

JACKSON TOWNSHIP BOARD OF TRUSTEES, STARK COUNTY, OHIO

RESOLUTION

RESOLUTION NO. 24- 101

ADOPTED: 5/14/2024

SUBJECT: Jackson Township Property Maintenance Code

The Board of Trustees of Jackson Township, Stark County, Ohio, met in regular session on the 14th day of May, 2024 with the following members present:

Todd J. Hawke  
John E. Pizzino  
Justin B. Hardesty

Trustee Hawke moved for the adoption of the following resolution:

WHEREAS, pursuant to ORC Sections 504.04(B)(4), 504.05 and 504.13, in order to protect the health, safety and welfare of the inhabitants of the Township, it is necessary and desirable to amend the Jackson Township Property Maintenance Code to now regulate the repair and maintenance of existing dwellings owner occupied, rental or otherwise owned in the Township, with amendments by the Board of Trustees of Jackson Township made thereto.

WHEREAS, the Jackson Township Property Maintenance Code were last amended pursuant to Resolution 06-079, on August 14, 2006; and,

WHEREAS, deficiently maintained and unsightly dwellings and related premises can, and do, create safety, health and sanitary hazards for the occupants of such dwellings and premises and that may adversely affect adjacent or neighboring property owners or persons in the peace and enjoyment of their properties and when the above described nuisance conditions are created, the health, safety and welfare of Township residents are threatened and adversely affected creating a public need for Jackson Township Board of Trustees to enact the attached legislation.

WHEREAS, the Board of County Commissioners has not adopted a Property Maintenance Code as adopted herein.

BE IT RESOLVED THAT, pursuant to ORC Sections 504.04(B), 504.05 and 504.13, that we hereby amend the existing Jackson Township Property Maintenance Code, as amended by the Board of Trustees, effective June 13, 2024.

BE IT FURTHER RESOLVED THAT the existing Jackson Township Property Maintenance Code and Resolution No. 06-079 adopting it is hereby replaced in its entirety.

BE IT FURTHER RESOLVED THAT the Fiscal Officer shall publish said Notice, once a week for two consecutive weeks in a newspaper of general circulation in the Township described therein, with the first publication being made within ten (10) days of the date of this Resolution.

Trustee Hardesty seconded the motion and upon roll call the vote resulted as follows:

Mr. Hawke	<u>yes</u>
Mr. Pizzino	<u>yes</u>
Mr. Hardesty	<u>yes</u>

The foregoing is a true and correct counterpart of Resolution Number 24-101, duly adopted on May 14, 2024 and filed with me as the Township Fiscal Officer on May 15, 2024.

  
Kody Gonzalez, Fiscal Officer

The foregoing resolution is approved as to form:

  
Michael B. Vaccaro, Law Director

## NOTICE

Notice is hereby given that the Board of Trustees of Jackson Township, Stark County, Ohio, by Resolution No. 24- , adopted the following resolution effective June 13, 2024:

BE IT RESOLVED THAT, pursuant to ORC Sections 504.04(B)(4), 504.05 and 504.13, we hereby amend, adopt and approve the Jackson Township Property Maintenance Code, effective 30 days from the enactment of this Resolution.

These Rules and Regulations may be found at [www.jacksonwp.com](http://www.jacksonwp.com).

Notice is further given that a complete text of the above resolution of the Jackson Township Board of Trustees may be obtained or inspected at the Office of the Township Fiscal Officer, 5735 Wales Avenue NW, Jackson Township, Ohio from 8:00 a.m. to 4:30 p.m., Monday through Friday. All other revisions, codifications, recodifications, or rearrangement of resolutions was done pursuant to ORC Chapter 504.

This advertisement is also posted on the state public notice web site ([www.publicnoticesohio.com](http://www.publicnoticesohio.com)) established under section 125.182 of the Revised Code and on the Jackson Township web site ([www.jacksonwp.com](http://www.jacksonwp.com)).

BY THE ORDER OF THE BOARD OF JACKSON TOWNSHIP TRUSTEES  
STARK COUNTY, OHIO

Mary Smith, Legal Assistant, 5735 Wales Avenue NW, Massillon, OH 44646, 330-832-2918 ext. 2115, [msmith@jacksonwp.com](mailto:msmith@jacksonwp.com)

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**PROPERTY MAINTENANCE CODE OF  
JACKSON TOWNSHIP, STARK COUNTY, OHIO**

**CHAPTER 1 - ADMINISTRATION AND ENFORCEMENT**

**Section 101: General**

101.1 Title. These regulations shall be known as the *Property Maintenance Code of Jackson Township, Stark County, Ohio* hereinafter referred to as "this code."

101.2 Scope. The provisions of this code shall apply to all existing and future residential, business, commercial, industrial and accessory structures and all existing and future premises, and shall constitute:

- A) Minimum requirements and standards for premises, structures, equipment, and facilities;
- B) The responsibility of owners, operators, and occupants; and
- C) The administration, enforcement and penalties.

101.3 Purpose. It is the intent of Jackson 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 and the Jackson Township Zoning Resolution*. The purpose of this code is to protect the public health, safety 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:
  - 1. Maintenance of existing and future residential, commercial, and industrial structures and premises in a manner which achieves a presentable appearance;
  - 2. Avoidance of blighting effects of the substandard maintenance of structures and premises and the negative impact on the value of surrounding properties; and
  - 3. Elimination of hazardous conditions.
- B) Addressing the responsibilities of owners, operators, and occupants of structures and premises; and
- C) Providing for administration, enforcement and penalties.

101.4 Severability. If a section, subsection, sentence, clause or phrase of this code is, for any reason, held to be unconstitutional or otherwise unlawful, such decision shall not affect the validity of the remaining portions of this code.

