

CODIFIED ORDINANCES OF SHAWNEE HILLS

PART THIRTEEN - BUILDING CODE

Chap. 1305. Residential Code of Ohio.

Chap. 1307. Blight Control.

Chap. 1309. Demolition of Unsafe Structures.

Chap. 1313 Nuisances.

Chap. 1317. Numbering Structures.

Chap. 1321. Pole Buildings.

Chap. 1325. Towers and Wireless Telecommunication Facilities.

Chap. 1329. Building Permits.

Chap. 1333. Driveways.

CODIFIED ORDINANCES OF SHAWNEE HILLS
PART THIRTEEN - BUILDING CODE

CHAPTER 1305
Residential Code of Ohio

1305.01 Adoption.

CROSS REFERENCES

Adoption of technical codes - see Ohio R.C. 731.231

Power to regulate - see Ohio R.C. 715.26, 725.29, 737.28, 737.37

1305.01 ADOPTION.

The Residential Code of Ohio as promulgated by the Ohio Board of Building Standards, shall apply and be enforced within the Village of Shawnee Hills, Ohio.
(Ord. 05-2007. Passed 2-26-07.)

**CHAPTER 1307
Blight Control**

<p>1307.01 Definitions.</p> <p>1307.02 Purpose.</p> <p>1307.03 Maintenance of buildings.</p> <p>1307.04 Maintenance of premises.</p> <p>1307.05 Maintenance of accessory buildings and fences.</p> <p>1307.06 Removal of miscellaneous debris.</p> <p>1307.07 Steps, walks and driveways.</p>	<p>1307.08 Notices of violation; noncompliance; remedies of Village.</p> <p>1307.09 Correction of violations by Village; costs; liens.</p> <p>1307.10 Reports of violations.</p> <p>1307.11 Appeals.</p> <p>1307.99 Penalty.</p>
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CROSS REFERENCES

Removal of unsafe structures - see Ohio R.C. 715-26(B), 715.261
 Removal of noxious weeds or litter - see Ohio R.C. 731.51 et seq.
 Public nuisances - see Ohio R.C. Ch. 3767
 Duty to keep sidewalks in repair and clean - see GEN. OFF. 521.06

1307.01 DEFINITIONS.

As used in this chapter:

- (a) "Blighting influence" means that a building or other structure is so poorly maintained that its condition, directly or indirectly, represents a threat to the health or safety of the general public or to persons living on adjoining property or in the area; constitutes an unsanitary condition; lends itself to habitation or infestation by rodents, termites or other vermin; represents a threat to property values or to the residential or commercial desirability of adjoining property or other property within the area; or unreasonably interferes with the reasonable and lawful use and enjoyment of other premises within the area.
- (b) "Accessory building" means any structure located on the same lot as, or on a lot adjacent to a lot occupied by, a principal building, and its use is incidental and subordinate to that of the principal building.
- (c) "Portable storage" means any on-site storage container described as a steel portable container, dry van container, warehouse storage unit, semi-tractor cargo container, cargo trailer or any other similarly described unit.
- (d) "Construction dumpster" means a container, collection bin, collection box, tub, roll-off box, roll-off container, or any other receptacle used to store construction, remodeling or demolition debris or any goods or materials being temporarily or permanently stored. (Ord. 21-2008. Passed 12-8-08.)

1307.02 PURPOSE.

The purpose of this chapter is to protect the public health, safety and general welfare by establishing minimum standards governing the exterior maintenance, condition and appearance of structures and premises; to prevent blighting problems and enhance property values; to fix responsibilities and duties upon owners and occupants of structures with respect to sanitation, repair and maintenance; to authorize and establish procedures for the inspection of premises; and to provide for penalties for violations of this chapter. This Blight Control Chapter shall apply to all structures and premises within the Village.

(Ord. 21-2008. Passed 12-8-08.)

1307.03 MAINTENANCE OF BUILDINGS.

The exterior and condition of all buildings and structures on any premises shall be maintained so that the appearance thereof reflects a level of maintenance in keeping with the standards of the Village and so as to avoid blighting influences and hazards to health and safety.

(Ord. 21-2008. Passed 12-8-08.)

1307.04 MAINTENANCE OF PREMISES.

(a) The owner, lessee or agent or tenant of the owner having charge of the premises shall keep the exterior of all buildings and other structures on the premises, including, but not limited to, walls, gutters, downspouts, roofs, cornices, chimneys, drains, towers, porches, landings, fire escapes, stairs, store fronts, signs, windows, doors, awnings and marquees, in good repair, and all surfaces thereof shall be kept protected for the purpose of preservation and avoiding a blighting influence to adjoining properties. All surfaces shall be maintained free of broken glass, loose shingles, crumbling stone or brick or other conditions reflective of deterioration or inadequate maintenance, to the end that the property itself may be preserved safely, fire hazards eliminated and adjoining properties and neighborhoods protected from blighting influences.

(b) All premises shall be appropriately maintained, and lawns, hedges, bushes, trees and other vegetation shall be kept trimmed and from becoming overgrown as provided for in Chapters 1313.05 and 1313.06, where exposed to public view or where such vegetation may constitute a blighting influence. However, this subsection shall not preclude the maintenance of undeveloped or underdeveloped land in its natural state.

(c) All canopies, marquees, signs, awnings, exterior stairways, fire escapes, standpipes, exhaust ducts, porches, balconies and similar overhanging or protruding extensions, where exposed to public view, shall be maintained in good condition and shall not show evidence of weathering, rotting, ripping, tearing or other holes or breaks.

(Ord. 04-2009. Passed 4-13-09.)

(d) No furniture (except lawn furniture in good repair), mattresses, household furnishings, rugs, appliances, unused posts, abandoned, unregistered or unlicensed vehicles, dilapidated or junk vehicles or vehicle parts, discarded or abandoned machinery, equipment, construction equipment, construction material, brush, broken glass, railroad ties, telephone poles, roots, stumps, logs, filth, garbage, trash, drums, debris, boats, trailers or recreational vehicles in a condition of disrepair or deterioration shall not be placed or stored on any premise within the Village over a period in excess of forty-eight hours. (Ord. 01-2015. Passed 2-23-15.)

(e) Construction dumpsters may not remain on a property for more than 90 consecutive days. An initial notification will be given upon identification to the property owner. The construction dumpster must be removed within thirty (30) days of completion or cessation of construction.

