

CODIFIED ORDINANCES OF HURON

PART THIRTEEN - BUILDING CODE

TITLE ONE - General Building Standards

- Chap. 1301. Ohio Building Code.
- Chap. 1305. Residential Code of Ohio.
- Chap. 1307. Property Maintenance Code.

TITLE THREE - Administration

- Chap. 1313. Site Plan Review.
- Chap. 1321. Permits and Fees.

TITLE FIVE - Additional Building Standards

- Chap. 1333. Gas Piping and Appliances.
- Chap. 1335. Family Fallout Shelters.
- Chap. 1337. Satellite Receiving Stations.

TITLE SEVEN - Housing Code

- Chap. 1351. Definitions.
- Chap. 1353. Enforcement, Inspections, Notice and Penalty.
- Chap. 1355. Appeal, Hearing and Variances.
- Chap. 1357. Condemnation Proceedings.
- Chap. 1358. Removal of Unsafe Buildings.
- Chap. 1359. Basic Equipment and Facilities.
- Chap. 1361. Light, Ventilation and Heating.
- Chap. 1363. Safety and Sanitation.
- Chap. 1365. Space, Height and Use.
- Chap. 1367. Responsibility of Owners and Occupants.
- Chap. 1369. Rooming Houses.

TITLE NINE - Fair Housing Code

- Chap. 1371. Definitions.
- Chap. 1373. Unlawful Housing Practices.
- Chap. 1375. Notices.
- Chap. 1377. Fair Housing Board.
- Chap. 1379. Enforcement.
- Chap. 1381. Miscellaneous Provisions.

CODIFIED ORDINANCES OF HURON

PART THIRTEEN - BUILDING CODE

TITLE ONE - General Building Standards

Chap. 1301. Ohio Building Code.

Chap. 1305 Residential Code of Ohio.

Chap. 1307. Property Maintenance Code.

CHAPTER 1301
Ohio Building Code

<p>1301.01 Adoption.</p> <p>1301.02 Purpose.</p> <p>1301.03 Scope.</p> <p>1301.04 Compliance.</p> <p>1301.05 Existing structures.</p>	<p>1301.06 Violations.</p> <p>1301.07 Stop work order.</p> <p>1301.08 Conflict.</p> <p>1301.09 Enforcement.</p> <p>1301.10 Plans; fee for inspection.</p> <p>1301.11 Fire hydrants.</p> <p>1301.99 Penalty.</p>
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CROSS REFERENCES

See sectional histories for similar State law

Removal of unsafe structures - see Ohio R.C. 715.26(B), 715.261

Power to enact further and additional regulations - see Ohio R.C. 3781.01

Authorization by Board of Building Standards - see Ohio R.C. 3781.12

Enforcement - see Ohio R.C. 3781.03, 3781.031, 3781.10(E), 3781.102, 3781.19

Final jurisdiction - see Ohio R.C. 3781.04

Application - see Ohio R.C. 3781.06, 3781.10(E), 3781.11(A)

Submission of plans - see Ohio R.C. 3791.04

Dead bolt locks in apartment buildings - see Ohio R.C. 3781.103

Smoke detection system for apartments and condominiums - see
Ohio R.C. 3781.104

Automatic sprinkler systems - see Ohio R.C. 3781.105, 3791.041 et seq.

Fire suppression systems - see Ohio R.C. 3781.108

Use of public buildings by handicapped persons - see Ohio R.C. 3781.111

Energy conservation - see Ohio R.C. 3781.181, 3781.182, 3781.21

Abandoned service stations - see Ohio R.C. 3791.11 et seq.

Safety standards for refuse containers - see Ohio R.C. 3791.21

1301.01 ADOPTION.

There is hereby adopted by the Municipality, the Ohio Building Code (OBC) and related codes as adopted by the Ohio Board of Building Standards, Department of Industrial Relations, effective March 1, 2005, and as identified and published in Division 4101:1 et seq. of the Ohio Administrative Code (OAC).

1301.02 PURPOSE.

The purpose of the Ohio Building Code is to establish uniform minimum requirements for the erection, construction, repair, alteration, and maintenance of buildings, including construction of industrialized units. Such requirements shall relate to the conservation of energy, safety, and sanitation of buildings for their intended use and occupancy with consideration for the following:

- (a) Performance. Establish such requirements, in terms of performance objectives for the use intended.
- (b) Extent of Use. Permit to the fullest extent feasible, the use of materials and technical methods, devices, and improvements which tend to reduce the cost of construction without affecting minimum requirements for the health, safety, and security of the occupants of buildings without preferential treatment of types or classes of materials or products or methods of construction.
- (c) Standardization. To encourage, so far as may be practicable, the standardization of construction practices, methods, equipment, material and techniques, including methods employed to produce industrialized units.

The rules of the Board of Building Standards and proceedings shall be liberally construed in order to promote its purpose. When the Building Official finds that the proposed design is a reasonable interpretation of the provisions of this Code, it shall be approved. Materials, equipment and devices approved by the Building Official pursuant to Section 118 of the Ohio Building Code shall be constructed and installed in accordance with such approval.

(OBC 101.3)

1301.03 SCOPE.

The provisions of the Ohio Building Code shall apply to the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance, removal and demolition of every building or structure or any appurtenances connected or attached to such buildings or structures. As provided in Section 3791.04(B) of the Ohio Revised Code, no plans or specifications shall be approved or inspection approval given unless the building represented by those plans or specifications would, if constructed, repaired, erected or equipped according to those plans or specifications, comply with Chapters 3781 and 3791 of the Ohio Revised Code and any rules adopted by the Board.

An owner may exceed the requirements of the Ohio Building Code in compliance with Section 102.7 of the Ohio Building Code.

Exceptions:

- (a) Detached one-, and two-, and three-family dwellings and structures incidental to those dwellings which are not constructed as industrialized units shall comply with local residential codes, if any, adopted by the authority having jurisdiction. This exception does not include the energy provisions required in "Chapter 13, Energy Efficiency" of the OBC (see Sections 3781.06, 3781.181 and 3781.182 of the Ohio Revised Code);
- (b) Buildings owned by and used for a function of the United States Government;

- (c) Buildings or structures which are incident to the use for agricultural purposes of the land on which said buildings or structures are located, provided such buildings or structures are not used in the business of retail trade; for the purposes of this section, a building or structure is not considered used in the business of retail trade if fifty percent or more of the gross income received from sales of products in the building or structure by the owner or operator is from sales of products produced or raised in a normal crop year on farms owned or operated by the seller. (See Sections 3781.06 and 3781.061 of the Ohio Revised Code);
- (d) Agricultural labor camps;
- (e) Type A or Type B family day-care homes;
- (f) Buildings or structures which are designed, constructed and maintained in accordance with federal standards and regulations and are used primarily for federal and state military purposes where the U.S. Secretary of Defense, pursuant to 10 U.S.C. Sections 18233(a)(1) and 18237, has acquired by purchase, lease, or transfer, and constructs, expands, rehabilitates, or corrects and equips, such buildings or structures as he determines to be necessary to carry out the purposes of Chapter 1803 of the U.S.C.;
- (g) Manufactured homes constructed under "24 CFR Part 3280", "Manufactured Home Construction and Safety Standards".
(OBC 101.2)

1301.04 COMPLIANCE.

(a) No owner or any other person shall construct, erect, build or equip any building or structure to which the Ohio Building Code is applicable, or make any addition thereto or alteration thereof, except in case of repairs for maintenance without affecting the construction, sanitation, safety or other vital feature of such building or structure, without complying with this chapter, Ohio R.C. Chapters 3781 and 3791 or the Ohio Building Code, or fail to comply with any lawful order issued pursuant thereto.
(ORC 3791.01, 3791.02)

(b) No architect, builder, engineer, plumber, carpenter, mason, contractor, subcontractor, foreman or employee shall violate or assist in violating this chapter, Ohio R.C. Chapters 3781 and 3791 or the Ohio Building Code, or fail to comply with any lawful order issued pursuant thereto.
(ORC 3791.01, 3791.03)

(c) No owner or any other person shall proceed with the construction, erection, alteration or equipment of any building or structure to which the Ohio Building Code is applicable without complying with this chapter and the plan and specification submission and processing requirements of the Municipality, and until plans or drawings, specifications and data have been approved, or the industrialized unit has been inspected at the point of origin.
(ORC 3791.04)

1301.05 EXISTING STRUCTURES.

The provisions of Chapter 34 of the Ohio Building Code shall control the alteration, repair, addition, and change of occupancy of any existing structure.

The occupancy of any structure currently existing on the date of adoption of this Code shall be permitted to continue without change provided the alleged occupancy can be shown to have existed for more than two years and there are no orders of the Building Official pending, no evidence of fraud, or no serious safety or sanitation hazard.

Buildings constructed in accordance with plans which have been approved prior to the effective date of this Code are existing buildings.
(OBC 102.6)

1301.06 VIOLATIONS.

(a) Adjudication Orders Required Before Legal Proceedings. Before the Municipality attempts to enforce Chapters 3781 and 3791 of the Ohio Revised Code or any rules adopted pursuant thereto, by any remedy, civil or criminal, it shall issue an adjudication order within the meaning of Sections 119.06 to 119.13 of the Ohio Revised Code or a stop work order as provided in Section 1301.07. Every adjudication order shall:

- (1) Cite the law or rules directly involved and shall specify what appliances, site preparations, additions, or alterations to structures, plans, materials, assemblages or procedures are necessary for the same to comply with Chapters 3781 and 3791 of the Ohio Revised Code.
- (2) Include notice to the party of the procedure for appeal and right to a hearing if requested within thirty days of the mailing of the notice. The notice shall also inform the party that at the hearing he may be represented by counsel, present his arguments or contentions orally or in writing and present evidence and examine witnesses appearing for or against him.

(b) Notice of Violation. The Building Official is authorized to serve a notice of violation or order on the person responsible for the erection, construction, alteration, extension, repair, moving, removal, demolition or occupancy of a building or structure. When the Building Official finds that work or equipment is contrary to approved construction documents and the rules of the Board of Building Standards, the Building Official shall send a notice in writing to the owner of said building or the owner's agent which shall state where and in what respect the work or equipment does not conform to the approved plans for same and the rules of the Board. The notice shall specify a reasonable period of time in which to conform to said plans or the rules of the Board. Before any work may continue on the construction, erection, alteration, or equipment of any building for which the approval is invalid, the owner of the building shall resubmit the plans or drawings and specifications for approval as required under Section 105.3 of the Ohio Building Code.