101.5 Saving Clause. This code shall not affect violations of any other resolution, code, or regulation, and any violation of such shall be governed and shall continue to be enforceable or punishable to the full extent of the law under the provisions of those resolutions, codes, or regulations.

101.6 Conflict of Laws. The provisions of this code shall apply to all matters affecting or relating to structures and premises, as set forth in Section 101. In any case where a provision

of this code is found to be in conflict with a provision of any applicable zoning, building, fire, safety or health regulation, code, or resolution, the provision which establishes the higher standard for the promotion and protection of the safety and health of the people shall govern, unless otherwise provided by law. Where, in a specific case, different sections of this code specify different requirements, the same standard shall apply.

101.7 Existing Remedies. The provisions in this code shall not be construed to abolish or impair existing remedies available to Jackson Township, its officers, or agencies.

## **Section 102: Applicability**

102.1 Application of Other Codes. Construction, repairs, additions, and/or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the *Stark County Building Code*, the *Ohio Building Code*, *Ohio Fire Code* and the *Jackson Township Zoning Resolutions*. Nothing in this code shall be construed to cancel, modify, or set aside any provision of the above-referenced codes.

102.2 Maintenance. Equipment, systems, devices, and safeguards required by this code or a previous regulation or code under which the structure or premises was constructed, altered, or repaired shall be maintained in good working order. No owner, operator, or occupant shall cause any service, facility, equipment, or utility, which is required under this section to be removed or shut off from, or discontinued for any occupied dwelling, except for such temporary interruption as necessary while repairs or alterations are in progress. The requirements of this code are not intended to provide the basis for removal or abrogation of fire protection and safety systems and devices in existing structures. Except as otherwise specified herein, the owner or the owner's designated agent shall be responsible for the maintenance of buildings, structures and premises.

102.3 Workmanship. Repairs, maintenance work, alterations or installations which are caused directly or indirectly by the enforcement of this code shall be executed and installed in a workmanlike manner and installed in accordance with the manufacturer's installation instructions.

102.4 Historic Buildings. The provisions of this code shall not be mandatory for existing buildings or structures listed on the National Register of Historic Places, as defined by the United States Secretary of the Interior, which are judged by the proper official to be safe and in the public interest of health, safety, and welfare.

102.5 Requirements not covered by code. Requirements, not specifically covered by this code, shall be determined by the Zoning Inspector for the public safety, health and general welfare.

## **Section 103: Construction Activity**

103.1 Abandonment of Construction. Construction shall be completed in a workmanlike manner and all construction of or for structures for which a Zoning and/or Building Permit have been issued shall be diligently pursued to completion, except for circumstances beyond the property owner's control (e.g. inclement weather, labor strikes). Any project under construction project in which the permitted project has not been substantially completed within two (2) years of issuance of a permit, shall be deemed abandoned, except for a one time thirty (30) day extension. For the purposes of this code, substantially completed shall be considered a

satisfactory, weekly, and ongoing effort to complete a considerable portion of the overall project. Upon any construction project being deemed abandoned, the property owner shall be required to complete the project, dismantle and remove the constructed portion of the project, and/or secure the site as directed at the discretion of the Zoning Inspector. Any construction project requiring a reissuance of a zoning permit shall be reduced in time allowance as determined, and in the sole discretion of the Zoning Inspector.

## **Section 104: Duties and Powers of the Enforcement Official**

**104.1 *Officials.*** The Jackson Township Zoning and Planning Department shall be responsible for the enforcement and application of this code. The Zoning Inspector shall be the enforcement official in charge. Jackson Township may employ an assistant zoning inspector and investigators in such numbers, as it deems necessary to perform the duties required by this code. These investigators shall report to the Zoning Inspector. The Zoning Inspector may call upon any department, division or contractor of the Township, County and/or State for whatever assistance may be necessary in the enforcement of this code.

**104.2 *Policy-making Authority.*** The Zoning Inspector shall have authority as necessary, with the advice and consent of the Jackson Township Administrator and/or the Jackson Township Board of Trustees, in the interest of public health, safety and general welfare, to adopt and promulgate policies necessary to the enforcement of this code.

**104.3 *Interpretation Authority.*** The Zoning Inspector shall have authority to:

- A) Interpret and implement the provisions of this code;
- B) Secure the intent thereof; and
- C) Designate requirements applicable because of local climatic or other conditions.

**104.4 *Inspections.*** The Zoning Inspector, Assistant Zoning Inspector and/or investigators assigned to the Zoning and Planning Department shall make all of the required inspections, or shall accept reports of inspection by approved agencies or individuals. For the purpose of making such inspections, and upon showing appropriate identification, the Zoning Inspector, Assistant Zoning Inspector and/or investigators assigned to the Zoning and Planning Department are hereby authorized to examine and survey all structures and premises at any reasonable time. All reports of such inspections shall be in writing and be certified by a responsible officer of such approved agency or by the responsible individual. The Zoning Inspector is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise, subject to the approval of the Jackson Township Administrator.

**104.5 *Identification.*** The Zoning Inspector, Assistant Zoning Inspector and investigators assigned to the Zoning and Planning Department shall carry proper identification when inspecting structures or premises in the performance of duties under this code.

**104.6 *Notices and orders.*** The Zoning Inspector shall issue all necessary notices or orders, under the provisions of Section 105, to ensure compliance with this code. The Zoning Inspector also has the authority to issue a Stop Work Order when he or she determines it to be necessary in order to secure the intent of this code.

**104.7 *Department records.*** The Zoning Inspector shall keep official records of all business and activities of the department, which relate to this code. Such records shall be retained in

the official records in such manner and for so long as is required by the Jackson Township retention policy.

104.8 Liability. No officer, agent or employee of Jackson 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/her duties under this code.