If necessary, a request for an extension of up to ninety (90) days may be made by the property owner to the Code Enforcement Officer.

(f) Portable storage units may not remain on a property for more than twenty (20) consecutive days. An initial notification will be given upon identification to the property owner.

- (1) No more than one (1) portable storage unit on a lot at any given time without the express permission of the Village.
- (2) No storage unit can obstruct traffic vision when parked on a property.
- (3) All portable storage units in use on a lot shall be in a condition free from rust, peeling paint and other visible forms of deterioration.
(Ord. 21-2008. Passed 12-8-08.)
- (4) During construction, a portable storage unit may be used to store on site tools and materials to be used. The portable storage unit must be removed within fifteen (15) days of final cessation of construction or any thirty (30) day stop of construction.
- (5) As used in this section, "cessation" means a temporary or final stopping of all construction action.

(g) As used in this section, "junk motor vehicle" means a motor vehicle that meets all of the following criteria:

- (1) Three model years old, or older;
- (2) Apparently inoperable;
- (3) Extensively damaged, including, but not limited to, any of the following: missing wheels, tires, engine, or transmission.
(Ord. 04-2009. Passed 4-13-09.)

1307.05 MAINTENANCE OF ACCESSORY BUILDINGS AND FENCES.

(a) All accessory buildings on any property that are a blighting influence shall be removed or rehabilitated. All accessory buildings which are to remain shall provide weather-proofed usable space and shall not harbor termites or other vermin, such as rats and mice or otherwise, directly or indirectly, threaten the health and safety of the general public.

(b) Fences, retaining walls or similar structures shall be anchored firmly in the grounds shall be constructed in a workmanlike manner, shall be maintained so that such fences, retaining walls or similar structures shall always be in a state of good structural repair and shall not constitute a threat to the health and safety of the general public and/or a blighting influence. In the alternative, such fences, retaining walls or similar structures shall be removed or replaced. If necessary, in such cases where the structural repair is in question, the Village Engineer will be notified to provide a professional opinion.
(Ord. 21-2008. Passed 12-8-08; Ord. 04-2009. Passed 4-13-09.)

1307.06 REMOVAL OF MISCELLANEOUS DEBRIS.

All yards, courts or lots shall be kept free of debris which may cause a fire hazard or act as a breeding place for vermin or insects, unsightly material not appropriate to the area and/or which have a blighting influence on the area.

(Ord. 21-2008. Passed 12-8-08.)

1307.07 STEPS, WALKS AND DRIVEWAYS.

All steps, paths, walkways, and off-street parking, including spaces, parking lots, parking area, drives, driveways, aisles and circulation drives shall be constructed to promote safety, kept free from deterioration and blighting influences, and maintained free of chuck holes/pot holes, litter, glass, nails or other dangerous materials. If any such area, by reason of its state of repair, violates this Section, it shall be repaired or replaced immediately. Hazards and unsanitary conditions shall be eliminated immediately. All driveways and walks which exist within the public right of way which are now paved shall be maintained as described above by and at the expense of the owner of the fee simple title to the property.

(Ord. 11-2014. Passed 5-12-14.)

1307.08 NOTICES OF VIOLATION; NONCOMPLIANCE; REMEDIES OF VILLAGE.

(a) When any premises is in violation of this chapter, the Code Enforcement Officer or his/her designee shall issue a notice of violation to the owner, lessee or agent or tenant of the owner having charge of the premises, by certified mail, return receipt requested, or by personal service by a Municipal employee designated by the Code Enforcement Officer to perform such service. This notice of violation shall specify the violation committed and contain an order to conform to this chapter within a certain number of days, not to exceed thirty. In the event that weather or other unforeseen circumstances prevents correcting or abating the violation, the Code Enforcement Officer may extend the time set forth herein.

(b) If the owner does not comply with the order contained in the notice of violation, then the Code Enforcement Officer or his/her designee shall have the provisions of this chapter enforced and shall cause the violation to be corrected. Upon the approval of Village Council, the Village Administrator may employ the necessary labor and equipment to perform such task, together with any cleanup work required. All expenses incurred shall, when approved by Council, be paid out of any money in the treasury of the Village not otherwise appropriated.

(c) In addition, the owner shall be liable for the penalties provided in this chapter.
(Ord. 21-2008. Passed 12-8-08.)

1307.09 CORRECTION OF VIOLATIONS BY VILLAGE; COSTS; LIENS.

(a) Whenever any violation of this chapter is corrected by the Village, upon completion of the work, the Village shall give five days notice, as set forth in Section 1307.07 (a), to the owner, lessee or agent or tenant of the owner having charge of the premises in violation, at the last known address of such person to pay the charges incurred. Such notice shall be accompanied by a statement of the amount of charges incurred, including the following:

- (1) Administration and supervision;
- (2) Transportation of equipment;
- (3) Equipment rental;
- (4) Equipment operator;
- (5) Incidental labor;
- (6) Materials provided; and
- (7) Legal fees incurred.

(b) If such charges are not paid within thirty days after the mailing of the notice, then council shall make a written return to the County Auditor of its action under this chapter, with a statement of the approved charges, the amount paid for the performing of labor, the fees of the officers who made the service of the notice and return and a proper description of the premises by legal description or permanent parcel number. Such amounts, as approved by Council, shall be entered upon the tax duplicate, shall be a lien upon such lands from the date of the entry and shall be collected as other taxes and returned to the Village with the General Fund.

(Ord. 21-2008. Passed 12-8-08.)

1307.10 REPORTS OF VIOLATIONS.

Any resident or employee of the Village may report violations of this Chapter to the Code Enforcement Officer for appropriate actions.

(Ord. 21-2008. Passed 12-8-08.)

1307.11 APPEALS.

(a) Any person directly affected by a decision of the Code Enforcement Officer or a notice of order issued under this code Section shall have the right to appeal to the Board of Zoning Appeals within twenty (20) days of the date of the notice or order by filing a written notice with the Code Enforcement Officer and the Board of Zoning Appeals.

(b) An application for appeal shall be based on a claim that the true intent of this Code or the rules legally adopted hereunder have been incorrectly interpreted, the provision of the Code do not fully apply, the requirements of this Code are adequately satisfied by other means, and/or the strict application of any requirement of this Code would cause an undue and unnecessary hardship

(c) The Board of Zoning Appeals shall hear such appeal in accordance with the provisions of Chapter 1133 of the Codified Ordinances of the Village of Shawnee Hills, Ohio
(Ord. 21-2008. Passed 12-8-08.)