(c) Prosecution of Violation. Upon the issuance of any order provided for in this section or Section 1301.07, the person receiving an order shall cease work upon the site preparations or structure to be constructed, or in the case of an industrialized unit, the installation of the unit, or shall cease using the appliance, materials, assemblages or manufactured product identified in the order until such time as the appeal provided for in accordance with the provisions of Section 3781.19 of the Ohio Revised Code and all appeals from such hearing have been completed, or the order has been released.

(OBC 113)

1301.07 STOP WORK ORDER.

(a) Authority. Whenever the Building Official finds any work regulated by this Code being performed in a manner contrary to the provisions of this Code or in a dangerous or unsafe manner, the Building Official is authorized to issue a stop work order whenever the Building Official finds, after inspection, that the site preparations or structure to be constructed, or in the case of an industrialized unit, the installation of the unit, or that the use of an appliance, materials, assemblage, or manufactured product does not comply with the provisions of Chapters 3781 and 3791 of the Ohio Revised Code or the rules adopted pursuant thereto. The effect of such an order shall be limited to the matter specified in the order.

(b) Issuance. The stop work order shall be in writing and shall be given to the owner of the property involved, or to the owner's agent and the person doing the work. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order, and the conditions under which the cited work will be permitted to resume.

(c) Unlawful Continuance. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition. Failure to cease work after receipt of a stop work order is hereby declared a public nuisance.

(OBC 114)

1301.08 CONFLICT.

(a) General. Where, in any specific case, different sections of the Ohio Building Code specify different materials, methods of construction or other requirements, the most restrictive shall govern. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.

(b) Other Laws. The provisions of the Ohio Building Code shall not be deemed to nullify any provisions of state or federal law. The Municipality, under Section 3781.01 of the Ohio Revised Code, may make further and additional regulations, not in conflict with Chapters 3781 and 3791 of the Ohio Revised Code or with the rules of the Board of Building Standards. However, under Section 3781.12 of the Ohio Revised Code, approval by the Board of Building Standards of any fixture, device, material, system, assembly or product of a manufacturing process, or method or manner of construction or installation shall constitute approval for their use anywhere in Ohio. The rules of the Board of Building Standards shall supersede and govern any order, standard, or rule of the Division of the Fire Marshal or Industrial Compliance in the Department of Commerce, and Department of Health and of counties and townships, in all cases where such orders, standards or rules are in conflict with the rules of the Board of Building Standards, except that rules adopted and orders issued by the Fire Marshal pursuant to Chapter 3743, of the Ohio Revised Code prevail in the event of a conflict.

(OBC 102)

1301.09 ENFORCEMENT.

(a) General. The Building Official shall enforce provisions of the rules of the Board of Building Standards and of Chapters 3781 and 3791 of the Ohio Revised Code, relating to construction, arrangement, and the erection of buildings or parts thereof as defined in the rules of the Board in accordance with the certification except as follows:

- (1) Fire. The Fire Marshal or Fire Chief shall enforce all provisions of the rules of the Board relating to fire prevention.
- (2) Health. The Department of Health, or the Boards of Health, the Division of Industrial Compliance of the Department of Commerce, or the municipal Department of Building Inspection shall enforce such provisions relating to sanitary construction.
- (3) Engineering. The Department of the City Engineer, in cities having such departments, has complete supervision and regulation of the entire sewerage and drainage system of the City, including the house drain and the house sewer and all laterals draining into the street sewers. The department shall have control and supervision of the installation and construction of all drains and sewers that become a part of the sewerage system of the City and shall issue all the necessary permits and licenses for the construction and installation of all house drains and house sewers and of all other lateral drains that empty into the main sewers. Such Department shall keep a permanent record of the installation and location of every drain and sewerage system of the City.
- (4) No officer exempted. This section does not exempt any officer or department from the obligation of enforcing any provision of the rules of the Board.
- (5) Interpretations. The Building Official shall have the authority to render interpretations of the Ohio Building Code and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be in compliance with the intent and purpose of this Code.

(b) Applications and Approvals. The Building Official shall receive applications, require the review of submitted construction documents and issue plan approvals for the erection, and alteration, demolition and moving of buildings and structures, inspect the premises for which such approvals have been issued and enforce compliance with the provisions of this Code.

(c) Notices and Orders. The Building Official shall issue all necessary notices or orders to ensure compliance with this Code. When the Building Official finds that work or equipment is contrary to approved plans therefor and the rules of the Board, the Building Official shall send a notice in writing to the owner of said building or the owner's agent. The notice shall state where and in what respect the work or equipment does not conform to the approved plans for same and the rules of the Board, and specify a reasonable period of time in which to conform to said plans or the rules of the Board.

(d) Inspections. If the plans for the erection, construction, repair, alteration, relocating, or equipment of a building are subject to inspection by the Building Official, under Section 109 of the Ohio Building Code, the Building Official shall cause to be made such inspections, investigations, and determinations as are necessary to determine whether or not the work which has been performed and the installations which have been made are in conformity with the approved plans and to safety and sanitation, except special inspections required under Section 1704 of the Ohio Building Code.

(e) Identification. The Building Department personnel shall show, when requested, proper identification when entering structures or premises in the performance of duties under this Code.

(f) Right of Entry. The Building Official, or Building Official's designee, is authorized to enter a structure or premises at reasonable times to inspect or to perform the duties imposed by this Code, provided that credentials are presented to the occupant and that entry is requested and obtained. Where permission to enter has not been obtained, is denied, or the Building Official has probable cause to believe that there exists in a structure or upon a premises a condition which is a serious hazard the Building Official shall have recourse to the remedies provided by law to secure entry.

(g) Department Records. The Building Official shall keep official records of applications received, certificate of plan approval issued, notices and orders issued, certificate of occupancy, and other such records required by the rules of the Board of Building Standards. Such information shall be retained in the official permanent record for each project. One set of approved construction documents shall be retained by the Building Official for a period of not less than one hundred eighty days from date of completion of the permitted work, or as required by document retention regulations.

(h) Liability. Liability of certified Building Department personnel for any tortuous act will be determined by Ohio courts to the applicable provisions of Chapter 2744 of the Ohio Revised Code.
(OBC 104)

1301.10 PLANS; FEE FOR INSPECTION.

(a) Plans for all buildings regulated by this chapter shall be prepared by and bear the seal of an Ohio registered architect or engineer. Two copies of such plans shall accompany the application for a building permit; one copy to be retained by the Building Official and one approved copy to be returned to the applicant upon the issuance of a building permit.

(b) The fee for the inspection of all plans and specifications for all buildings, including authorized industrialized units, required to be submitted to the Building Official under this section shall be a fixed administrative processing fee per structure or alteration, plus an additional fee for each 100 square feet of floor surface, or portion thereof, including all basement, cellar and subcellar floors, measuring the outside dimensions of the building at each floor level. Each subsequent alteration or any additional square footage that was not included in a previous plan examination shall be charged at the rates stated herein.

(c) The fees for the inspection of plans and specifications referred to in subsection (b) hereof shall be equal in amount to the fees authorized and charged by the Ohio State Board of Building Standards for inspection and review of plans and specifications submitted to it in compliance with the Ohio Building Code.

The building inspector shall from time to time certify a schedule of fees as being equal to those authorized and charged by the State of Ohio Board of Building Standards, sure certification to be made to the Clerk of Council. The fees set forth in such certification shall be in force upon filing with the Clerk and shall remain in force until superseded by a subsequent certification. (Ord. 1992-5. Passed 1-27-92.)

(d) A fee for the inspection of a structure for purposes other than where plan examination is or will be required, when requested in writing of the Building Official, shall be charged at the rate of fifty dollars (\$50.00) per inspection and shall be paid by the requestor prior to the inspection.

(Ord. 1979-26. Passed 10-8-79; Ord. 1991-4. Passed 5-13-91.)

1301.11 FIRE HYDRANTS.

No building permit for any building shall be granted or issued unless the plans for such building or buildings indicate the placement of hydrants and size of water mains to be in accordance with the following requirements:

- (a) A minimum of two hydrants shall be located no further than 500 feet from any building.
- (b) No portion of any building shall be more than 300 feet from a hydrant. (Ord. 1979-26. Passed 10-8-79.)
- (c) All water mains installed shall be a minimum of eight inches in diameter, regardless of length. (Ord. 1984-42. Passed 11-14-84.)
- (d) (EDITOR'S NOTE: Former subsection (d) was repealed by Ordinance 1984-42, passed November 14, 1984.)
- (e) The Chief of the Fire Division shall approve the location of all fire hydrants herein required to be constructed.
- (f) All fire hydrants shall be so located that fire equipment can reach them by the use of driveways or other permanent surfaced roadways.

Notwithstanding the requirements set forth in this section, no person, firm or corporation shall be required to construct a fire hydrant on a public water main located within a public right of way or utility easement.

The Board of Building and Zoning Appeals may, upon application of any person, firm or corporation, grant a variance from the requirements of this section as will not be contrary to the public interest, but only in such cases where the enforcement of this section will result in undue hardship and only after obtaining the advice of the Chief of the Fire Division.

(Ord. 1979-26. Passed 10-8-79.)

1301.99 PENALTY.

Whoever violates any provision of this chapter or any Code adopted herein or fails to comply with any lawful order issued pursuant thereto is guilty of a misdemeanor of the first degree and shall be fined not more than one thousand dollars (\$1,000) or imprisoned not more than six months or both. Each day during which noncompliance or a violation continues shall constitute a separate offense. The Municipality may institute injunction proceedings in Common Pleas Court to abate the nuisance of failure to cease work after receipt of a stop work order as referred to in Section 1301.07.

CHAPTER 1305
Residential Code of Ohio

1305.01	Adoption.	1305.99	Penalty.
1305.02	Definitions.		
1305.03	Future dwelling code changes.		

CROSS REFERENCES

Adoption by reference - see CHTR. 3.08

1305.01 ADOPTION.

There is adopted for the purpose of establishing rules and regulations for the construction, alteration, removal, demolition, equipment, use and occupancy, location and maintenance of one, two and three family dwellings and appurtenant structures that certain building code known as the most current edition of the Residential Code of Ohio, as approved and adopted by the Ohio Board of Building Standards, in its entirety, including the National Electrical Code and the Ohio Plumbing Code. (Ord. 2006-17. Passed 10-24-06.)

1305.02 DEFINITIONS.

Wherever titles, words and phrases are used in portions of the Residential Code of Ohio, as adopted, such terms shall be construed to mean the equivalent officer, word or phrase applicable to the City.