## Section 105: Notice of Violation

105.1 Unlawful Acts. It shall be unlawful for a person, firm or corporation to be in conflict with or in violation of any of the provisions of this code.

105.2 Warning Citation. It is the policy of Jackson Township to use fair and reasonable judgment in the administration of its enforcement actions. To this end, a Warning Letter may be issued for the first occurrence of a violation of this code. The Warning Letter shall be worded so as to sufficiently identify the premises and the nature of the violation. If the person, firm or corporation being warned that owns and/or occupies the premise fails to correct the violation within fourteen (14) days of the date of the Warning Letter, then the offender shall be put on notice per the issuance of Notice of Violation. Partial compliance by the deadline date shall be considered the same as non-compliant per the Warning Letter issued. At his/her discretion, the Zoning Inspector shall have the right to forego issuing a Warning Letter and may proceed to issue a Notice of Violation. The issuance of a Warning Letter shall not be a prerequisite to the issuance of a Notice of Violation.

105.3 Notice of Violation. The Zoning Inspector shall serve a Notice of Violation (hereinafter referred to as "Notice" or "Notice of Violation") to all persons, firms, or corporations found to be in conflict with or in violation of any of the provisions of this code.

- A) Form of Notice of Violation. Whenever the Zoning Inspector determines that there has been a violation of this code or has grounds to believe that a violation has occurred, notice shall be given in accordance with all of the following (see Exhibit A):
  - 1. The Notice shall be in writing;
  - 2. The Notice shall be sent to the person, firm, or corporation listed by the Stark County Auditor's Office as owner of the property at issue;
  - 3. The Notice shall include a description of the property at issue that is sufficient for identification purposes;
  - 4. The Notice shall include a statement of the violation or violations determined to exist on the property with specific references to the sections of this code which are alleged to have been violated;
  - 5. The Notice shall include a description of the corrective action which must be taken to bring the property into compliance with the provisions of this code;
  - 6. The Notice shall include a deadline by which time the person receiving the Notice shall be required to take the necessary corrective action required to bring the property into compliance with the provisions of this code; and
- B) Method of service. The Notice of Violation shall be deemed to be properly served if a copy is:
  - 1. Delivered personally; or,
  - 2. Sent by certified or first-class mail addressed to the owner of the property at issue at the address of the property; or

3. Sent by certified or first-class mail addressed to the owner of the property at issue at the address listed as the owner's tax mailing address by the Stark County Auditor;
4. Sent by certified or first-class mail addressed to the owner of the property at issue at the owner's last known address; or
5. Posted in a conspicuous place on the premises found in violation or 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 known address of the owners, the parcel identification number, the location and the nature of the violation.
6. Service is complete upon said posting or publication.

C) Extension of Compliance Deadline. For good cause shown, the Zoning Inspector may, at his/her sole discretion, extend the deadline previously stated in the Notice of Violation for corrective action to bring a property into compliance. In the event such an extension is granted, the Zoning Inspector shall notify the owner of the property at issue of the extension in the same form and pursuant to the same method of service required by Sections 105.3(A) and 105.3(B) of this code. Any such notice of extension shall specifically state the revised deadline by which time the person receiving the extension shall be required to take the necessary corrective action required to bring the property into compliance with the provisions of this code.

## **Section 106: Civil Citations**

106.1 Civil Citation. If a person, firm or corporation to whom a Notice of Violation has been sent does not bring the property at issue into compliance with the provisions of this code by the deadline established in the Notice of Violation, or by the granted deadline extension, if any, such person, firm or corporation shall be issued a Civil Citation (hereinafter referred to as "Citation" or "Civil Citation").

- A) Form of Civil Citation. Civil Citations issued for a failure to comply with the Notice of Violation by the deadline established therein, or by the granted deadline extension, if any, must be given in accordance with all of the following:
1. The Citation must be in writing on a form specifically designated as a Civil Citation form (see Exhibit C);
  2. The Citation must include a statement advising the person charged that he or she must answer the citation with fourteen (14) days after the date on which the Citation is served upon him or her.
  3. The Citation must include a statement indicating the allowable answers that may be made and that the person will be afforded a court hearing if he/she denies committing the violation;
  4. The Citation must include a statement specifying that the answer must be made in person, or by mail, to the Jackson Township Fiscal Officer;
  5. The Citation must include a statement indicating the amount of the fine arising from the violation;
  6. The Citation must include a statement advising the person of the violation charged, the date, time and place of the violation charged; and
  7. The Citation must include the signature and affirmation of the police officer completing the Citation.

106.2 Method of Service. The Civil Citation shall be deemed to be properly served if it is:

- A. Delivered personally by a Jackson Township Police Officer; or
- B. Sent by certified or express mail, return receipt requested, with instructions to the delivering postal employee to show to whom it was delivered, the date of delivery, and the address where it was delivered, addressed to the owner of the property at issue at the address listed as the owner's tax mailing address by the Stark County Auditor; or
- C. Sent by certified or express mail, return receipt requested, with instructions to the delivering postal employee to show to whom it was delivered, the date of delivery, and the address where it was delivered, to the owner of the property at issue at the owner's last known address; or
- D. Delivered personally to the usual place of residence of the owner of the property at issue to the owner or some person of suitable age and discretion then residing at that residence; or
- E. Any other method of service permitted by the Ohio Rules of Civil Procedure.

## **Section 107: Permissible Answers to Civil Citation**

107.1 Permissible Answers to Civil Citation. Any person, firm or corporation to whom a Civil Citation has been served may answer said Citation in one of the following ways:

- A) Admission that the person, firm, or corporation committed the violation charged; filed in the manner and within the time permitted by Section 108 of this code;.
- B) Express denial of the violations charged by the person, firm, or corporation charged; filed in the manner and within the time permitted by Section 109 of this code; or
- C) Implicit denial of the violations charged by the failure of the person, firm, or corporation charged to file an answer or pay the fine set forth in the Civil Citation within the time permitted by Sections 108 and 109 of this code.