1307.99 PENALTY.

(a) Whenever the person responsible under this Chapter with the maintenance of a structure or premises fails to comply with any final order as provided in this Chapter, the Solicitor may file an action seeking injunctive relief or any other remedies as provided by law.
(Ord. 21-2008. Passed 12-8-08.)

(b) Whoever violates or fails to comply with any of the provisions of this chapter is guilty of a minor misdemeanor and shall be fined not less than ten dollars (\$10.00) or more than one hundred dollars (\$100.00) for each offense. A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues.
(Ord. 02-2013. Passed 2-25-13.)

CHAPTER 1309
Demolition of Unsafe Structures

1309.01 Unsafe structures prohibited.

1309.02 Notice to owner.

1309.03 Service of notice.

1309.04 Posting of signs.

1309.05 Permits.

1309.06 Right to demolish.

1309.07 Unsafe conditions; reports.

CROSS REFERENCES
Nuisances - see BLDG. Ch. 1313

1309.01 UNSAFE STRUCTURES PROHIBITED.

All buildings or structures which are structurally unsafe or not provided with adequate egress, or which constitute a fire hazard, or are otherwise dangerous to human life or which in relation to existing use constitute a hazard to health by reason of inadequate maintenance, dilapidation or obsolescence, are for the purpose of this chapter, "unsafe buildings". All such unsafe buildings are declared to be public nuisances and shall be abated by repair and rehabilitation or by demolition in accordance with the procedure in this chapter and the Building Code. (Ord. 291. Passed 2-28-77.)

1309.02 NOTICE TO OWNER.

The Building Inspector shall examine or cause to be examined every building or structure or portion thereof reported as or believed to be an unsafe building as defined in Section 1309.01. He shall give written notice to the owner or owners of record, including any purchasers under a recorded land contract and to the persons occupying said building if they are not the owners thereof. The written notice shall specifically state the defects that cause the building to be unsafe and shall state that the work shall commence within thirty days and continue work, either to complete the specified repairs or improvements, or to demolish and remove the building or structure, or portion thereof, leaving the premises in a clean and safe and sanitary condition, such condition being subject to the approval of the Building Inspector; excepting that in cases of emergency making immediate repairs necessary, the Building Inspector may order the changes or demolition to be made within a shorter period. The notice shall also require the building or portion thereof to be vacated forthwith by the occupants thereof.
(Ord. 291. Passed 2-28-77.)

1309.03 SERVICE OF NOTICE.

Proper service of such notice shall be by personal service, residence service, or by registered mail; provided, however, that such notice shall be deemed to be properly served, if a copy thereof is sent by registered mail to the last known address. If any of the parties cannot be located, nor can his address be ascertained, this notice shall be deemed to be properly served if a copy thereof is placed in a conspicuous place in or about the building or structure affected by this notice. If such notice is by registered mail, the thirty day period within which such owner is required to comply with the order or the Building Inspector shall begin as of the date he received such notice. (Ord. 291. Passed 2-28-77.)

1309.04 POSTING OF SIGNS.

The Building Inspector shall cause to be posted at each entrance to such building a notice to read: "DO NOT ENTER, UNSAFE TO OCCUPY. DIVISION OF BUILDINGS OF THE VILLAGE OF SHAWNEE HILLS, OHIO". Such notice shall remain posted until the required repairs are made or demolition is completed. It shall be unlawful for any person to remove such notice without permission of the Building Inspector or for any person to enter the building, except for the purpose of making the required repairs or of demolishing same. (Ord. 291. Passed 2-28-77.)

1309.05 PERMITS.

In all cases of construction or repair pursuant to orders of the Building Inspector, permits covering such work shall be obtained as required by other sections of the Building Code. (Ord. 291. Passed 2-28-77.)

1309.06 RIGHT TO DEMOLISH.

In case the owner of record, or the purchaser under a land contract if that be the case, shall fail, neglect or refuse to comply with the notice to repair, rehabilitate or demolish and remove such building or structure or portion thereof, such party, either the owner of record or the purchaser under a land contract, shall be subject to the penal provisions of the Building Code and the Building Inspector shall proceed to have the building or structure or portion thereof demolished and removed from the premises, leaving the premises in a clean, safe, and sanitary condition and the cost of such work shall be paid by the Village. If the Village is not immediately reimbursed for such costs, the amount thereof shall be certified to the County Auditor and levied as a special assessment against said property on which the building or structure is located and shall be collected in the manner provided for special assessments. (Ord. 291. Passed 2-28-77.)

1309.07 UNSAFE CONDITIONS; REPORTS.

Any owner, manager, lessee, or occupant of a building who discovers or who has reason to believe that there exists, on the premises, a condition which may endanger other property or the life or limb of any person, and such condition cannot be immediately remedied so as to remove any danger therefrom, shall, within twenty-four hours after such discovery, report the existence of such dangerous condition to the Building Inspector, who shall forthwith take such steps as may be necessary to protect the public safety and welfare. If the Building Inspector cannot be located, such report shall be made to the mayor of the Village, or any member of the Police Department. No person who is an owner, manager, lessee, or occupant of the building on which premises such a dangerous condition exists and who knows or should know of such dangerous condition shall fail to make such report to either the Building Inspector, the mayor of the Village, or any member of the Police Department within twenty-four hours after such knowledge is obtained or should have been obtained. (Ord. 291. Passed 2-28-77.)

CHAPTER 1313
Nuisances

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| 1313.01 Application of the chapter. | 1313.06 Trimming of trees and shrubbery. |
| 1313.02 Unclean habitations. | 1313.07 Prohibited animals. |
| 1313.03 Privy vaults, cesspools, refuse. | 1313.99 Penalty. |
| 1313.04 Littering. | |
| 1313.05 Weeds and litter on private property. | |

CROSS REFERENCES

Notice to cut noxious weeds - see Ohio R.C. 731.51 et seq.
Destruction of weeds - see Ohio R.C. 971.33 et seq.
Unsafe structures - see BLDG. Ch. 1309

1313.01 APPLICATION OF THE CHAPTER.

The provisions of this chapter shall be enforceable within this Municipality concurrently with the State and Federal laws relative to sanitation and health and the ordinances or orders of the local health district relative thereto, and shall not be construed as modifying, repealing, limiting, or affecting in any manner such laws, ordinances, or orders.