- (a) "Building Official" means the Building Official of the City or its contractor.
- (b) "Board of Appeals" means the Board of Building and Zoning Appeals created by Section 7.02 of the City Charter.
(Ord. 2006-17. Passed 10-24-06.)

1305.03 FUTURE DWELLING CODE CHANGES.

All revisions and additions to the Residential Code of Ohio by the appropriate governing body shall automatically become a part of the City's One, Two and Three Family Dwelling Code. The Building Official shall file such changes or amendments with the Clerk of Council immediately upon receipt of same.
(Ord. 2006-17. Passed 10-24-06.)

1305.99 PENALTY.

Whoever violates any provision of this chapter shall be guilty of a minor misdemeanor. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.
(Ord. 2006-17. Passed 10-24-06.)

CHAPTER 1307
Property Maintenance Code

1307.01	International Property Maintenance Code adopted.	1307.03	Future International Property Maintenance Code changes.
1307.02	Definitions.	1307.99	Penalty.

CROSS REFERENCES

Adoption by reference - see CHTR. 3.08
Junk vehicles - see GEN. OFF. Ch. 523
Collection of refuse - see GEN. OFF. 521.08
Weeds - see GEN. OFF. Ch. 557

**1307.01 INTERNATIONAL PROPERTY MAINTENANCE CODE
ADOPTED.**

There is adopted for the purpose of establishing rules and regulations for the maintenance of property within the City of Huron that certain property maintenance code known as the most current edition of the International Property Maintenance Code, in its entirety.
(Ord. 2004-20. Passed 10-11-04.)

1307.02 DEFINITIONS.

Wherever titles, words and phrases are used in portions of the International Property Maintenance Code, as adopted, such terms shall be construed to mean the equivalent officer, word or phrase applicable to the City.

“Building Official” means the Building Official of the City.

“Board of Appeals” means the Board of Building and Zoning Appeals created by Section 7.02 of the City Charter.

(Ord. 2004-20. Passed 10-11-04.)

**1307.03 FUTURE INTERNATIONAL PROPERTY MAINTENANCE
CODE CHANGES.**

All revisions and additions to the International Property Maintenance Code by the appropriate governing body shall automatically become part of the City of Huron’s Property Maintenance Code. The Building Official shall file such changes or amendments with the Clerk of Council immediately upon receipt of same.

(Ord. 2004-20. Passed 10-11-04.)

1307.99 PENALTY.

Whoever violates any provision of this chapter shall be guilty of a minor misdemeanor. A separate offense shall be deemed committed each day during or on which a violation occurs or continues. (Ord. 2004-20. Passed 10-11-04.)

TITLE THREE - Administration

Chap. 1313. Site Plan Review.

Chap. 1321. Permits and Fees.

**CHAPTER 1313
Site Plan Review**

1313.01 Purpose.

1313.02 Requirements.

1313.03 Procedure for filing and review.

1313.04 Fees.

1313.99 Penalty.

CROSS REFERENCES

Plans and fees under Ohio Building Code - see BLDG.

1301.10

Flood control development permit - see P. & Z. 1128.12 et seq.

1313.01 PURPOSE.

In order to assure the proper development of all property within the City and in order to comprehensively correlate the provisions of this chapter and other ordinances of the City, it shall be required that prior to the issuance of a building permit on any lot, building site parcel or property, a suitable site development plan shall be submitted to the Department of Building and Housing and that such a plan shall be subject to review by the City Planning Commission, City Building and Housing Department, City Design Review Board, and the City Engineering Office. (Ord. 2005-32. Passed 3-21-05.)

1313.02 REQUIREMENTS.

(a) Upon the filing of an application for a building permit for every building or structure, other than a single family or a two family dwelling, the applicant shall also submit a site development plan to the Building Official. The site development plan shall include the following information:

- (1) A scale drawing showing:
 - A. Existing and proposed land uses and the location of existing and proposed buildings and other accessory structures on the site.
 - B. The location of vehicular ingress and egress and parking spaces, (both existing and proposed) and the dimensions of the same.
 - C. The extent and type of parking lot and driveway paving.

- D. The location and dimensions of all pedestrian ways and/or sidewalks.
 - E. The location and size of all existing and proposed utilities.
 - F. Complete building elevations and signage including color renderings of the same.
 - G. Lighting plans for the site including style and intensity of all parking lot and building mounted lights.
 - H. The plan and method of disposing of all surface water from the development area, which drainage plan shall be in accordance with Section 1115.03 of the Subdivision Regulations.
- (2) A written statement containing the following:
- A. A legal description of the site and a statement of the present ownership of all the land included within the site development area.
 - B. A statement of ownership (names and addresses) and the present use of all properties located within 150 feet of the exterior boundaries of the subject development site.
 - C. A general indication of the expected schedules and/or phases of development.

(b) Upon the filing of an application for a building permit for a single family or a two family dwelling, the applicant shall also submit a site development plan to the Building Official. The site development plan shall include the following information:

A scale drawing showing:

- (1) Existing and proposed land uses and the location of existing and proposed buildings and other accessory structures on the site.
 - (2) The location of the lot within the City, the lot number, and the house number.
 - (3) The location of vehicular ingress and egress and the dimensions of the same.
 - (4) The location and dimensions of all pedestrian ways and/or sidewalks.
 - (5) The location and size of all existing and proposed utilities.
 - (6) Complete building elevations.
 - (7) The method of disposing of all surface water from the development area.
- (Ord. 2005-32. Passed 3-21-05.)

1313.03 PROCEDURE FOR FILING AND REVIEW.

(a) For all site plans, with the exception of single or two family projects, seven (7) copies of the site development plan and all accessory and supporting documents shall be submitted to the Building Official.

(b) Site development plans for a building site for single family or two family dwellings may be approved by the Building Official without further review by the Planning Commission.

(c) Site development plans for all building sites other than for single family or two family dwellings shall be submitted by the Building Official to the Planning Commission for review within thirty days of the filing of the plan.

(d) The Planning Commission shall consider such plan at a public meeting, notice of which meeting shall be served by regular mail to all property owners within 150 feet of the exterior boundaries of the subject site. Such public meeting shall be the next regularly scheduled meeting of the Planning Commission provided the plan is filed with the Building Official by the applicant at least ten (10) days prior to the date of the regular meeting.

(e) Within thirty (30) days from the date of the public meeting considering such change, the Planning Commission shall approve, deny or modify the plan.

(f) The Building Official shall, after approval of the site development plan by the Commission for a commercial or industrial project, submit the plan to the Design Review Board in accordance with Chapter 1135 of the Planning and Zoning Code.

(g) Any property owner entitled to notice of the Planning Commission's review, as herein provided, and each person submitting a site development plan, shall be entitled to appeal the decision of the Building Official, Planning Commission and/or the Design Review Board in approving, modifying, or denying the plan to Council. Such appeal shall be perfected by filing a notice in writing with the Clerk of Council within five (5) days of the decision being appealed. Such notice of appeal shall state in detail the reasons or reason why the decision is being appealed.

(h) The Building Official shall not issue a building permit and or a certificate of occupancy for the structure/project, until all the requirements of the Planning Commission and the Design Review Board have been fully complied with.

(i) An approval for a site plan shall be in effect for a period of two (2) years from the date of the Commission's approval. If the project is not substantially completed within that time, the approval shall be voided.

(Ord. 2005-32. Passed 3-21-05.)

1313.04 FEES.

Fees for the review of the site development plan, as required by this chapter, shall be as prescribed by Council in Section 1321.12.

(Ord. 2005-32. Passed 3-21-05.)

1313.99 PENALTY.

Whoever violates any portion of this chapter, or fails to comply fully with the requirements of the Planning Commission, shall be deemed in violation of the Zoning Code and such violation shall be punishable under Section 1131.01(h) and (i) of the Zoning Code.

(Ord. 2005-32. Passed 3-21-05.)

**CHAPTER 1321
Permits and Fees**

1321.01	Fee schedule adopted.	1321.07	Fee for moving buildings.
1321.02	City exempt from liability.	1321.08	Demolition fee.
1321.03	Estimated cost defined.	1321.09	Heating fees.
1321.04	Fee required prior to permit issuance.	1321.10	Plumbing fees.
1321.05	Work abandonment or discontinuance; refund.	1321.11	Electrical fees.
1321.06	Building fees; construction, alterations and additions.	1321.12	Miscellaneous fees.

CROSS REFERENCES

Power to license contractors - see Ohio R.C. 715.27

Approval of drainage at proposed building site - see S. & P.S. 905.06

Estimated fees deposited prior to plat approval - see P. & Z. 1111.06

Zoning certificate of occupancy required - see P. & Z. 1131.01

Ohio Building Code fees - see BLDG. 1301.10

Family fallout shelter fee - see BLDG. 1335.02

1321.01 FEE SCHEDULE ADOPTED.

The following schedule of fees and operating regulations shall become a part of the Building Code of the City. (Ord. 2006-18. Passed 10-24-06.)

1321.02 CITY EXEMPT FROM LIABILITY.

Any permit holder shall save, indemnify and keep harmless the City against any and all liabilities, judgment, damages, costs and expenses which may in any case accrue against the City in consequence of the granting of any license or permit under this chapter. (Ord. 2006-18. Passed 10-24-06.)

1321.03 ESTIMATED COST DEFINED.

The term "estimated cost" as used in this chapter means the reasonable value of all services, labor, materials and use of scaffolding and other appliances or devices entering into and necessary to the prosecution and completion of the work ready for occupancy: provided that the cost of excavation or grading, and of painting, decorating or other work that is merely for embellishment or not necessary for the safe and lawful use of the building or structure, is not deemed as part of the estimated cost. (Ord. 2006-18. Passed 10-24-06.)

1321.04 FEE REQUIRED PRIOR TO PERMIT ISSUANCE.

(a) No permit as required by the Building Code shall be issued until the fee prescribed in this chapter has been paid. Nor shall an amendment to a permit be approved until the additional fee, if any, due to an increase in the estimated cost of the building or structure, has been paid.

(b) In addition to the fee herein required to be paid, no permit as required by the Building Code shall be issued until the Department of Finance has endorsed on the application for such permit that the contractor or other applicant for such permit has registered with the Department of Finance the name, place of business and person or persons to whom correspondence shall be directed of the contractor, subcontractor or other person or persons who will be performing the work for which the permit is being issued.
(Ord. 2006-18. Passed 10-24-06.)