## **Section 108: Admission of Violations charged in Civil Citation**

108.1 Admission of Violation. Persons, firms, or corporations served with Civil Citations may admit that he/she/it committed the violations charged by paying the fine set forth in the Civil Citation as required by Sections 108.2 and 108.3 of this code.

108.2 Admission of Violation(s) Charged in Civil Citations & Payment of Fine by Hand Delivery. Persons, firms, or corporations served with Civil Citations may admit to the violations charged in the Civil Citation by paying the fine(s) set forth in the Civil Citation in person to the Jackson Township Fiscal Officer. Such payments must be hand-delivered within fourteen (14) days of the date that the Civil Citation was served upon such person, firm, or corporation.

108.3 Admission of Violations) Charged in Civil Citations & Payment of Fine by Mail. Persons, firms, or corporations served with Civil Citations may admit to the violations charged in the Civil Citation by paying the fine or fines set forth in the Civil Citation by mailing the payment, to the Jackson Township Fiscal Officer, 5735 Wales Ave., NW, Massillon, OH 44646. Such admissions/payments must be postmarked no later than fourteen (14) days after the date that the Civil Citation was served upon such person, firm, or corporation.

108.4 Effect of Admission and Payment of Fine. Persons, firms, or corporations who admit to the violation(s) charged in a Civil Citation issued against them and who pay the fine set forth in

the Citation are in no way absolved from resolving, removing, repairing, or otherwise abating the condition which resulted in the issuance of the Civil Citation. If such persons, firms, or corporations fail to resolve, remove, repair, or otherwise abate that condition, Jackson Township may continue to issue Civil Citations each day it determines that the condition continues to violate the provisions of this code. Civil Citations issued for such continuing, unresolved violations of this code need not be preceded by additional Notices of Violation as the initial Notice of Violation shall suffice to notify the persons, firms, or corporations involved as to the nature of the violation charged. Further, the admission of guilt and payment of the fines set forth in the Civil Citation shall in no way preclude the Jackson Township Board of Trustees from instituting, by and through its law director, appropriate action to enjoin, restrain, correct, or abate a violation, or to prevent illegal occupancy of a building, structure, or premises, or to stop an illegal act, conduct, business, or utilization of the building, structure, or premises.

### **Section 109: Express Denial of Violations charged in Civil Citation**

#### **109.1 Express Denial of Violations Charged in Civil Citations & Hand Delivery of Denial.**

Persons, firms, or corporations served with Civil Citations may deny the violations charged in the Civil Citation by expressly denying the violations in writing and presenting the denial in person to the Jackson Township Fiscal Officer. Such denials must be hand-delivered within fourteen (14) days of the date that the Civil Citation was served upon such person, firm, or corporation.

#### **109.2 Express Denial of Violations Charged in Civil Citations & Mailing of Denial.** Persons, firms, or corporations served with Civil Citations may deny the violations charged in the Civil Citation by expressly denying the violations in writing and by mailing the denial to the Jackson Township Fiscal Officer, 5735 Wales Avenue NW, Massillon, Ohio 44646. Such denials must be received by the Jackson Township Fiscal Officer no later than fourteen (14) days after the date that the Civil Citation was served upon such person, firm, or corporation.

### **Section 110: Implicit Denial of Violations charged in Civil Citation**

**110.1 Implicit Denial of Violation.** Persons, firms, or corporations who fail to either expressly deny the violations charged in the Civil Citation issued against them in the manner and within the time permitted by Section 109 of this code or who fail to admit the violations charged in the Civil Citation issued against them by paying the fine(s) set forth in the Civil Citation in the manner and within the time permitted by Section 108 of this code shall be deemed to have not denied the violations charged.

### **Section 111: Municipal Court Proceedings**

**111.1 Referral to Municipal Court.** If the person, firm, or corporation issued a Civil Citation either expressly or implicitly denies the violations charged in the Citation within fourteen (14) days after service of the Civil Citation, the Jackson Township Fiscal Officer shall notify the Massillon Municipal Court of the denial so that a hearing can be set.

**111.2 Municipal Court Hearings.** Municipal Court hearings are conducted according to the Rules of Civil Procedure and the court determines whether the violation is proven by the Township by a preponderance of the evidence. If the court determines that the violation has been proven, it will order the violator to pay the fine.

**111.3 Payment of Fine after Determination of Violation.** Persons, firms, or corporations found to have violated the provisions of this code charged in the Civil Citation must pay the fines

assessed by the court within ten (10) days after the judgment. Failure to pay the fine within this time period will result in the placement of a lien on the property at issue.

## **Section 112: Appeal Process**

112.1 Appeal. Persons, firms, or corporations wishing to appeal an adverse determination by the Massillon Municipal Court may file an appeal with the 5th District Court of Appeals within thirty (30) days after the judgment. The court of appeals schedules a hearing on the matter, and its decision is final.

## **Section 113: Penalties and Fines**

113.1 Violation Penalties. Any person, firm, or corporation who is issued a Civil Citation shall be fined in the following amounts:

- A) In the amount of two hundred fifty dollars (\$250.00) for the first offense;
- B) In the amount of five hundred dollars (\$500.00) for the second offense;
- C) In the amount of seven hundred fifty dollars (\$750.00) for the third offense; and
- D) In the amount of one thousand dollars (\$1,000.00) for each subsequent offense.

113.2 Administrative Fee. In addition to the fine imposed by Section 113.1, Jackson Township will charge an administrative fee for the processing of all Citations paid out to the Jackson Township Fiscal Officer. The administrative fee shall be determined by resolution per the Jackson Township Trustees.