1313.02 UNCLEAN HABITATIONS.

(a) Permitting Unclean Habitations. It shall be unlawful for any person to lease, let, permit the occupancy of, permit the continuation of the occupancy of, or continue the occupancy of a structure or building or any portion thereof used for human habitation, unless such structure or building or portion thereof is free from unclean and unsanitary conditions as defined in subsection (b) hereof and unless the provisions of the subsequent sections are complied with.

(b) When Habitations are Deemed Unsanitary. A structure, building, or any portion thereof used for human habitation shall be deemed to be in unclean and unsanitary condition when any of the following conditions exist:

- (1) Infection with communicable disease;
- (2) Absence of the toilet facilities required by law or ordinance;
- (3) Presence of sewer gas;
- (4) Dampness or wetness due to lack of repair;
- (5) Accumulation of dirt, filth, litter, refuse, or other offensive or dangerous substances likely to cause sickness among the occupants;
- (6) Defective or improperly used drainage, plumbing, or ventilation facilities likely to cause sickness.

(c) Order for Abatement or Vacation of Premises.

(1) If the local Board of Health ascertains from examination or reports of its inspectors or sanitary officers or otherwise determines that a public nuisance as defined in subsection (b) hereof, exists in or upon any structure or building, or portion thereof, and has notified the owner, occupant, or person in charge of the premises to abate the nuisance or vacate the premises, it shall be unlawful to occupy or permit the occupancy of the premises or portion thereof until the nuisance has been completely abated and building or portion thereof has been rendered clean and sanitary in accordance with the terms of the notices of the Board of Health.

(d) Enforcement of Vacation Order by Police Chief. When the notice or order of vacation has not been complied with, and the Board of Health certifies such fact to the Police Chief, together with a copy of the order of notice, it shall be the duty of the Police Chief to enforce such notice or order of vacation and to cause the premises to be vacated in accordance with the terms of the notice or order.

(e) Enforcement Through Court Proceedings. Whenever the Board of Health certifies to the Solicitor any failure to comply with any order or notice of vacation, with the request that civil proceedings for the enforcement thereof be instituted, the Solicitor shall institute any and all proceedings, either legal or equitable, that may be appropriate or necessary for the enforcement of the order or notice and the abatement of the nuisance against which the order or notice was directed. These suits or proceedings shall be brought in the name of the Municipality. Proceedings under this section shall not relieve any party defendant from criminal prosecution or punishment under this code or any other criminal law or ordinance in force within the Municipality.

1313.03 PRIVY VAULTS, CESSPOOLS, REFUSE.

(a) Location of Privy Vaults, Cesspools, and Septic Tanks. No owner, occupant, or person in charge of any premises so situated as to permit connection with any sanitary sewer shall maintain or permit to be maintained on or in connection with such premises any privy vault, cesspool, septic tank, or other repository for human excreta.

(b) Unsanitary Vaults. It shall be unlawful for any person being the owner, lessor, occupant, or person in charge of any premises upon which a privy vault, cesspool, or septic tank is located to permit such vault, pool, or tank, or any building, fixture, or device appurtenant thereto, to become foul, noisome, filthy, or offensive to neighboring property owners.

(c) Removal of Contents of Vault. Whenever any part of the waste in any privy vault or cesspool extends to a point less than three feet below the surface of the ground adjacent thereto, or whenever use of any such vault or cesspool is abandoned or where such use or maintenance is prohibited by ordinance or health order, the owner, lessor, occupant or person in charge of such premises shall cause the vault or cesspool to be emptied of its contents, thoroughly cleaned, and disinfected, and if abandoned, to be filled with clean earth or mineral matter to the level of the adjacent ground.

(d) Deposit of Dead Animals, Offal Upon Land or Water. No person shall put the carcass of a dead animal or the offal from a slaughter house, butcher's establishment, packing house or fish house, or spoiled meat, spoiled fish, or other putrid substance or the contents of a privy vault, upon or into a lake, river, bay, creek, pond, canal, road, street, alley, lot, meadow, public ground, market place, or common. No owner or occupant of such place, shall knowingly permit such thing to remain therein to the annoyance of any citizen or neglect to remove or abate the nuisance occasioned thereby within twenty-four hours after knowledge of the existence thereof, or after notice thereof in writing from the Street Commissioner.

(e) Prohibition Against Defiling Spring or Well. No person shall maliciously put a dead animal, carcass, or part thereof, or other putrid, nauseous, or offensive substance into, or befoul, a well, spring, brook, or branch of running water, or a reservoir of a waterworks, of which use is or may be made for domestic purposes.

(f) Dumping of Refuse in Village Forbidden. It shall be unlawful for any person to dump, cause to be dumped or permit to be dumped on any publicly or privately owned land or water in the Village, any paper, brush, rubbish, tin cans, vegetation, garbage, or refuse of any kind, without first having obtained a written license from the Mayor or other proper administrative officer so to do. The Mayor or other proper administrative officer shall issue a license permitting dumping of designated materials where it appears that filling of the land is necessary and that the material deposited will be immediately covered with earth or will not be objectionable to the citizens of the neighborhood, or injurious to health.

(g) Draining Slops. It shall be unlawful for any person or persons to drain, cause to be drained, or allow to drain from any property occupied by him any kitchen slops or other greasy or impure matter in the open gutters or waterways in the Municipality, unless the drainage has been drained into a vault and filtered through a lesser vault filled with sand and fine gravel, built under the inspection of the local board of health.

1313.04 LITTERING.

(a) As used in this section, "litter" means garbage, trash, waste, rubbish, ashes, cans, bottles, wire, paper, cartons, boxes, automobile parts, furniture, glass, or anything else of an unsightly or unsanitary nature thrown, dropped, discarded, placed, or deposited by a person on public property, on private property not owned by him, or in or on waters of the state, unless the person has:

- (1) Been directed to do so by a public official as part of a litter collection drive;
- (2) Thrown, dropped, discarded, placed, or deposited the material in a receptacle in a manner that prevented its being carried away by the elements; or
- (3) Been issued a permit or license covering the material pursuant to Ohio R.C. Chapters 3734 or 6111.