1321.05 WORK ABANDONMENT OR DISCONTINUANCE; REFUND.

In case of abandonment or discontinuance, the cost of work performed under a permit may be estimated, an adjustment of the fee made and the portion of the fee for uncompleted work returned to the permit holder, provided that no refund of a prescribed minimum fee shall be made. If such discontinuance is due to revocation of permit, a similar adjustment and return may be made; provided that no refund shall be made until all penalties incurred or imposed by due authority have been collected. After such refund has been made no work shall be resumed until a new application has been made and a new permit has been issued.
(Ord. 2006-18. Passed 10-24-06.)

1321.06 BUILDING FEES; CONSTRUCTION, ALTERATIONS AND ADDITIONS.

For a permit for the construction or alteration of a building or structure, the following schedule of fees shall prevail:

- (a) Residential. (New construction including attached garages) 1/4 of 1% of estimated value plus \$1.00 per 100 square feet floor area.
- (b) Residential Garages. (New construction)
(see "e")
- (c) Industrial. (New construction)
1/4 of 1% of estimated value plus \$1.00 per 100 square feet floor area.
- (d) Commercial. (new construction)
1/4 of 1% of estimated value plus \$1.00 per 100 square feet floor area.
- (e) Alterations and Additions or Reconstruction. (All types including detached garages, fences, etc.)

<u>Estimated Cost</u>	<u>Fee</u>
\$ 50 to 2,500	\$10.00
2,501 to 5,000	15.00
5,001 to 7,500	20.00
7,501 to 10,000	25.00
10,001 to 12,500	30.00
12,501 to 15,000	35.00

For each additional \$1,000 add \$2.00 to above plus \$1.00 per 100 square feet of additional floor area.

No fee nor permit required for alterations costing less than \$50.00.

- (f) Fee for Starting Work Without Permit. Any permit not applied for and issued before work is in progress shall be subject to a 200% penalty in addition to the normal permit fee.

(Ord. 2006-18. Passed 10-24-06.)

1321.07 FEE FOR MOVING BUILDINGS.

(a) For permit for the renewal of a building or structure from one lot to another, the fee shall be at the rate of one dollar (\$1.00) per one thousand dollars (\$1,000) of the estimated value of the building or structure in its completed condition after removal.

(b) For a permit for the removal of a building or structure to a new location within the same lot, the fee shall be at the rate of one dollar (\$1.00) per one thousand dollars (\$1,000) of the estimated cost of moving, of new foundations and of work necessary to put the building or structure in usable condition in its new location.

(Ord. 2006-18. Passed 10-24-06.)

1321.08 DEMOLITION FEE.

For a permit for the demolition of a building or structure, the fee shall be at the rate of five dollars (\$5.00) for each ten feet in the height of such building or structure plus one percent additional for each foot of street frontage of the building or structure in excess of fifty feet.

(Ord. 2006-18. Passed 10-24-06.)

1321.09 HEATING FEES.

Heating appliances and systems shall be subject to the fees as defined in Section 1321.06.

(Ord. 2006-18. Passed 10-24-06.)

1321.10 PLUMBING FEES.

Plumbing permits, for both commercial/industrial and residential fall under the authority of the Erie County Health Department.

(Ord. 2006-18. Passed 10-24-06.)

1321.11 ELECTRICAL FEES.

(a) Prior to the installation of any electrical wiring in a residential, commercial or industrial building or structure, a permit shall be obtained from the Building Official. Permit and inspection fees to be paid to the City for the permit and inspection of electrical wiring installations shall be as follows:

- | | | |
|-----|--|-----------|
| (1) | <u>Residential.</u> | |
| | 1, 2 and 3 Family Dwellings- | |
| | New construction/major remodeling & additions, rough & final inspections per dwelling unit | \$ 175.00 |
| | Additions & remodeling (not considered major) | 125.00 |
| | Service change | 75.00 |
| (2) | <u>Commercial/Industrial.</u> | |
| | New construction/major remodeling & additions | 250.00 |
| | Additions & remodeling (not considered major) | 150.00 |
| | Service change (per meter) | 100.00 |
| (3) | <u>General.</u> | |
| | Temporary wiring during construction | 75.00 |
| | Electric signs | 75.00 |
| (4) | Inspections made necessary because of incompetent, incomplete or negligent work (per inspection) | 75.00 |
| (5) | Fees for starting work without a permit. Any permit not applied for and issued before work is in progress shall be subject to a 200% penalty in addition to the normal permit fee. | |

(b) Fire Demand Certificate. Any building or structure in which the electrical wiring has been damaged or rendered defective by fire, shall have a fire demand certificate posted in it by the Building Official, specifying what portion or portions of the electrical wiring shall be repaired or replaced.

(c) Disconnecting Current. The Chief of the Fire Division, the Building Official, or any other competent person delegated by either of them shall have the authority to cause the turning off of all electrical currents or to cut or disconnect, in cases of emergency, any wires where such electrical currents are dangerous to life or property or where such wires may interfere with the work or progress of the Fire Division.

(d) Service Entrance Equipment. Service entrance equipment shall be a minimum of 100 ampere capacity per family in single or multiple dwellings either of the automatic breaker or the safety-type fuse switch.
(Ord. 2006-18. Passed 10-24-06.)

1321.12 MISCELLANEOUS FEES.

(a) Fees for an application for appeal before the Board of Building and Zoning Appeals as required by Section 1131.02 shall be one hundred fifty dollars (\$150.00).

(b) Fees for a site development plan reviewed by the Planning Commission as required by Section 1313.04 shall be one hundred fifty dollars (\$150.00).

(c) Fees for an amendment or re-districting as required by Section 1131.03 shall be two hundred fifty dollars (\$250.00).

(d) Fees for the issuance of a permit for a sign, including a portable or temporary sign, shall be as follows:

<u>Sq. Ft.</u>	<u>Base Fee</u>	<u>Area Fee</u>
50 sq. ft. of less	\$100.00	.25 per sq. ft.
51 - 200 sq. ft.	\$150.00	.25 per sq. ft.
over 200 sq. ft.	\$200.00	.25 per sq. ft.

(e) Fees for the review of commercial/industrial projects by the Design Review Board shall be one hundred and fifty dollars (\$150.00) for projects determined by the Building Official to be "major" and fifty dollars (\$50.00) for projects determined by the Building Official to be "minor". (Ord. 2006-18. Passed 10-24-06.)

TITLE FIVE - Additional Building Standards

Chap. 1333. Gas Piping and Appliances.

Chap. 1335. Family Fallout Shelters.

Chap. 1337. Satellite Receiving Stations.

**CHAPTER 1333
Gas Piping and Appliances**

1333.01	Definitions.	1333.05	Large installations.
1333.02	Compliance required.	1333.06	Typical reference diagrams available.
1333.03	Service line requirements.	1333.99	Penalty.
1333.04	House line requirements.		

CROSS REFERENCES

Compulsory gas connections - see Ohio R. C . 743.37

Gas lines in subdivisions - see P. & Z. 1117.11

Pressure piping systems code - see OAC 4101:8

1333.01 DEFINITIONS.

(a) "Service line or service pipe" as used herein means the pipe line and fittings between the service line connection of the gas company distributing gas and the inlet side of the meter setting.

(b) "Service line connection" means the pipe line and fittings from the gas main of the gas company distributing gas up to and including the curb cock.

(c) "House piping or house lines" means the pipe lines and fittings beyond the outlet side of the meter setting which are installed upon the premises where gas is to be consumed.

(d) "Appliance" means any gas-burning device.

(e) "Meter setting" includes the swivel connected to the inlet and outlet of the meter.

(f) "Curb cock" means the stopcock shut-off valve at or near the property line of the premises on which gas is to be consumed.

(g) "Gas company" means the public utility distributing and selling gas for public consumption in the City. (Ord. 412. Passed 3-23-59.)

1333.02 COMPLIANCE REQUIRED.

No person shall install, construct, alter or repair service lines and house lines for gas-burning appliances which do not comply with the standards set forth herein. (Ord. 412. Passed 3-23-59.)

1333.03 SERVICE LINE REQUIREMENTS.

(a) Service lines shall not be of a size smaller than that of the gas company's service line connection.

(b) Standard weight wrought iron or black steel pipe shall be used for all service lines.

(c) Galvanized pipe shall not be used for underground service lines.

(d) All screw fittings shall be black malleable iron of the banded or beaded type. Bushings, unions, screw couplings, all thread nipples, cast iron fittings, or galvanized fittings, solder type fittings and connections shall not be permitted in the service line.

(e) Where more than one length of pipe is required, welding or a compression coupling of the Dresser type (Style 38), or its equivalent, with armored gasket, shall be used to join the lengths of service pipe.

When welding is used, the welding procedures and the quality of welding shall conform to the procedures and processes in Pressure Piping Systems Code 4101:8 of the Ohio Administrative Code for welds on piping systems intended to operate at less than twenty percent of the specified minimum yield strength.

(f) The customer service line shall be laid on undisturbed or well compacted soil in a separate trench, avoiding sewers, water pipes and conduits, and shall not run through septic tanks or leaching beds. It shall not be laid on a bench or offset of a deeper trench. The trench shall be graded uniformly to provide solid and continuous foundation for the pipe and shall be deep enough to provide at least twelve inches of cover over service pipe.

(g) The service line shall be installed in a continuous straight line and at right angles to the building line. Turns consisting of ninety degree ells and nipples shall be used where underground vertical offsets are required. Bends in pipe shall not be permitted.

(h) Where the service line is laid under a portion of a building, the line shall be cased from a point at least two feet beyond the foundation entry and, if a riser is involved, to a point on the riser at least six inches above the floor. The ends of the casing shall be sealed by welding to the service line. A vent line shall be provided from the casing to a point outside the building.

(i) The service line may parallel the foundation wall, at a distance of not less than three feet from the foundation, to a point opposite the meter setting location. Such a line shall not parallel the foundation or building wall for a distance of more than fifteen feet. The meter shall be installed on the outside of the building and located so as to comply with above conditions.

(j) The service line shall not be laid under concrete or other hard surface walks or driveways except where it may be necessary to cross under such walks or driveways and except where such walks or driveways extend from curb to foundation wall and the full width of the property such as service stations and places of business. Where a service line is installed under these conditions, a vent shall be installed over the line near the foundation wall.

Where a riser passes through a walk or driveway, it shall pass through a sleeve or other means of providing a space between the riser and the walk or drive. This provision shall apply to the construction of a walk or driveway around an existing riser.

(k) Each length of pipe shall be examined before connecting, and dirt or obstruction removed. The burr left by the cutting tool shall be reamed off. Pipe and fittings shall be examined for condition of threads. Pipe dope or thread lubricant shall be used sparingly and on male threads only.