113.3 Continuing Violation. Each time a Civil Citation is issued for the same violation it shall be deemed a separate offense.

## **Section 114: Abatement and other Lawful Remedies**

114.1 Abatement of Violation. The imposition of the fines and penalties herein prescribed shall not preclude the Jackson Township Board of Trustees from instituting, by and through its Law Director, appropriate action to enjoin, restrain, correct, or abate a violation, or to prevent illegal occupancy of a building, structure, or premises, or to stop an illegal act, conduct, business, or utilization of the building, structure, or premises.

114.2 Emergency Measures. Nothing in the provisions of this code shall prohibit the Zoning Inspector from taking any action authorized by law, without regard to the provisions of this code and regardless of whether the legal procedures herein described have been instituted, when, in his or her opinion, or in the opinion of any other pertinent code official, there is imminent danger of failure or collapse of a building or structure which endangers life, or when any structure or part of a structure has fallen and life is endangered by the occupation of the structure, or when there is actual or potential danger to the building occupants or those in the proximity of any structure because of explosives, explosive fumes, or vapors or the presence of toxic fumes, gases, or materials, or operation of defective or dangerous equipment.

## CHAPTER 2 - RESIDENTIAL MAINTENANCE STANDARDS

### Section 201: General

201.1 Scope. The provisions of this chapter shall govern the minimum conditions and the responsibilities of persons for maintenance of exterior residential structures, equipment and exterior real estate property.

201.2 Responsibility. The owner of the premises shall maintain the exterior structure(s) and property in compliance with these requirements, except as otherwise provided for 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 chapter. Occupants of a dwelling unit are responsible for keeping in a clean, sanitary and safe condition that part of the premises which they occupy and control.

201.3 Vacant structures and land. All vacant structures and premises thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health, safety, or welfare. The use of Plexiglas or other clear substitute shall be utilized for the securing of damaged or missing windows. The use of wood for the purpose of securing windows of a vacant structure shall be prohibited. Exception: wood may be used to secure windows following a structure fire or natural disaster recognized by the Township.

### Section 202: Exterior Premises

202.1 General Maintenance. All exterior property and premises shall be maintained in a clean, safe and sanitary condition. The occupant shall keep that part of the exterior property which such occupant occupies or controls in a clean and sanitary condition. No premises shall be in a condition that constitutes a health hazard, safety hazard, or general nuisance.

202.2 Driveways and Walkways. All driveways, walkways, stairs and similar areas shall be kept in a proper state of repair, and maintained free from hazardous conditions. The parking of vehicles on walkways (sidewalk or entryway to structure) shall be prohibited.

202.3 Weeds and Grass. All premises and exterior property shall be maintained free from grass in excess of twelve (12) inches in height and from noxious weeds. Upon failure of the owner or agent having charge of a property to cut and destroy weeds or cut high grass after service of a Notice of Violation, they shall be subject to the filing of a Civil Citation in accordance with the provisions of this code. Nothing in this section shall prevent Jackson Township from utilizing the nuisance provisions pertaining to high grass or the weed legislation pertaining to noxious weeds adopted by the Jackson Township Trustees or as outlined in the Ohio Revised Code as an alternative to, or in conjunction with, the enforcement provisions outlined in this code. This section shall apply to any lot in a platted subdivision, and any other parcels of less than one and one-half (1.5) acres in size.

202.4 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. Nothing in this section shall prevent Jackson Township from utilizing the Stark County Health Department for rodent control.

202.5 Mosquito Infestation. All structures and exterior property shall be kept free of the accumulation of stagnant water by any means, which may yield the potential for serving as a breeding ground for mosquitoes. Nothing in this section shall prevent Jackson Township from utilizing the Stark County Health Department for mosquito control.

202.6 Fences and Walls. The following guidelines shall regulate fencing in residential districts:

- A) 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 a state of good repair, it shall be removed, replaced, or repaired as required. All fences shall be treated periodically with paint or chemicals in an effort to delay deterioration, except when the materials have been designed or manufactured to remain untreated.
- B) Barbed/razor wire and electric fences are not permitted for a residential use, except as utilized for the containment of agricultural animals.

202.7 Motor Vehicles. Parking and/or storing of any motor vehicle, to include recreational vehicles (Class A, B, C), on a lawn or dirt surface shall be prohibited. Parking and/or storing of any motor vehicle shall be on a hard surface. Except as provided for in other regulations, no inoperative or junk motor vehicle, licensed or unlicensed, shall be parked, kept or stored on any premises (pervious and/or impervious) in a state of major disassembly, disrepair, or in the process of being stripped or dismantled unless it is located in a completely enclosed building. Motor Vehicles must display current license plates. Semi-tractors and/or semi-trailers, or any equipment or vehicles customarily used for commercial or industrial purposes shall not be stored in any residential district, except as permitted in the Jackson Township Zoning Resolution.

Exception: Any non-commercial vehicle, owned by the property owner or their immediate family, is permitted to be repaired on the property provided that such work is performed inside a completely enclosed building. At no time shall a repair business be conducted on a residential property.

202.8 Recreational Vehicles, Camping trailers, slide-in camper, utility trailers, boats and boat trailers. Shall not extend more than twenty-four (24 ft.) feet into the front yard area. All must be parked on a hard surface.

202.9 Boats, Recreational Vehicles, Campers and Trailers Permitted Per Parcel. Only one motorized boat and boat trailer, and one camping trailer or RV or slide-in camper, and one utility trailer (non-commercial) may be permitted to be parked on any residential lot or parcel to the extent it complies with all other zoning regulations. Exception: Lake front parcels are permitted to park boats in the back yard area on a non-hard surface.