(b) No person shall, regardless of intent, throw, drop, discard, place, or deposit litter or cause litter to be thrown, dropped, discarded, placed, or deposited on any public property, on private property not owned by him, or in or on waters of the State, unless the person has:

- (1) Been directed to do so by a public official as a part of a litter collection drive;
- (2) Thrown, dropped, discarded, placed, or deposited the litter in a litter receptacle in a manner that prevents its being carried away by the elements; or
- (3) Been issued a permit or license covering the litter pursuant to Ohio R.C. Chapters 3734 or 6111.

(c) This section may be enforced by any sheriff, deputy sheriff, police officer of a municipal corporation, police constable or officer of a township or township police district, game protector, park officer, forest officer, preserve officer, conservancy district police officer, inspector of nuisances of a county, or any other law enforcement officer within his jurisdiction.

1313.05 WEEDS AND LITTER ON PRIVATE PROPERTY.

(a) Keeping Down the Weeds and Litter.

- (1) Any word or phrase used in this section which is not defined herein shall have its ordinary meaning.
 - A. Grass shall mean any of a large family (Gramineae) of monocotyledonous, mostly herbaceous plants with jointed stems, slender sheathing leaves, and flowers borne in spikelets of bracts.
 - B. Noxious weeds shall include, but is not limited to, thistle, burdock, jimson weed, ragweed, milkweed, dandelion, poison ivy, poison oak and poison sumac.
 - C. As used in this Chapter, "litter" includes, but is not limited to, any garbage, waste, peelings of vegetables or fruits, rubbish, ashes, cans, bottles, wire, paper, cartons, boxes, parts of automobiles, wagons, furniture, glass, oil of an unsightly or unsanitary nature, or anything else of an unsightly or unsanitary nature.
- (2) No person, whether as owner, lessee, agent, tenant, or any other person having charge or care of land in the Village (which includes the unimproved street rights-of-way, and also any ditches and/or culverts along the property), shall permit litter to accumulate on the land and/or grasses, weeds, noxious weeds, or other undesirable vegetation to grow thereon to a height in excess of eight (8) inches, or to mature their seeds to thereon, or fail to cut and destroy such weeds grasses and other undesirable vegetation on such property. Any accumulation of litter and/or growth of grass, weeds or other undesirable vegetation in violation of this section constitutes a detriment to public health and hereby is declared a nuisance.

(b) Notice to Cut Weeds, Remove Litter. When determined by the Code Enforcement Officer, that a violation of subsection (a) hereof exists upon any land within the Village, a written notice of violation shall be served to the owner, lessee, agent, tenant, or person having charge or care of the land. This notice may be served by certified mail or personal service and shall contain an order to remove the litter and/or cut or destroy the grasses, weeds, noxious weeds, undesirable vegetation, etc. within five (5) days. If the service via certified mail is unclaimed or refused, this notice may be served by ordinary United States Mail or by posting the notice at the property. If the address of the owner or other person having charge of the land is unknown, it is sufficient to publish the notice once in a newspaper of general circulation in the county.

(c) Failure to Comply with Notice. In the event the owner, lessee, agent, tenant, or person having charge or care of the land does not comply with the notice and order to remove the litter and/or cut or destroy the grasses, weeds, noxious, weeds, undesirable vegetation, etc. within the time limit specified in subsection (b) hereof, after notice of violation has been issued, the Village Administrator, or his/her designee, shall cause such litter to be removed and/or grasses, weeds, noxious weeds, undesirable weeds or vegetation to be cut, and may employ the necessary labor and equipment to perform such task, together with any cleanup work required, within appropriations previously made by Council. In addition, the owner is liable to the penalties provided herein.

(d) Fees and Liens.

(1) When litter is removed and/or grasses, weeds, noxious weeds, and undesirable weeds etc. are removed, cut and/or destroyed, pursuant to subsection (c) hereof, a statement of cost thereof shall be mailed to the owner of such land by certified mail, return receipt requested. Such statement shall include the following costs to the Village:

- A. \$100.00 per 2,450 s.f. of land cleaned/mowed; and
- B. All service of notice fees.

(Ord. 19-2011. Passed 10-10-11.)

(2) The owner, lessee, agent, Tenant, or any other person having charge or care of land, shall pay such fees as are charged in accordance with this subsection to the Village within thirty (30) days after receipt of the statement of costs. Any payment so received shall be restored to the appropriation from which the costs were paid. If the fee is not paid when due, the Fiscal Officer shall certify to the County Auditor the proceedings taken under this Chapter, together with a statement of the charges for services listed in subsection (d) hereof and a legal description of the premises. Such amounts shall be entered upon the tax duplicate and shall be a lien upon such lands from the date of entry, and shall be collected as other taxes and returned to the Village. All money received under this subsection, whether by direct payment or lien satisfaction, may be used to pay for, or help pay for: removing litter, grasses, weeds, noxious weeds or other undesirable vegetation on any property within the Village; purchasing landscape plantings (trees, bushes, vegetation, etc.), landscape materials, and other site elements; purchasing equipment and supplies necessary to install landscape plantings, landscape materials, and site elements; and/or paying for the labor needed to install landscape plantings, landscape materials, and site elements. (Ord. 14-2013. Passed 5-13-13.)

(e) Service Fees. The Police Chief, Mayor, Village Administrator, Fiscal Officer, or any Village of Shawnee Hills Police Officer may make service and return of the notices provided for in Chapter, and shall be allowed the same fees as that provided for service and return of summons in civil cases before a court or magistrate.

(f) Exceptions.

(1) This section shall not apply to land being used under a Municipal building or construction permit or license, a Municipal permit or license, or a conditional zoning permit or variance to operate a junk yard, scrap metal processing facility, or similar business, or a permit or license issued pursuant to Ohio R. C. Chapter 3734, Sections 4737.05 through 4737.12 or Chapter 6111.

- (2) The failure of any officer or employee of the Village to perform any official duty imposed by this Section and its Subsections shall not subject the officer or employee to the penalty imposed for a violation of this section.

(g) Criminal Penalties. Whoever violates this section and its subsections is guilty of a minor misdemeanor. Each day that the litter, grasses, weeds, noxious weeds, undesirable vegetation, etc. are permitted to continue to accumulate and/or grow after the specified time limit has expired shall constitute a separate offense.
(Ord. 19-2011. Passed 10-10-11.)