(l) When a service line terminates at an outside meter setting, the inlet riser shall include a tee ahead of the meter stop. The side opening of the tee shall be plugged and the head of the plug used to close this opening shall be drilled for seal wire.

(m) A suitable vent terminating in an insectproof and rainproof fitting shall be provided for all service pressure regulators. The vent shall be the same size as the vent top on the regulator. Pressure regulators supplied from medium or high pressure mains shall be installed outside of the building.

(n) The service line trench shall not be backfilled until after the line has been inspected by the gas company supplying gas to the premises. The trench shall be backfilled within twenty-four hours after approval of inspection.

No heavy weight or heavy material, such as large stones or concrete blocks, and no cinders or slag shall be placed on the service line or in the fill over the service line.

No heavy equipment shall be run over the service line or trench after it has been backfilled.

(o) An approved tamperproof stopcock (a stopcock designed and constructed to minimize the possibility of the removal of the core of the cock accidentally or willfully) shall be installed in the service line ahead of the regulator and the meter inlet. All stopcocks over two inches shall be of the lubricated type.

Where two or more meters are manifolded at one location, a master cock controlling the gas supply to all meters must be provided in addition to the cocks controlling the supply to each meter.

On multiple meter installations, each meter stop shall be plainly marked by a metal tag designating the part of the building being supplied.

(p) All piping from the point where the house line enters the building to the meter shall be exposed and accessible.

(q) Gas meters shall be installed as near as practicable to the point where the house line enters the building and shall be so located as to be readily accessible for examination, reading, replacement and where they will not be subjected to damage, excessive corrosion or to extreme temperatures.

All gas meters shall be located outside and at a minimum of three feet from any electric meter and a minimum of five feet from any steam or other harmful exhaust. The meter shall be protected by a cover which can easily be removed when needed and also shall have a properly located opening for reading.

No meter shall be removed, connected or reconnected except by the gas company supplying gas to the premises.

(r) Each building served with gas shall have a separate service line, except that a separate line shall not be laid for gas service to a garage, workshop or other building on a lot where there already exists a service line to the residence or main building of the customer.

For single-family dwellings, and for doubles, duplexes, apartments, terraces or flats having a basement common to all tenants, one customer service line only is required and meters shall be manifolded at one location. Where the gas main is located in the alley, the curb cock and box shall be located adjacent to the rear property line. Where the gas main is located in the roadway or between the curb and property line, the curb cock and box shall be located adjacent to the front property line.

In special cases where no location is available for outside meter setting, the Building Official may issue a written approval for an inside meter setting along with the approval of the gas company. In this case the gas company shall supply the instructions to govern this meter installation. (Ord. 412. Passed 3-23-59.)

1333.04 HOUSE LINE REQUIREMENTS.

(a) House lines in building shall comply with the Standard for Welded and Seamless Wrought-Steel Pipe, American National Standards Institute B36.10-75.

(b) All pipe fittings except stopcocks and valves shall be malleable iron and, except for stopcocks, valve couplings and unions, shall be of the banded or beaded type.

(c) Running threads, right and left couplings, bushings, cast iron fittings, solder type fittings or connections shall not be used.

(d) When unions are used they shall be of the ground joint type and shall be center punched to prevent loosening.

(e) Handle type stopcocks or hard seat valves shall be used and all valves requiring packing shall be packed with asbestos material.

(f) House piping and fittings shall be clear and free from cutting burrs and defects in structure or threading. Pipe dope or thread lubricant shall be used sparingly and on male threads only.

(g) All house pipes shall be securely supported by means of straps or hooks of permanent material to ceilings and walls and all strains on piping eliminated.

(h) House piping shall not be laid in a concrete floor slab. Where the house lines are laid under a concrete floor slab, the lines shall be cased from a point six inches beyond line entry to a point two inches above the floor for each riser.

(i) House piping shall not be run in or through an air duct, clothes chute, chimney or flue, ventilating duct, dumb waiter or elevator shaft. Bends in pipe shall not be permitted.

(j) When installing house piping, which shall be concealed in partitions, the number of fittings shall be kept to a minimum. Unions and swing joints made of combinations of fittings shall not be used.

(k) When welding is used, the welding procedures and the quality of welding shall conform to the procedures and processes in Pressure Piping Systems Code 4101:8 of the Ohio Administrative Code for welds on piping systems intended to operate at less than twenty percent of the specified minimum yield strength.

(l) When a semirigid tubing connector or a connector of flexible metal tubing and fittings is used, it shall connect to a solid pipe outlet in the same room as the appliance. The length of the connection shall not exceed six feet and it shall be installed so as to be protected against mechanical injury. For water heaters the connection shall not exceed two feet.

(m) House pipe outlets shall be far enough from walls and floors and shall project far enough from them to permit the use of a pipe wrench of suitable size without straining or bending the pipe. All outlets shall be securely capped or plugged.

(n) No connection shall be made between a gas line and any water line, air line or any other line carrying a fluid or gas other than that in the gas company's mains. No regulator shall be installed to control the flow of gas which has gas on one side of the diaphragm and water, steam or air at more than atmospheric pressure on the other side.

(o) House piping to an appliance shall not be less in size than the manifold size or connection at the appliance. Piping and fittings to a central heating furnace or boiler shall not be less than one and one-fourth inches. The drop line to the equipment shall be no less than the size of the manifold.

(p) No house piping smaller than three-fourths of an inch shall be approved except for supplying small incidental heaters, Bunsen burners, refrigerators and clothes driers.

(q) In remodeling or extending existing house piping, connections shall be made so that sizes can be maintained in accordance with the provisions of this section. Where sizes cannot be maintained from existing house piping, extensions shall be supplied by a separate line of pipe from the meter.

(r) A valve or stop shall be installed ahead of each gas-burning appliance. The valve or stop shall be placed in an accessible position.

(s) Unless otherwise specifically provided in this section, house lines laid outside of a building shall be installed, constructed, altered and repaired in accordance with the provisions of Section 1333.03, from the meter setting outlet through the foundation or floor of such building. (Ord. 412. Passed 3-23-59.)

1333.05 LARGE INSTALLATIONS.

Piping layouts for service line and house line installations in multiple dwellings, commercial buildings, public buildings, large single dwellings and similar large installations shall be submitted to the gas company serving the premises prior to installation, construction, alteration or repair thereof.

(Ord. 412. Passed 3-23-59.)

1333.06 TYPICAL REFERENCE DIAGRAMS AVAILABLE.

Typical outside meter setting diagrams can be obtained from the Building Official to show typical installations of service and house lines. They are made a part of this chapter for purposes of reference and shall not limit or alter the provisions of Sections 1333.01 to 1333.05.

(Ord. 412. Passed 3-23-59.)

1333.99 PENALTY.

Whoever violates any provisions of this chapter is guilty of a minor misdemeanor. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.

CHAPTER 1335
Family Fallout Shelters

1335.01	Family fallout shelter defined.	1335.04	Standard for construction and structural stability.
1335.02	Permit required; fee; conditions of issuance.	1335.05	Application.
1335.03	Standard for design.	1335.99	Penalty.

1335.01 FAMILY FALLOUT SHELTER DEFINED.

"Family fallout shelter" means a structure designed and constructed in accordance with this chapter, for emergency use only, to afford minimum protection from nuclear radiation, commonly known as "fallout" resulting from a nuclear incident which recently has been, or is, or is likely to be of catastrophic proportions. (Ord. 1962-20. Passed 7-23-62.)

1335.02 PERMIT REQUIRED; FEE; CONDITIONS OF ISSUANCE.

No person shall construct a family fallout shelter unless he first obtains a permit from the Building Official. The fee for a family fallout shelter permit shall be ten dollars (\$10.00). The permit shall be issued conditioned upon the observance of all applicable provisions of the Building Code. (Ord. 1962-20. Passed 7-23-62.)

1335.03 STANDARD FOR DESIGN.

A family fallout shelter shall be of a design conforming to that recommended or accepted by the Federal Department of Defense, Office of Civil Defense. (Ord. 1962-20. Passed 7-23-62.)

1335.04 STANDARD FOR CONSTRUCTION AND STRUCTURAL STABILITY.

A family fallout shelter shall, in all matters relating to construction and structural stability, comply with not less than the equivalent of the provisions relating to Design Loads and General Building Requirements specified in the Regional Dwelling House Code adopted in Section 1305.01. (Ord. 1962-20. Passed 7-23-62.)

1335.05 APPLICATION.

Notwithstanding the foregoing, the provisions contained in the Building Code relating to administration, permits, inspections, appeals and penalties shall be applicable to family fallout shelters. (Ord. 1962-20. Passed 7-23-62.)

1335.99 PENALTY.

Whoever violates any provision of this chapter is guilty of a minor misdemeanor.

CHAPTER 1337
Satellite Receiving Stations

<p>1337.01 Definitions</p> <p>1337.02 Permit required.</p> <p>1337.03 Application for permit; plans.</p> <p>1337.04 Inspection of installation.</p> <p>1337.05 Location of satellite signal receiving earth stations and parabolics.</p>	<p>1337.06 Satellite signal receiving earth stations and parabolics support structures.</p> <p>1337.07 Variances.</p> <p>1337.99 Penalty.</p>
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1337.01 DEFINITIONS.

(a) "Dish-type satellite signal-receiving antennas", also referred to as "earth stations" or "ground stations", means one or a combination of two or more of the following:

- (1) A signal-receiving device (antenna, dish antenna, or dish-type antenna), the purpose of which is to receive communication or other signals from satellites in earth orbit and other extraterrestrial sources.
- (2) A low-noise amplifier (LNA) which is situated at the focal point of the receiving component and the purpose of which is to magnify, store, transfer and/or transmit electronic or light signals.
- (3) A coaxial cable the purpose of which is to carry or transmit such signals to a receiver.

(b) "Receiver" means a television set or radio receiver.

(c) "Dish" means that part of a satellite signal-receiving antenna characteristically shaped like a saucer or dish.

(d) "Grounding rod" means a metal pole permanently positioned in the earth to serve as an electrical conductor through which electrical current may safely pass and dissipate. (Ord. 1985-29. Passed 11-25-85.)

1337.02 PERMIT REQUIRED.

No person, firm or corporation shall erect an earth station in the City without a permit, and no installation or erection shall commence before such permit is issued. (Ord. 1985-29. Passed 11-25-85.)

1337.03 APPLICATION FOR PERMIT; PLANS.

(a) Any owner who desires to construct or erect an earth station may apply to the building department for the permit referred to in Section 1337.02. A part-owner, occupant or renter shall have written permission from all owners of the lot, premises or parcel of land within the City on which such construction or erected earth station is proposed.

