor summarizing the above expenses, which said expenses, when allowed, shall be entered upon the tax duplicate, by the county auditor.

#### VEGETATION LIST

1. Dead grass and plant material piled such that it emits objectionable and foul odors or presents a haven for rodents
2. Any vegetation, which presents a sight distance safety hazard to motorists using either public or private streets or driveways.
3. Any vegetation, which, because of its characteristics of growth, spreads onto adjacent property and cannot be controlled
4. High grass and/or weeds in excess of 8 inches on any lot or parcel less than 3 acres in size.

#### REFUSE/DEBRIS/GARBAGE LIST

- A. **Wrecked, junk and/or abandoned motor vehicles** on private property with or without the permission of the property owner that are not in a completely enclosed building.
  1. A motor vehicle that is extremely damaged including but not limited to any of the following:
    - a. Missing wheels
    - b. Missing tires
    - c. Missing body parts
    - d. Missing motors
    - e. Missing transmissions
    - f. Deflated tires
    - g. Broken or missing windows
    - h. Abandoned
- B. **Discarded and/or dismantled motor vehicle materials or parts**
  1. Discarded and/or dismantled motor vehicle parts including but not limited to any of the following:
  2. Used building materials
    - a. Motor vehicle motors or engines
    - b. Motor vehicle doors, windows or body parts
    - c. Motor vehicle tires
    - d. Motor vehicle mufflers
    - e. Motor vehicle tailpipes
    - f. Motor vehicle transmissions
    - g. Motor vehicle frames and/or axles
    - h. Motor vehicle radiators

**C. Discarded or used materials**

1. Discarded or salvaged scrap metals
2. Used building materials
  - a. Used lumber
  - b. Used doors
  - c. Used gutters
  - d. Used windows
  - e. Used roof shingles
  - f. Used insulation
  - g. Used aluminum and/or vinyl siding
3. Glass
4. Plastic
5. Iron
6. Paper
7. Rags
8. Cordage
9. Barrels
10. Tires
11. Cardboard
12. Cloth
13. Styrofoam

**D. Household or industrial appliances, such as but not limited to the following:**

1. Ovens
2. Stoves
3. Refrigerators
4. Furniture
5. Washers
6. Dryers
7. Heating and air conditioning units
8. Computers
9. Hot water tanks

Sections A, B, C, and D do not apply to a junkyard or automobile wrecking yard defined and operating in compliance with the Township Zoning Resolution.

**E. Garbage**

1. Any garbage, including, but not limited to, food and/or organic waste. Section E does not apply to a sanitary landfill as defined and operating in compliance with the Township Zoning Resolution.