1313.06 TRIMMING OF TREES AND SHRUBBERY.

(a) It shall be unlawful for any person to plant, grow, or maintain any tree or shrubbery which obstructs the proper distribution of light from a street lamp, obstructs the view of traffic approaching an intersection by operators of vehicles approaching said intersection from another direction, or obstructs any traffic control device.

(b) All trees shall be trimmed so as to have a clear height of ten feet above the surface of sidewalks and twelve feet above the surface of the street or roadway, and the branches of all trees in front of and along lots or lands near which street lights or traffic control devices are placed shall be trimmed so as not to obstruct the free passage of light from said street lights to the street and sidewalk or the reasonable view of the traffic control device.

(c) The Village Administrator, Village Code Enforcement Officer, and/or the Village Forester shall cause a written notice to be served upon the property owner ordering the property owner to trim or remove trees and/or shrubbery so that the trees and/or shrubbery conform to the provisions of Subsections (a) and (b). Service may be made personally or by posting a copy of the notice in a conspicuous location on the property.

(d) If the property owner fails to trim or remove the trees and/or shrubbery as ordered, the Village Administrator, Village Code Enforcement Officer, and/or the Village Forester may cause the trees or shrubbery to be trimmed or removed, and the total cost thereof shall be paid by the property owner within thirty (30) days of the work being completed. If the cost is not paid when due, the Fiscal Officer shall certify to the County Auditor the proceedings taken under this Chapter, together with a statement of the charges for services provided hereof and the parcel number of the premises. Such amounts shall be entered upon the tax duplicate and shall be a lien upon such lands from the date of entry, and shall be collected as other taxes and returned to the Village. (Ord. 8-2015. Passed 4-27-15.)

1313.07 PROHIBITED ANIMALS.

(a) No person shall keep, possess, harbor, own, maintain, or have care, custody, or control of any species or sub-species of any fowl, including geese, ducks, turkeys, chickens, and pigeons, within the Village, except for caged birds and pocket pets (as defined in Section 505.15) that are kept completely and continuously within a residential structure as pets.

(b) No person shall keep, possess, harbor, own, maintain, or have care, custody, or control of any livestock, including, but not limited to, horses, mules, cattle, sheep, goats and swine, within the Village.

(c) No person shall keep, possess, harbor, own, maintain, or have care, custody, or control of any undomesticated or domesticated wild animal within the Village. As used in this section, "dangerous or undomesticated or domesticated wild animal" means any animal that is not commonly considered to be a household pet and that would ordinarily be confined to a zoo or farm or found in the wilderness, or that otherwise causes fear or offensive odors or noises to the general public.

- (d) The prohibitions in subsection (a) thru (c) hereof does not apply to:
- (1) A person licensed or otherwise expressly authorized by state or federal law to keep, possess, harbor, maintain, or have care, custody, or control of an animal identified in subsections (a) thru (c));
 - (2) A public zoo;
 - (3) A traveling circus performing within the Village;
 - (4) A person or entity participating in a parade within the Village;
 - (5) A humane society;
 - (6) A veterinary hospital or clinic;
 - (7) A college, university, museum, or like institution engaged in bona fide scientific or educational study and research; or
 - (8) A person temporarily transporting an animal identified in divisions (a) thru (c) through the Village if the transit time within the city is not more than 24 hours and the animal is, at all times, maintained within a confinement sufficient to prevent the animal from escaping.

All animals and animal quarters, which are allowed under sub-section (d) must be: kept in a clean and sanitary condition; maintained as to eliminate objectionable odors; and constructed and maintained to prevent their escape.

(e) Whoever violates any of the provisions of this section is guilty of a minor misdemeanor. Each day a violation occurs shall be considered a separate offense. (Ord. 24-2014. Passed 10-13-14.)

1313.99 PENALTY.

(a) Whoever violates any provision of this chapter, for which another penalty is not already provided, shall be guilty of a minor misdemeanor.

(b) Whoever violates any provision of Section 1313.04 shall be guilty of a misdemeanor of the third degree. The sentencing court may, in addition to or in lieu of the penalty provided in this division, require the person to remove litter from any public or private property or in or on waters of the State.

**CHAPTER 1317
Numbering Structures**

1317.01 Numbering required.

1317.99 Penalty.

CROSS REFERENCES

Power to regulate building numbering - see Ohio R.C. 715.26

1317.01 NUMBERING REQUIRED.

(a) All homes and businesses display the street address, in four inch numbers (minimum size) on that part of the building facing the road, drive, or boulevard. (Ord. 4-88. Passed 6-13-88.)

(b) If the home or business has a mail box, the numbers should be displayed on that mail box also. (Ord. 8-99. Passed 9-27-99.)

1317.99 PENALTY.

Any person or business in violation of this Chapter, shall be guilty of a minor misdemeanor. Each day that said violation exists, shall constitute a separate offense and will be punishable as such. (Ord. 4-88. Passed 6-13-88.)

**CHAPTER 1321
Pole Buildings**

1321.01 Prohibited.

1321.01 PROHIBITED.

The construction of pole buildings within the corporate limits of the Village of Shawnee Hills is prohibited. (Ord. 5-94. Passed 5-9-94.)

CHAPTER 1325
Towers and Wireless Telecommunication Facilities

1325.01	Statement of intent.	1325.05	Abandonment of tower.
1325.02	Applicability.	1325.06	Variances and special exceptions.
1325.03	Definitions.		
1325.04	General requirements.		

1325.01 STATEMENT OF INTENT.

The purpose of this chapter is to regulate the placement, construction and modification of Towers and Wireless Telecommunication Facilities in order to protect the health, safety and welfare of the public without unreasonable interference with the development of the competitive wireless communication marketplace in the Village. Specifically, the purpose of the chapter are:

- (a) To direct the location of Towers and Wireless Telecommunications Facilities in the Village.
- (b) To protect residential areas and land uses from potential adverse impacts of Towers and Wireless Telecommunications Facilities.
- (c) To minimize adverse visual impacts of Towers and Wireless Telecommunications Facilities through careful design, siting, landscaping, and innovative camouflaging techniques.
- (d) To promote and encourage shared use of Towers and Antenna Support Structures as a primary option rather than construction of additional single-use Towers.
- (e) To avoid potential damage to adjacent properties caused by Towers and Wireless Telecommunications Facilities by ensuring such structures are soundly and carefully designed, constructed, modified, maintained and removed.
- (f) To the greatest extent feasible, ensure that Towers and Wireless Telecommunications Facilities are compatible with surrounding land uses.
- (g) To the greatest extent feasible, ensure that proposed Towers and Wireless Telecommunications Facilities are designed in harmony with natural settings and in a manner consistent with current development patterns.
 (Ord. 17-97. Passed 9-22-97.)