(b) The Building Inspector shall issue such permit provided the applicant submits a written application upon forms provided by the building department along with a plot plan of the lot, premises or parcel of land, showing exact location of the proposed earth station and all other buildings on the subject lot; a description of the kind of earth station proposed; plans showing specifications and elevations of the proposed location; and sufficient details to show the method of assembly and construction together with the sum of fifty dollars (\$50.00) which represents the permit fee. The permit fee shall cover the costs of reviewing the construction plans and specifications, inspecting the final construction and processing the application.

(c) The application shall indicate the owner or owners of the subject property, the occupant of the subject premises and the contractor or other person who shall be permitted to construct or erect the proposed earth station and showing such contractor's licensing or certification otherwise required by law. (Ord. 1985-29. Passed 11-25-85.)

1337.04 INSPECTION OF INSTALLATION.

Inspection of the installation by the Building Inspector shall be in accordance with a schedule established by the Building Inspector and may be reinspected should, in the opinion of the Building Inspector, any structural or electrical deficiencies become apparent. (Ord. 1985-29. Passed 11-25-85.)

1337.05 LOCATION OF SATELLITE SIGNAL RECEIVING EARTH STATIONS AND PARABOLICS.

(a) No earth station shall be erected in front of or beside any main building upon any lot and shall be located only in the rear yard. There shall be a minimum distance of twenty feet between the center of any such satellite station and any lot line.

(b) No earth station antenna shall be linked to any receivers which are not located on the same lot or premises as the earth station antenna.

(c) No earth station shall be erected on the roof top of any structure.

(d) No part of any earth station shall be located within six feet of any structure.
(Ord. 1985-29. Passed 11-25-85.)

**1337.06 SATELLITE SIGNAL RECEIVING EARTH STATIONS AND
PARABOLICS SUPPORT STRUCTURES.**

(a) The structure must be in conformance with the National Electrical Code, Article 800 and all other regulations or requirements imposed by law.

(b) Only metal support, galvanized construction shall be used in an earth station.

(c) The maximum diameter of any earth station shall not exceed twelve feet.

(d) Only a concrete base shall be employed and in line with grade.

(e) The maximum height of any earth station shall be fifteen feet from grade level.

(f) The structure, including foundation, shall be designed to withstand wind force of up to seventy miles per hour in conformance with generally accepted engineering practices.

(g) Any driving motor shall be limited to 110-volt maximum power design and shall be encased in protective guards and shall at all times be in compliance with requirements as provided in the National Electrical Code, Article 800 and any other requirements as provided by law.

(h) All wiring shall be underground and shall be encased in approved PVC conduit or rigid conduit with eighteen-inch cover.

(i) The earth station shall be bonded to an eight-foot grounding rod and in accordance with the requirements as provided in the National Electrical Code.

(j) The earth station shall be manufacturer's standard color and shall contain no graphics or advertising. (Ord. 1985-29. Passed 11-25-85.)

1337.07 VARIANCES.

The Board of Building and Zoning Appeals may permit a variance from the applicable sections of this chapter when, upon appeal, it clearly appears by reason of special conditions that undue hardship would result from a literal application of any section of this chapter.

The procedure for submitting a request for a variance shall be the same as set forth in Section 1355.02. (Ord. 1990-10. Passed 7-9-90.)

1337.99 PENALTY.

No person shall operate, use, erect or maintain any earth station that is not in compliance with Section 1337.01 to 1337.06. Whoever violates any provision of this chapter is guilty of a minor misdemeanor on the first offense; and of a misdemeanor of the fourth degree on each subsequent offense. A separate offense shall be deemed to be committed each day during or on which an offense occurs or continues. (Ord. 1985-29. Passed 11-25-85.)

TITLE SEVEN - Housing Code

- Chap. 1351. Definitions.
- Chap. 1353. Enforcement, Inspections, Notice and Penalty.
- Chap. 1355. Appeal, Hearing and Variances.
- Chap. 1357. Condemnation Proceedings.
- Chap. 1358. Removal of Unsafe Buildings.
- Chap. 1359. Basic Equipment and Facilities.
- Chap. 1361. Light, Ventilation and Heating.
- Chap. 1363. Safety and Sanitation.
- Chap. 1365. Space, Height and Use.
- Chap. 1367. Responsibility of Owners and Occupants.
- Chap. 1369. Rooming Houses.

CHAPTER 1351 Definitions

<p>1351.01 Title, purpose and application of terms.</p> <p>1351.02 Bathroom.</p> <p>1351.03 Basement.</p> <p>1351.04 Cellar.</p> <p>1351.05 Dwellings.</p> <p>1351.06 Dwelling unit.</p> <p>1351.07 Extermination.</p> <p>1351.08 Garbage.</p> <p>1351.09 Habitable room.</p> <p>1351.10 Health Commissioner.</p>	<p>1351.11 Housing Inspector.</p> <p>1351.12 Infestation.</p> <p>1351.13 Occupant.</p> <p>1351.14 Operator.</p> <p>1351.15 Owner.</p> <p>1351.16 Person.</p> <p>1351.17 Plumbing.</p> <p>1351.18 Rooming unit.</p> <p>1351.19 Rubbish.</p> <p>1351.20 Safe load.</p> <p>1351.21 Supplied.</p>
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1351.01 TITLE, PURPOSE AND APPLICATION OF TERMS.

- (a) Title Seven shall be known as the Housing Code.
- (b) The purpose of the Housing Code is to establish minimum standards of hygiene and sanitation governing the condition, maintenance and space occupancy of dwellings; to establish minimum standards governing supplied utilities and facilities and other physical things and conditions essential to make dwellings safe, sanitary and fit for occupants of dwellings; to establish minimum standards governing the condition of dwellings offered for rent; to fix certain responsibilities and duties of owners and occupants of dwellings, authorizing the inspection of dwellings and the condemnation of dwellings found to be unfit for human habitation.

(c) The definitions in this chapter shall apply in the interpretation and enforcement of this Title Seven, the Housing Code.

(d) Whenever the words "dwelling", "dwelling unit", "rooming house", "rooming unit" or "premises" are used herein they shall be construed as though they were followed by the words "or any part thereof".

(e) "Housing Code" as used herein means the provisions of Title Seven of the Building Code. (Ord. 1972-2. Passed 1-10-72.)

1351.02 BATHROOM.

"Bathroom" means a room which affords privacy to a person within such room, and is equipped with a flush water closet, a lavatory basin and a bathtub or shower. The facilities of the bathroom shall be in good working condition and properly connected to a public water and sewer system or to a sewer and water system approved by the Housing Inspector. (Ord. 1971-43. Passed 7-26-71.)

1351.03 BASEMENT.

"Basement" means that portion of the building partly underground, but having less than half its clear height below the average grade of the adjoining ground (see Cellar). (Ord. 1971-43. Passed 7-26-71.)

1351.04 CELLAR.

"Cellar" means that portion of the building partly underground, having half or more than half of its clear height below the average grade of the adjoining ground. (Ord. 1971-43. Passed 7-26-71.)

1351.05 DWELLINGS.

(a) "One-family dwelling" means a building containing one dwelling unit with not more than five lodgers or boarders.

(b) "Two-family dwelling" means a building containing two dwelling units with not more than five lodgers or boarders per family but not more than twenty individuals.

(c) "Multi-family-apartment house" means a building containing more than two dwelling units.

(d) "Boarding house", "lodging house" or "tourist house" means a building arranged or used for lodging with or without meals, for compensation, for more than five and not more than twenty individuals.

(e) "Dormitory" means a building arranged or used for lodging six but not more than twenty individuals and having common toilet and bathroom facilities.

(f) "Hotel" means a building arranged or used for sheltering, sleeping or feeding, for compensation, more than twenty individuals. (Ord. 1971-43. Passed 7-26-71.)

1351.06 DWELLING UNIT.

"Dwelling unit" means one or more rooms arranged for the use of one or more individuals living together as a single housekeeping unit, with cooking, living, sanitary and sleeping facilities. (Ord. 1971-43. Passed 7-26-71.)

1351.07 EXTERMINATION.

"Extermination" means the control and elimination of insects, rodents or other pests by eliminating their harboring places, by removing or making inaccessible materials that may serve as their food, by poisoning, spraying, fumigating, trapping or by any other recognized and legal pest elimination methods approved by the City Manager or the Health Commissioner. (Ord. 1971-43. Passed 7-26-71.)

1351.08 GARBAGE.

"Garbage" means the animal, vegetable or mineral waste from the handling, preparation, cooking and consumption of food. (Ord. 1971-43. Passed 7-26-71.)

1351.09 HABITABLE ROOM.

"Habitable room" means a room or enclosed floor space used or intended to be used for living, sleeping, cooking or eating purposes, excluding bathrooms, water closets, laundries, pantries, foyers or communicating corridors, closets and storage spaces. (Ord. 1971-43. Passed 7-26-71.)

1351.10 HEALTH COMMISSIONER.

"Health Commissioner" means the legally designated health authority of the City or his authorized representative. (Ord. 1971-43. Passed 7-26-71.)

1351.11 HOUSING INSPECTOR.

"Housing Inspector" means the Building Official of the City or his duly authorized representative. (Ord. 1971-43. Passed 7-26-71.)

1351.12 INFESTATION.

"Infestation" means the presence, within or around a dwelling, of insects, rodents or other pests. (Ord. 1971-43. Passed 7-26-71)

1351.13 OCCUPANT.

"Occupant" means any person living, sleeping or cooking in, or having actual possession of a dwelling unit or rooming unit. (Ord. 1971-43. Passed 7-26-71.)

1351.14 OPERATOR.

"Operator" means any person who has charge, care or control of a building or part thereof, in which dwelling units or rooming units are let. (Ord. 1971-43. Passed 7-26-71.)

1351.15 OWNER.

"Owner" means any person who, alone or jointly or severally with others:

- (a) Has legal or equitable title to any dwelling or dwelling unit, rooming house or rooming unit together with the right to control or possess the same. When any such dwelling, dwelling unit, rooming house or rooming unit has been sold under a land contract whereby the right to possession and duties of maintenance are vested in the purchaser, then such land contract purchaser is deemed to be the owner for the purposes of this Housing Code; or
- (b) Has charge, care or control of any dwelling or dwelling unit, rooming house or rooming unit, as agent of the owner, or as executor, executrix, administrator, administratrix, assignee, trustee or guardian of the estate of the owner. Any such person thus representing the actual owner shall be bound to comply with the provisions of this Housing Code, and of rules and regulations adopted pursuant thereto, to the same extent as if he were the owner.
(Ord. 1971-43. Passed 7-26-71.)