202.10 Yards and Open Areas. All yards, courts and lots shall be graded and kept free of noxious debris and other materials which may cause a fire, health or safety hazard.

202.10 Burning of Materials. Burning shall be in conformance with Ohio Fire Code section 3745-19-03.

## **Section 203: Exterior Structure**

203.1 General. The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare.

203.2 Structural Members. All structural members shall be maintained free from deterioration, and shall be capable of safely supporting the imposed dead and live loads.

203.3 Foundation Walls. All foundation walls shall be maintained free from open cracks and breaks and kept in such a condition so as to prevent the entry of rodents and other pests, as well as water.

203.4 Exterior Walls. All exterior walls shall be free from holes, cracks, breaks, lose or rotting materials, and shall be constructed and maintained to be weatherproof and properly surfaced to prevent deterioration.

203.5 Roofs and Drainage. The roof members and covering shall be structurally sound 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.

203.6 Gutters and Downspouts. Rain gutters, downspouts, leaders or other means of water diversion shall be provided to collect/conduct and discharge all water from the roof.

203.7 Stairways. Decks. Porches and Balconies. Every exterior stairway, deck, porch and balcony, and all appurtenances thereto, shall be maintained structurally sound, in good repair and shall not have rotting or deteriorating foundations.

203.8 Handrails and Guards. Every handrail and guard shall be firmly fastened and maintained in good condition.

203.9 Accessory structures. All accessory structures, including detached garages, fences and walls, shall be maintained to be structurally sound and in good repair. The erection and maintenance of such structures shall also comply with the provisions and requirements of the Jackson Township Zoning Resolution.

203.10 Defacement of Property. No person shall willfully or wantonly damage, mutilate or deface any exterior surface of any structure or building by placing thereon any marking, carving or graffiti. It shall be the responsibility of the owner to restore said surface to an approved state of maintenance and repair.

## **Section 204: Rubbish and Garbage**

204.1 Accumulation, Dumping, Storing, and/or Burning of Rubbish or Garbage. All exterior property and premises and the interior of every open, porch, 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, animal and vegetable waste, residue from burned materials, inoperable and broken appliances and household equipment, and other similar materials and discarded items.

204.2 Disposal of Rubbish and Garbage. Every occupant of a structure shall dispose of rubbish and garbage in a clean and sanitary manner by placing such rubbish and garbage in approved leak proof containers.

204.3 Rubbish and Garbage Storage Containers and Disposal. The owner of occupied premises shall ensure approved covered leak proof containers are located on the property for the disposal of rubbish and garbage, and the owner of the premises shall be responsible to ensure for the removal of rubbish and garbage from the premises.

## **Section 205: Swimming Pools, Spas and Hot Tubs**

205.1 Swimming Pools and Hot Tubs. Swimming pools and hot tubs shall be maintained in a clean, sanitary condition, in good repair, and constructed in compliance with Jackson Township Zoning Resolution.

## **Section 206: Signage**

206.1 Prohibited and Obsolete Signs. All prohibited signs per the Jackson Township Zoning Resolutions shall be removed. and Signs that have been obsolete more than one-hundred eighty (180) days shall be removed from the premises, or the sign or sign panel(s) shall be covered with a blank panel or covering in a professional manner. It shall be the property owner's responsibility to ensure the removal of prohibited signs and the removing or covering of obsolete signage.

206.2 Sign Maintenance. All signage and incidental landscaping and/or lighting shall be maintained in good condition and shall not show evidence of deterioration.

206.3 Visibility Triangles. All signage shall be located outside of all visibility triangles at intersections and ingress/egress points, and shall not be located in such a manner as to constitute a traffic or safety hazard.

## CHAPTER 3 - COMMERCIAL AND INDUSTRIAL MAINTENANCE STANDARDS

### Section 301: General

301.1 Scope. The provisions of this chapter shall govern the minimum conditions and the responsibilities of persons, firms or corporations for maintenance of exterior commercial and industrial structures and exterior property.

301.2 Responsibility. The owner of the premises shall maintain the exterior structure(s) and exterior property in compliance with these requirements, except as otherwise provided for 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 chapter. Building occupants and owners are responsible for keeping in a clean, sanitary and safe condition that part of the premises which they occupy and control.

301.3 Vacant structures and land. All vacant structures and premises thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health, safety, or welfare. The use of Plexiglas or other clear substitute shall be utilized for the securing of damaged or missing windows. The use of wood for the purpose of securing windows of a vacant structure shall be prohibited.

### Section 302: Exterior Premises

302.1 General Maintenance. All exterior property and premises shall be maintained in a clean, safe and sanitary condition, free of debris and other materials, which may cause a fire, health or safety hazard. The occupant and owner shall keep that part of the exterior property, which such occupant occupies or controls in a clean and sanitary condition.

302.2 Grading and Drainage. All premises shall be graded and maintained to prevent the accumulation of stagnant water thereon, or within any structure located thereon. Exception: Nothing in this section shall be construed to restrict or prohibit approved retention areas and reservoirs.

302.3 Driveways and Walkways. All driveways, walkways, stairs, parking spaces and similar areas shall be kept in a proper state of repair, and maintained free from hazardous conditions.

302.4 Weeds and Grass. All premises and exterior property shall be maintained free from grass in excess of twelve (12) inches in height and from noxious weeds. Upon failure of the owner or agent having charge of a property to cut and destroy weeds or cut high grass after service of a Notice of Violation, they shall be subject to the filing of a Civil Citation in accordance with the provisions of this code. Nothing in this section shall prevent Jackson Township from utilizing the nuisance provisions pertaining to high grass or the weed legislation pertaining to noxious weeds adopted by the Jackson Township Trustees or as outlined in the Ohio Revised Code as an alternative to, or in conjunction with, the enforcement provisions outlined in this code. This section shall apply to any lot in a platted subdivision and any other parcels of less than one and one-half (1.5) acres in size.