1325.02 APPLICABILITY.

- (a) All Towers and Wireless Telecommunications Facilities, any portion of which are located in the Village, are subject to this chapter.
- (b) Except as provided in this chapter, any use being made of an existing Tower of Antenna Support Structure on the effective date of this chapter (herein "Nonconforming Structures") shall be allowed to continue, even if in conflict with the terms of this chapter. Any Tower site that has received Village approval in the form of either a special exception or building permit, but has not yet been constructed or located, shall be considered a Nonconforming Structure so long as such approval is current and not expired. (Ord. 17-97. Passed 9-22-97.)

1325.03 DEFINITIONS.

For the purpose of this chapter, the following terms, phrases, words, and their derivations shall have the meanings given herein. When not inconsistent with the context, words used in the present tense include the future tense, words in the plural number include the singular number, and words in the singular number include the plural number. All capitalized terms used in the definition of any other term shall have their meaning as otherwise defined in this section. The words "shall" and "will" are mandatory and "may" is permissive. Words not defined shall be given their common and ordinary meaning.

- (a) "Antenna support structure" means a building or other structure than a Tower which can be used for location of Wireless Telecommunications Facilities.
- (b) "Village" means the Village of Shawnee Hills, a Municipal Corporation, in the State of Ohio, acting through and by its Village Council.
- (c) "Code" means the Code of Ordinance of the Village.
- (d) "Co-location" mean the use of a wireless telecommunications facility by more than one wireless telecommunications provider.
- (e) "Council" means the Village Council.
- (f) "Emergency" means a reasonably unforeseen occurrence with a potential to endanger personal safety or health, or cause substantial damage to property, that calls for immediate action.
- (g) "Equipment shelter" means the structure in which the electronic receiving and relay equipment for a Wireless Telecommunications Facility is housed.
- (h) "FAA" means the Federal Aviation Administration and any legally appointed, designated or elected agent or successor.
- (i) "FCC" means the Federal Communications Commission and any legally appointed, designated or elected agent or successor.
- (j) "Monopole" means a support structure constructed of a single, self-supporting hollow metal tube securely anchored to a foundation.
- (k) "Open space" means land devoted to conservation or recreational purposes and/or land designated by the Village to remain undeveloped.
- (l) "Person" is any natural person, firm, partnership, association, corporation, company, or other legal entity, private or public, whether for profit or not for profit.
- (m) "Tower" means a self-supporting lattice, guyed or monopole structure constructed from grade which supports Wireless Telecommunications Facilities. The term Tower shall not include amateur radio operator's equipment, as licensed by the FCC.

- (n) “Wireless Telecommunications Facilities” means any cables, wires, lines, wave guides, antennas and any other equipment or facilities associated with the transmission or reception of communications as authorized by the FCC which a person seeks to locate or has installed upon a Tower of Antenna Support Structure. However, the term Wireless Telecommunications Facilities shall not include:
- (1) Any satellite earth station antenna six feet in diameter or less which are located in an area zoned industrial or commercial;
 - (2) Any satellite earth station antenna three feet or less in diameter, regardless of zoning capacity.
 - (3) Antennas used by amateur radio operators are excluded from this definition.
- (Ord. 17-97. Passed 9-22-97.)

1325.04 GENERAL REQUIREMENTS.

(a) Wireless Telecommunications Facilities are permitted uses in the area of the Village described as follows: All areas of the Village south of Glick Road, then north along Route 745, to East Osage Drive, south along the lot lines of originally platted lots numbered 883 and 865 (which are included within the boundary), south across Benmar Drive, along the southern side of Benmar Drive to the southern side of the vacated Addlick Drive, to Shawnee Trail, then east to across Shawnee Trail to include originally platted lots numbered 786 and 787.

(b) Minimum setback from the area designated in subsection (a) above shall be a distance equal to the height of the tower. Setback shall be defined as the distance from the boundary line of area designated in subsection (a) above to the nearest portion of the structure.

(c) Wireless Telecommunications Facilities are not permitted or conditional uses in any area of the Village not included in the boundaries described in this chapter.

(d) The following requirements apply to all Wireless Telecommunications Facilities regardless of the Zoning District in which they are located.

- (1) Security fencing eight feet in height shall surround the Tower, Equipment Shelter and any guy wires. No barbed wire or razor shall be permitted.
- (2) Existing vegetation shall be preserved to the maximum extent possible.
- (3) Buffer plantings may be located around the perimeter of the security fence.
- (4) The tower shall be painted a non-contrasting gray or similar color minimizing its visibility, unless otherwise required by the FCC or FAA. Except for the Tower or Monopole structures, all appurtenances shall be aesthetically and architecturally compatible with the surrounding environment.
- (5) No advertising is permitted anywhere in the Wireless Telecommunications Facility.
- (6) No Tower under 150 feet shall be artificially lighted except to assure safety or as required by the FAA.
- (7) “No Trespassing” signs shall be posted around the Wireless Telecommunications Facility with a telephone number for contact in the event of an emergency.
- (8) Underground Equipment Shelters are encouraged.
- (9) Towers must be designed and certified by an Engineer to be structurally sound and, at a minimum, in conformance with the Ohio Basic Building Code.

- (10) Wireless Telecommunications Facilities must be located in compliance with the requirements for structure location as specified in the underlying Zoning District, with the exception of height requirements. The maximum height permitted for a Wireless Telecommunications Facility shall be 200 feet, unless otherwise limited by the FAA. (Ord. 17-97. Passed 9-22-97.)

1325.05 ABANDONMENT OF TOWER.

(a) Towers not utilized by their providers for 180 days or more shall be reactivated or removed by the provider.

(b) The Village will remove or will contract to have Tower and Associated facilities not used for 180 days or more removed and will assess the owner/operator the costs. The Village shall provide three months notice and an opportunity for Tower owner/operators to be heard before removal action is taken. (Ord. 17-97. Passed 9-22-97.)