1351.16 PERSON.

"Person" means any individual, firm, corporation, association or partnership.
(Ord. 1971-43. Passed 7-26-71.)

1351.17 PLUMBING.

"Plumbing" means and includes all of the following supplied facilities and equipment: water pipes, garbage disposal units, waste pipes, water closets, sinks, installed dishwashers, lavatories, bathtubs, shower baths, installed clothes-washing machines, catch basins, drains, vents and any other similar supplied fixtures, together with all connections to water and sewer lines.
(Ord. 1971-43. Passed 7-26-71.)

1351.18 ROOMING UNIT.

"Rooming unit" means any room or group of rooms used or intended to be used for living and sleeping, but not for cooking or eating purposes. (Ord. 1971-43. Passed 7-26-71.)

1351.19 RUBBISH.

"Rubbish" means combustible and noncombustible waste materials, except garbage. Rubbish includes the residue from the burning of wood, coal, coke and other combustible material, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery and dust.
(Ord. 1971-43. Passed 7-26-71.)

1351.20 SAFE LOAD.

"Safe load" means the minimum load indicated in Chapter 39 of the Regional Dwelling House Code as adopted in Chapter 1305 of this Building Code.
(Ord. 1971-43. Passed 7-26-71.)

1351.21 SUPPLIED.

"Supplied" means paid for, furnished or provided by or under the control of the owner or operator. (Ord. 1971-43. Passed 7-26-71.)

CHAPTER 1353
Enforcement, Inspections, Notice and Penalty

1353.01	Enforcement.	1353.05	Enforcement by City Manager.
1353.02	Inspections; right of entry.	1353.06	Emergency orders.
1353.03	Rules and regulations.	1353.99	Penalty.
1353.04	Violation notice; contents and service.		

CROSS REFERENCES

Obstructing official business - see GEN. OFF. 525.07
Penalties applicable to misdemeanor classifications - see
GEN. OFF. 501.99
Impersonation of public official - see GEN. OFF. 525.03

1353.01 ENFORCEMENT.

The provisions of this Title Seven, the Housing Code of the City, shall be enforced by the Housing Inspector. (Ord. 1962-20. Passed 7-23-62.)

1353.02 INSPECTIONS; RIGHT OF ENTRY.

Upon presentation of proper credentials or proper identification, the Housing Inspector may enter at reasonable times any building, structure or premises in the City to perform any duty imposed on him by this Housing Code. No person shall in any way obstruct, hinder, delay or otherwise interfere with the Housing Inspector in such entrance.
(Ord. 1962-20. Passed 7-23-62.)

1353.03 RULES AND REGULATIONS.

The Housing Inspector is hereby authorized to make and adopt such rules and regulations as may be necessary for the proper enforcement of the provisions of this Housing Code, provided that such rules and regulations shall not be in conflict with the provisions or intent of this Housing Code. Such adopted rules and regulations shall have the same force and effect as the provisions of this Housing Code.
(Ord. 1962-20. Passed 7-23-62.)

1353.04 VIOLATION NOTICE; CONTENTS AND SERVICE.

Whenever the Housing Inspector determines that there is a violation of any provision of this Housing Code or of any rule or regulation adopted pursuant thereto, he shall give notice of such alleged violation to the person or persons responsible therefor, as provided. Such notice shall:

- (a) Be put in writing;
- (b) Include a statement of the reasons why it is being issued;
- (c) Allow a reasonable time for the performance of any act it requires;
- (d) Be served upon the owner or his agent or the occupant by personal service.

If, after a diligent search, personal service cannot be made upon the owner, such notice may be served in the following manner.

- (1) By registered mail to the last known address with a request for return receipt; and
- (2) By posting such notice in a conspicuous place in or about the premises.
(Ord. 1962-20. Passed 7-23-62.)

1353.05 ENFORCEMENT BY CITY MANAGER.

Whenever the Housing Inspector determines that there has been a violation of this Housing Code relative to any of the following four subjects, he shall advise the City Manager or the Health Commissioner of such violation. The City Manager shall take such enforcement action as is necessary to correct any such violation in accordance with the provisions of this Housing Code.

- (a) Private water supplies and private sewage disposal systems;
- (b) Methods of elimination of insects, rodents and other pests;
- (c) Location of receptacles for the storage of garbage and rubbish;
- (d) Methods of ventilation other than by windows and skylights.

This section does not preclude the City Manager from initiating independent action in the enforcement of matters relative to the above four subjects. (Ord. 1962-20. Passed 7-23-62.)

1353.06 EMERGENCY ORDERS.

Whenever the Housing Inspector finds that an emergency exists which requires immediate action to protect the public health and safety, he may issue an order reciting the existence of such an emergency and requiring that such action be taken as he deems necessary to meet the emergency. Notwithstanding the other provisions of this Housing Code, such order shall be effective immediately and complied with immediately.

(Ord. 1962-20. Passed 7-23-62.)

1353.99 PENALTY.

Whoever violates any provision of this Title Seven, the Housing Code, or any lawful order, rule or regulation issued pursuant thereto, is guilty of a minor misdemeanor. Any such violation shall constitute a separate offense on each successive day continued.

(Ord. 1962-20. Passed 7-23-62.)

CHAPTER 1355
Appeal, Hearing and Variances

1355.01	General powers of Appeal Board.	1355.05	Procedural rules; quorum.
1355.02	Appeal; hearing and notice.	1355.06	Powers of interpretation.
1355.03	Action upon notice.	1355.07	Variances.
1355.04	Proceedings at hearings; findings.		

CROSS REFERENCES

Board of Building and Zoning Appeals created - see CHTR. § 7.02
Appeals from administrative agencies - see Ohio R.C. Ch. 2506
Contents and service of violation notice - see BLDG. 1353.04

1355.01 GENERAL POWERS OF APPEAL BOARD.

The Board of Building and Zoning Appeals, as created in Section 7.02 of the City Charter, shall conduct hearings and exercise functions as authorized by this Title Seven, the Housing Code. (Ord. 1962-20. Passed 7-23-62.)

1355.02 APPEAL; HEARING AND NOTICE.

Any person affected by any notice which has been issued in connection with the enforcement of any provision of this Housing Code, or of any rule or regulation adopted pursuant thereto, may request and shall be granted a hearing before the Board of Building and Zoning Appeals on all matters set forth in such notice; provided that such person shall file in the office of the Housing Inspector a written petition requesting such hearing and setting forth a brief statement of the grounds therefor within ten calendar days after the day the notice was served. The filing fee for such petition shall be five dollars (\$5.00).

Upon the receipt of such petition, the Housing Inspector, acting as executive secretary to the Board, shall set a time and place for such hearing and shall give the petitioner written notice thereof. At such hearing the petitioner shall be given opportunity to be heard and to show why such notice should be modified or withdrawn. The hearing shall be commenced not later than thirty days after the day on which the petition was filed; provided, that upon application of the petitioner, the Board of Building and Zoning Appeals may postpone the date of hearing for a reasonable time beyond such thirty day period, if in its judgment the petitioner has submitted a good and sufficient reason for such postponement. (Ord. 1962-20. Passed 7-23-62.)

1355.03 ACTION UPON NOTICE.

After such hearing, the Board of Building and Zoning Appeals shall sustain, modify or withdraw the notice, depending upon its findings as to whether the provisions of this Housing Code and the rules and regulations adopted pursuant thereto have been complied with. If the Board sustains or modifies such notice, it shall be deemed to be an order. Any notice served pursuant to Section 1353.04 shall automatically become an order if a written petition for a hearing is not filed in the office of the Housing Inspector within ten calendar days after such notice is served. Any permit required by this Housing Code or required by any rule or regulation adopted pursuant thereto, shall be deemed to have been revoked if the Board of Building and Zoning Appeals after a hearing sustains the notice of suspension. Any such permit which has been suspended by a notice shall be deemed to be automatically revoked if a petition for a hearing is not filed in the office of the Housing Inspector within ten calendar days after such notice is served. (Ord. 1962-20. Passed 7-23-62.)

1355.04 PROCEEDINGS AT HEARINGS; FINDINGS.

The proceedings at such hearings, including the findings and decision of the Board of Building and Zoning Appeals, shall be summarized, reduced to writing and entered as a matter of public record in the office of the Department of Building and Housing Inspection. The findings, decisions and orders of the Board of Building and Zoning Appeals shall be final. Such record shall also include a copy of every notice or order issued in connection with the matter. (Ord. 1962. Passed 7-23-62.)

1355.05 PROCEDURAL RULES; QUORUM.

The Board of Building and Zoning Appeals shall adopt rules of procedure not inconsistent with this Housing Code. No member of the Board shall take part in any hearing or determination in which he has a personal or financial interest. Four members of the Board in attendance at any meeting shall constitute a quorum. (Ord. 1962-20. Passed 7-23-62.)

1355.06 POWERS OF INTERPRETATION.

The Board of Building and Zoning Appeals shall interpret the intent of this Housing Code and any rules or regulations adopted pursuant thereto. (Ord. 1962-20. Passed 7-23-62.)

1355.07 VARIANCES.

The Board of Building and Zoning Appeals shall permit a reasonable minimum variance from the applicable section of this Housing Code when, upon appeal, it clearly appears by reason of special conditions that undue hardship would result from a literal application of any section of this Housing Code. All decisions to permit a variance under this section shall be by a majority of the members voting. (Ord. 1962-20. Passed 7-23-62.)

**CHAPTER 1357
Condemnation Proceedings**

1357.01	Compliance.	1357.05	Tampering with or removing placard.
1357.02	Dwellings unfit for habitation.	1357.06	Hearing.
1357.03	Vacation of premises.		
1357.04	Reoccupancy of dwelling.		

CROSS REFERENCES

Housing Code definitions - see BLDG. Ch. 1351

Enforcement, inspection, notice and penalty - see BLDG.
Ch. 1353

Appeal, hearings, variances - see BLDG. Ch. 1355

Owner's and occupant's responsibility - see BLDG. Ch. 1367

1357.01 COMPLIANCE.

The designation of dwellings or dwelling units as unfit for human habitation and the procedure for the condemnation and placarding of such unit, dwelling or dwelling units shall be carried out in compliance with the requirements set forth in this chapter.
(Ord. 1962-20. Passed 7-23-62.)