302.5 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. Nothing in this section shall prevent Jackson Township from utilizing the Stark County Health Department for rodent control.

302.6 *Mosquito Infestation*. All structures and exterior property shall be kept free of the accumulation of stagnant water by any means, which may yield the potential for serving as a breeding ground for mosquitoes. Nothing in this section shall prevent Jackson Township from utilizing the Stark County Health Department for mosquito control.

302.7 *Fences and Walls*. The following guidelines shall regulate fencing in commercial districts:

- A) 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 a state of good repair, it shall be removed, replaced, or repaired as required. All fences shall be treated periodically with paint or chemicals in an effort to delay deterioration, except when the materials have been designed or manufactured to remain untreated.
- B) Razor wire and electric fences shall be permitted in the I-1 Industrial District only.

302.8 *Motor Vehicles*. Parking and/or storing of any vehicle shall be on an approved parking area. Except as provided for in other regulations, no inoperative motor vehicle shall be parked, kept or stored on any premises (pervious and/or impervious) in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. Painting of vehicles is prohibited unless conducted inside an approved spray booth. *Exception*: A vehicle of any type is permitted to undergo major overhaul, including body work, provided that such work is performed inside a structure or similarly enclosed area designed and approved for such purposes.

302.9 *Buffer, Screening, and Landscaping*. All buffering, screening and landscaping shall comply with the Jackson Township Zoning Resolution.

302.10 *Maintenance of Plantings*. All plant materials, including trees and shrubs, afflicted with decay, disease, insect infestation, or otherwise considered dangerous to other plant material shall be removed and replaced or appropriately treated. All sound plant materials, especially trees and shrubs, shall be properly maintained and void of evidence of neglect.

302.11 *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.

302.12 *Burning of Materials*. Burning shall be prohibited in all commercial areas, unless permitted by the Ohio Fire Code.

## **Section 303: Exterior Structure**

303.1 *General*. The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare.

303.2 *Structural Members*. All structural members shall be maintained free from deterioration.

303.3 Foundation Walls. All foundation walls shall be maintained free from open cracks and breaks and kept in such a condition so as to prevent the entry of rodents and other pests, as well as water.

303.4 Exterior Walls. All exterior walls shall be free from holes, cracks, breaks, lose or rotting materials, and shall be constructed and maintained to be weatherproof and properly surfaced to prevent deterioration.

303.5 Roofs and Drainage. The roof members and covering shall be structurally sound 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.

303.6 Gutters and Downspouts. Rain gutters, downspouts, leaders or other means of water diversion shall be provided to collect/conduct and discharge all water from the roof and water shall be maintained on the property in which it is collected.

303.7 Stairways. Decks. Porches and Balconies. Every exterior stairway, deck, porch and balcony, and all appurtenances thereto, shall be maintained structurally sound, in good repair and shall not have rotting or deteriorated foundations.

303.8 Handrails and Guards. Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

303.9 Accessory structures. All accessory structures, including detached garages, fences and walls, shall be maintained to be structurally sound and in good repair. The erection and maintenance of such structures shall also comply with the provisions and requirements of the Jackson Township Zoning Resolution.

303.10 Defacement of Property. No person shall willfully or wantonly damage, mutilate or deface any exterior surface of any structure or building by placing thereon any marking, carving or graffiti. It shall be the responsibility of the owner to restore said surface to an approved state of maintenance and repair.

## **Section 304: Rubbish and Garbage**

304.1 Accumulation. Dumping. Storing, and/or Burying of Rubbish or Garbage. All exterior property and premises, and the interior of every open, 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, animal and vegetable waste, residue from burned materials, inoperable and broken appliances and household equipment, and other similar materials and discarded items.

304.2 Disposal of Rubbish and Garbage. Every occupant of a structure shall dispose of rubbish and garbage in a clean and sanitary manner by placing such rubbish and garbage in approved leak proof containers.

304.3 Rubbish and Garbage Storage Containers and Disposal. The operator of every business or establishment producing garbage and rubbish shall provide, and at all times cause to be

utilized, approved leak proof containers provided with close-fitting covers for the storage of such garbage and rubbish until removed from the premises for disposal. It shall be the property owner's responsibility to ensure the removal of rubbish and garbage from the premises.

**304.4 *Container and/or Dumpster Enclosures.*** All storage of trash and garbage containers and/or dumpsters shall be effectively screened from view within an enclosure as approved by the Jackson Township Zoning Resolution. All enclosures shall be maintained in good condition.

## **Section 305: Signage**

**305.1 *Prohibited and Obsolete Signs.*** All signs prohibited per the Jackson Township Zoning Resolution shall be removed signs that have been obsolete more than one-hundred eighty (180) days shall be removed from the premises, or the sign or sign panel(s) shall be covered with a blank panel or covering in a professional manner. It shall be the property owners' responsibility for ensure the removal of prohibited signs and the removal or covering of er obsolete signage.

**305.2 *Sign Maintenance.*** All signage and incidental landscaping and/or lighting shall be maintained in good condition and shall not show evidence of deterioration. Neither lighting nor signage shall be permitted to be posted on trees or utility poles.

**305.3 *Visibility Triangles.*** All signage shall be located outside of all visibility triangles at intersections and ingress/egress points, and shall not be located in such a manner as to constitute a traffic or safety hazard.

## CHAPTER 4

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## CHAPTER 5 – DEFINITIONS

### Section 501: General

501.1 Scope. Unless otherwise expressly stated, the following terms shall, for the purposes of this code, have the meanings shown in this chapter.

501.2 Interchangeability. Words stated in the present tense include the future; words stated in the masculine gender include the feminine and neuter; the single number includes the plural and the plural, the singular.