1325.06 VARIANCES AND SPECIAL EXCEPTIONS.

Any request to deviate from any of the requirements of this chapter shall require variance approval in conformance with the procedures set forth in this Code. (Ord. 17-97. Passed 9-22-97.)

**CHAPTER 1329
Building Permits**

**1329.01 Restriction of building permits
on Buckeye Drive. (Repealed)**

1329.01 RESTRICTION OF BUILDING PERMITS ON BUCKEYE DRIVE.
(EDITOR'S NOTE: Former Section 1329.01 was repealed by Ordinance 2-2005,
passed March 28, 2005.)

**CHAPTER 1333
Driveways**

1333.01 Drive culvert required.

1333.02 Location and surfacing.

1333.01 DRIVE CULVERT REQUIRED.

The following requirements for driveways be adopted.

- (a) Show existing and proposed driveways with grades and elevations (grades shall not exceed 8%).
- (b) Driveways shall drain away from the traveled road for at least the first five (5) feet. See Exhibit A.
- (c) All driveways, either new or improved, shall have a drive culvert as shown in Exhibit A of this Chapter, unless the property owner can demonstrate to the Village Administrator and Engineer, with reasonable certainty, that a drive culvert is not needed.
- (d) All drive culverts shall be inspected prior to covering them up.
(Ord. 14-2011. Passed 6-27-11.)

1333.02 LOCATION AND SURFACING.

(a) Driveways shall be permitted in required and approved yards, but shall be three feet or more from any property line, except where such driveways are developed jointly as a common drive to adjoining lots. Each driveway shall be not less than ten feet wide. Driveways also may be connected to provide a common turn around for adjoining lots.

(b) Parking areas shall be permitted in required and approved yards developed in Industrial Zoning Districts to within 15 feet of a Residential Zoning District or a Planned Residential Zoning District as listed in Section 1109.02.

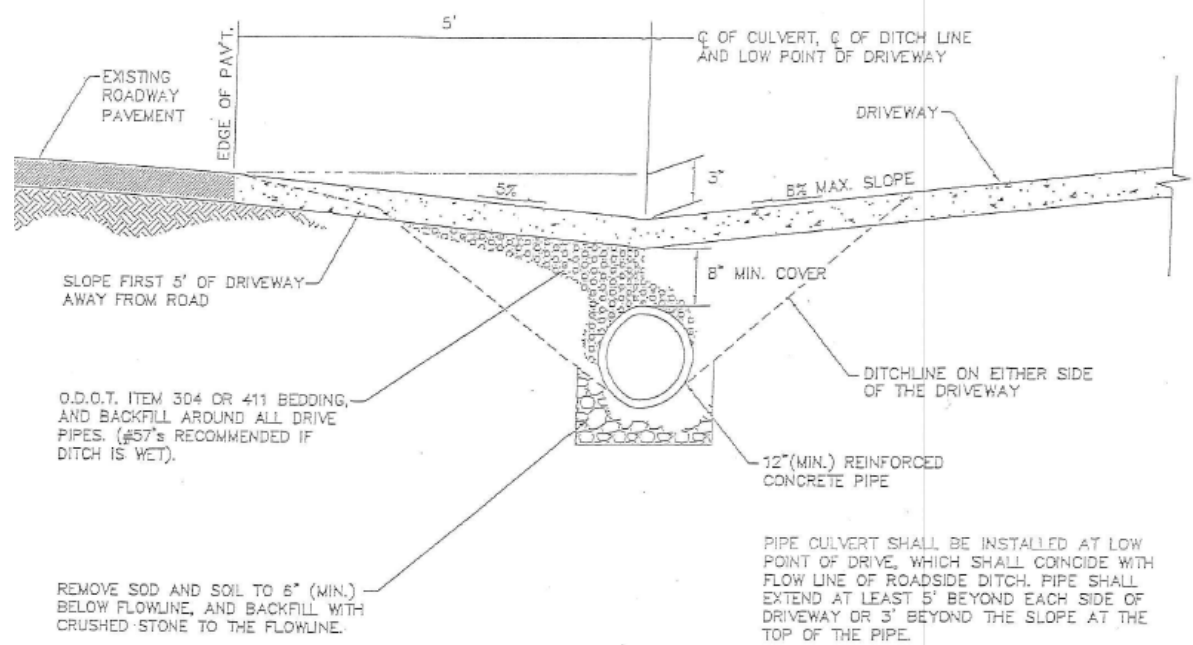
(c) All off-street parking areas including spaces, driveways, aisles and circulation drives shall be hard-surfaced with asphaltic cement, concrete or a combination thereof, meeting the requirements and specifications of the Village Engineer and/or Administrator.

(d) All off-street parking areas including spaces, driveways, aisles and circulation drives shall be graded and maintained so that water neither unreasonably accumulate on such areas nor unreasonably flows or drains onto adjacent public or private property.

(e) Stormwater management shall be provided as required by Sections 929.01 through 929.09 and Section 1121.13. (Ord. 9-2014. Passed 5-12-14.)

Village of Shawnee Hills, Ohio

Exhibit A



SLOPE FIRST 5' OF DRIVEWAY AWAY FROM ROAD

O.D.O.T. ITEM 304 OR 411 BEDDING, AND BACKFILL AROUND ALL DRIVE PIPES. (#57's RECOMMENDED IF DITCH IS WET).

REMOVE SOD AND SOIL TO 8" (MIN.) BELOW FLOWLINE, AND BACKFILL WITH CRUSHED STONE TO THE FLOWLINE.

PIPE CULVERT SHALL BE INSTALLED AT LOW POINT OF DRIVE, WHICH SHALL COINCIDE WITH FLOW LINE OF ROADSIDE DITCH. PIPE SHALL EXTEND AT LEAST 5' BEYOND EACH SIDE OF DRIVEWAY OR 3' BEYOND THE SLOPE AT THE TOP OF THE PIPE.

PLEASE NOTE THAT SOME SITUATIONS MAY REQUIRE THE INSTALLATION OF A TRENCH DRAIN AT THE LOW POINT OF DRIVEWAY.

NO DRIVEWAY SHALL BE CONSTRUCTED, WHICH PERMITS WATER TO RUN DIRECTLY ONTO THE STREET OR ROAD SURFACE.

DRIVE CULVERT DETAIL

PLAT PREPARED BY:



1495 OLD HENDERSON RD.
COLUMBUS, OHIO 43220
Phone: 614-459-6982
Fax: 614-459-6987