501.3 Terms not defined. Where terms are not defined in this code the usual customary definition shall apply.

501.4 Parts. Whenever the words "dwelling unit", "dwelling", "premises", "building", or story are stated in this code, they shall be construed as though they were followed by the words "or any part thereof. "

### Section 502: General Definitions

ACCESSORY STRUCTURE - A structure that is subordinate and incidental to that of the main building on the same lot or parcel.

APPROVED - Approved by the code official.

BASEMENT - That portion of a building, which is partly or completely below grade.

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

CIVIL CITATION - Citation issued by a police officer notifying the owner of property on which a violation of this code has been found that the owner is being formally charged with a violation of this code. Civil Citations are issued after the owner has received a Notice of Violation and has failed to comply with the corrective measures required to bring the property at issue into compliance with this code. Civil Citations are set forth to be the penalty to be imposed for the violation charged.

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

EASEMENT - That portion of land or property reserved for present or future use by a person or agency other than legal fee owner(s) of the property. The easement shall be permitted to be for use under, on or above a said lot or lots.

EXTERIOR PROPERTY - The open space on premises and adjoining property under the control of owners or operators of such premises. Exterior property shall include such open areas as carports, decks, porches and other storage areas open and visible to passersby.

EXTERMINATION - The control and elimination of insects, rats or other pests by eliminating their harborage places; by removing or making inaccessible materials that serve as their food; by poison spraying, fumigating, trapping or by any other approved pest elimination methods.

GARBAGE - The animal or vegetable waste resulting from the handling, preparation, cooking and consumption of food.

**GRAFFITI** - Any inscription, word, figure or mark of any type drawn, marked, painted, sprayed, written or otherwise affixed upon any building, fence, structure or other property that defaces, damages, or destroys any public or private or personal property.

**HARD SURFACE** – is a gravel, asphalt, or cement surface used for the parking of motor vehicles, boats (trailers) camper trailers, slide-in campers, recreational vehicles and utility trailers.

**HISTORIC BUILDING** - A building or structure listed in the National Register of Historic Places inventory.

**IMMINENT DANGER** - A condition which could cause serious or life-threatening injury or death at any time.

**INFESTATION** - The presence, within or contiguous to, a structure or premises of insects, rats, vermin or other pets.

**INOPERABLE MOTOR VEHICLE** - A vehicle which cannot be driven upon the public streets for reasons including, but not limited to, it being unlicensed, wrecked, abandoned, in a state of disrepair, or incapable of being moved under its own power.

**INVESTIGATOR** - Persons assigned to the Zoning and Planning Department who are duly authorized representatives of the Zoning Inspector. Investigators are charged with initial administration and enforcement of this code, under the direction and supervision of the Zoning Inspector.

**JUNK MOTOR VEHICLE** - Three model years old or older, apparently inoperable, extensively damaged, including but not limited to, missing wheels, tires, engine, or transmission.

**LAKE** – a body of water ten (10) acres or greater and the lake extends at least a minimum of ten (10) feet beyond the rear property line.

**MOTOR VEHICLES AND BOATS** – Any vehicle, including a recreation vehicle or motorized boat, propelled or drawn by power other than muscular power or power collected from overhead electric trolley wires.

**NOXIOUS WEEDS** - Any plant species defined by the Ohio Department of Agriculture as a noxious weed and listed as such by the Department of Agriculture.

**NATIONAL REGISTER OF HISTORIC PLACES** - The official list of historic properties recognized by the United States Department of the Interior as worthy of preservation for their local, state, or national significance in American history, architecture, archaeology, engineering, or culture.

**NOTICE OF VIOLATION** - Written notice sent to persons, firms or corporations listed as the owner of property on which a violation of this code has been found. Notices of Violation are intended to apprise such owners of the nature of the violation and the deadline for taking corrective measures necessary to bring the property into compliance with this code.

**OCCUPANCY** - The purpose for which a building or portion thereof is utilized or occupied.

**OCCUPANT** - Any individual living or sleeping in a building, or having possession of a space within a building.

**OPENABLE AREA** - That part of a window, skylight or which is available for unobstructed ventilation and

which opens directly to the outdoors.

**OPERATOR** - Any person who has charge, care or control of a structure or premises which is let or offered for occupancy.

**OWNER** - Any person, agent, operator, firm or corporation having a legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

**PERSON** - An individual, corporation, partnership or any group acting as a unit.

**ZONING INSPECTOR** -The official in charge of the administration and enforcement of this code, or any duly authorized representative.

**PREMISES** - A tract, lot, plot or parcel of land, easement or public way, including any structures thereon.

**PUBLIC WAY** - Any street, alley or similar parcel of land essentially unobstructed from the ground to the sky, which is deeded, dedicated or otherwise permanently appropriated by the public for public use.

**RUBBISH** - Combustible and noncombustible waste materials except garbage; the term shall include the residue from burning of wood, coal, coke and other combustible materials, tires, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, and other similar materials and discarded items. The term shall also include inoperable and broken appliances, electronic and household equipment.

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

**TENANT** - A person, corporation, partnership or group: whether or not the legal owner of record, occupying a building or portion thereof as a unit.

**VENTILATION** - The natural or mechanical process of plying conditioned or unconditioned air to, or removing air from, any space.

**WARNING LETTER** - Warning Letter is a letter intended to apprise such owners that a violation exists on the property, the nature of the violation and the deadline for taking corrective measures necessary to bring the property into compliance with this code prior to the issuance of a "Notice of Violation".

**WORKMANLIKE** - Executed in a skilled manner, e.g., generally plumb, level, square in line, undamaged and without maring adjacent work.

**YARD** - An open space on the same lot with a structure.