1357.02 DWELLINGS UNFIT FOR HABITATION.

Any dwelling or dwelling unit which is found to have any of the following defects shall be condemned as unfit for human habitation and shall be so designated and placarded by the Housing Inspector:

- (a) One which is so damaged, decayed, dilapidated, insanitary, unsafe or vermin infested that it creates a serious hazard to the health or safety of the occupants or of the public.
 - (b) One which lacks illumination, ventilation or sanitation facilities adequate to protect the health or safety of the occupants or of the public.
 - (c) One which because of its general condition is insanitary, or otherwise dangerous to the health or safety of the occupants or of the public.
- (Ord. 1962-20. Passed 7-23-62.)

1357.03 VACATION OF PREMISES.

Any dwelling or dwelling unit condemned as unfit for human habitation, and so designated and placarded by the Housing Inspector, shall be vacated within a reasonable time as ordered by the Housing Inspector. (Ord. 1962-20. Passed 7-23-62.)

1357.04 REOCCUPANCY OF DWELLING.

No dwelling or dwelling unit which has been condemned and placarded as unfit for human habitation shall again be used for human habitation until written approval is secured from and such placard is removed by, the Housing Inspector. The Housing Inspector shall remove such placard whenever the defects upon which the condemnation and placarding action were based have been eliminated. (Ord. 1962-20. Passed 7-23-62.)

1357.05 TAMPERING WITH OR REMOVING PLACARD.

No person shall deface or remove the placard from any dwelling or dwelling unit which has been condemned as unfit for human habitation and placarded as such, except as provided in Section 1357.04. (Ord. 1962-20. Passed 7-23-62.)

1357.06 HEARING.

Any person affected by any notice or order relating to the condemning and placarding of a dwelling, dwelling unit, rooming house or rooming unit as unfit for human habitation may request and shall be granted a hearing on the matter before the Board of Building and Zoning Appeals, under the procedure set forth in Chapter 1355. (Ord. 1962-20. Passed 7-23-62.)

CHAPTER 1358
Removal of Unsafe Buildings

1358.01	Compliance required.	1358.04	Agreement of lienholders.
1358.02	Structurally defective buildings may be removed.	1358.05	Costs placed on tax duplicate.
1358.03	Notice of intent.	1358.06	Hearing.

CROSS REFERENCES

State law provisions - see Ohio R.C. 715. 26(B), 715.261 et seq.
Condemnation proceedings - see BLDG. Ch. 1357

1358.01 COMPLIANCE REQUIRED.

The removal and repair of insecure, unsafe or structurally defective buildings or other structures shall be carried out in compliance with the requirements set forth in this chapter. (Ord. 1973-24. Passed 5-14-73.)

1358.02 STRUCTURALLY DEFECTIVE BUILDINGS MAY BE REMOVED.

Any dwelling, dwelling unit, building or other structure, which, upon inspection by the Building Official, is found to be so insecure, unsafe or structurally defective as to be dangerous or create a hazard detrimental to the public health, safety or welfare may be removed by the City from the land upon which the same is situated. (Ord. 1973-24. Passed 5-14-73.)

1358.03 NOTICE OF INTENT.

Prior to removal, the City, acting through the Building Official, shall give notice of the intention of the City to remove the insecure, unsafe or structurally defective building.

Such notice of intent shall be by certified mail to the holders of legal or equitable liens of record upon the real property on which such building is located and to the owners of record, at least thirty days prior to the removal. (Ord. 1973-24. Passed 5-14-73.)

1358.04 AGREEMENT OF LIENHOLDERS.

The holders of liens of record upon such property may enter into an agreement with the City within the period specified in the notice, to remove or repair the insecure, unsafe or structurally defective building. (Ord. 1973-24. Passed 5-14-73.)

1358.05 COSTS PLACED ON TAX DUPLICATE.

The total cost, whether such costs are incurred due to the use of employees, materials and equipment of the City or by contract for labor, materials and equipment, or both, of removing insecure, unsafe or structurally defective buildings or other structures, including the costs of service of publication or notice, together with a proper description of the premises, shall be certified by the Clerk of Council to the County Auditor and by him placed upon the tax duplicate. Such costs shall be a lien upon such lands from and after the date of entry and shall be collected as other taxes. (Ord. 1973-24. Passed 5-14-73.)

1358.06 HEARING.

Any person affected by the notice to remove an insecure, unsafe or structurally defective building or other structure may request a hearing before the Board of Building and Zoning Appeals if the request for hearing is filed with the Board within ten days from the date of notice of intent. Such hearing and procedures shall be governed by the provisions set forth in Chapter 1355. (Ord. 1973-24. Passed 5-14-73.)

CHAPTER 1359
Basic Equipment and Facilities

1359.01	Compliance with minimum standards.	1359.05	Water line connections.
1359.02	Kitchen sink.	1359.06	Garbage disposal facilities.
1359.03	Bathroom.	1359.07	Rubbish storage facilities.
1359.04	Sharing a bathroom prohibited.	1359.08	Water-heating facilities.
		1359.09	Means of egress.

CROSS REFERENCES

Building Code standards - see BLDG. Ch. 1305

Means of egress - see OAC 4101:2-6

1359.01 COMPLIANCE WITH MINIMUM STANDARDS.

No person shall occupy as owner-occupant or let to another for occupancy any dwelling or dwelling unit, for the purpose of living, sleeping, cooking or eating therein, which does not comply with the requirements set forth in this chapter. (Ord. 1962-20. Passed 7-23-62.)

1359.02 KITCHEN SINK.

In every dwelling unit there shall be a kitchen sink in good working condition and properly connected to a public water and sewer system or to a water and sewer system approved by the Housing Inspector. (Ord. 1962-20. Passed 7-23-62.)

1359.03 BATHROOM.

Every dwelling unit shall contain a fully equipped bath and toilet facility which affords privacy to a person within such room. The facilities of the bathroom shall be in good working condition and properly connected to a public water and sewer system or to a water and sewer system approved by the Housing Inspector. (Ord. 1968-22. Passed 4-22-68.)

1359.04 SHARING A BATHROOM PROHIBITED.

The occupants of more than one dwelling unit may not share a bathroom. (Ord. 1972-3. Passed 1-10-72.)

1359.05 WATER LINE CONNECTIONS.

Every kitchen sink, lavatory basin and bathtub or shower required under the provisions of Sections 1359.02 through 1359.04 shall be properly connected with both hot and cold water lines. (Ord. 1962-20. Passed 7-23-62.)

1359.06 GARBAGE DISPOSAL FACILITIES.

Every dwelling unit shall have adequate garbage disposal facilities or garbage storage containers. All such receptacles shall at all times be maintained in good order and repair. All such receptacles must meet the requirements as established by Council and be of an approved type and placed in a location approved by Council. (Ord. 1962-20. Passed 7-23-62.)

1359.07 RUBBISH STORAGE FACILITIES.

Every dwelling unit shall have adequate rubbish storage facilities which meet the requirements as established by Council and are of an approved type and placed in a location approved by Council. (Ord. 1962-20. Passed 7-23-62.)

1359.08 WATER-HEATING FACILITIES.

Every dwelling shall have supplied water-heating facilities which are properly installed, are maintained in safe and good working condition, are properly connected with the hot water lines required under the provisions of Section 1359.05 and are capable of heating water to such a temperature as to permit an adequate amount of water to be drawn at every required kitchen sink, lavatory basin, bathtub or shower at a temperature of not less than 120 degrees Fahrenheit. Such supplied water-heating facilities shall be capable of meeting the requirements of this section when the dwelling or dwelling unit facilities required under the provisions of Section 1359.05 are not in operation. (Ord. 1962-20. Passed 7-23-62.)

1359.09 MEANS OF EGRESS.

Every dwelling unit shall have the required number of safe unobstructed means of egress leading to safe and open space at ground level, as required by the Building Code of the City. (Ord. 1962-20. Passed 7-23-62.)

CHAPTER 1361
Light, Ventilation and Heating

1361.01	Compliance with minimum standards.	1361.05	Electricity requirements.
1361.02	Window area required.	1361.06	Heating facilities required.
1361.03	Openable window area.	1361.07	Lighting in halls or stairways.
1361.04	Windows in bathrooms.	1361.08	Screening.
		1361.09	Basement screening.

CROSS REFERENCES

Light and ventilation - see OAC 4101:2-5
Venting of heaters - see GEN. OFF. 521.02

1361.01 COMPLIANCE WITH MINIMUM STANDARDS.

No person shall occupy as owner-occupant or let to another for occupancy any dwelling or dwelling unit, for the purpose of living therein, which does not comply with the requirements set forth in this chapter. (Ord. 1962-20. Passed 7-23-62.)

1361.02 WINDOW AREA REQUIRED.

Every habitable room shall have at least one window or skylight facing directly to the outdoors. The minimum total window glass area for every habitable room shall be ten percent of the floor area of such room. Whenever light is obstructed from a window by a structure that extends above the top of such window and is closer than three feet to such window, such a window shall not be deemed to face directly to the outdoors and shall not be included as contributing to the required minimum total window area. Whenever the only window in a room is a skylight-type window in the top of such room, the total window area of such skylight shall equal at least fifteen percent of the total floor area of such room. (Ord. 1962-20. Passed 7-23-62.)

1361.03 OPENABLE WINDOW AREA.

Every habitable room shall have at least one window or skylight which can easily be opened, or such other device as will adequately ventilate the room. The total of openable window area in every habitable room shall be equal to at least forty-five percent of the minimum window area size or minimum skylight-type window size, as required in Section 1361.02, except where there is supplied some other device affording adequate ventilation, approved by the Housing Inspector. (Ord. 1962-20. Passed 7-23-62.)

1361.04 WINDOWS IN BATHROOMS.

The window area in bathrooms shall not be less than three square feet and not less than one-half such area shall be openable unless adequate mechanical ventilation is provided.

(Ord. 1962-20. Passed 7-23-62.)

1361.05 ELECTRICITY REQUIREMENTS.

All dwellings not already connected to a source of electric power that are within 300 feet of available electric service power lines must be connected to such power lines. All such connections to the outside source of power must be in a manner prescribed by the Building Code of the City.

Every habitable room of such dwelling shall contain at least two separate wall-type electric convenience outlets, or one such convenience outlet and one supplied ceiling-type electric light fixture. Every water closet compartment, bathroom, laundry room, furnace room and public hall shall contain at least one supplied ceiling or wall-type light fixture. Every such outlet and fixture shall be properly installed, shall be maintained in good and safe working condition and shall be connected to the source of electric power.

(Ord. 1962-20. Passed 7-23-62.)

1361.06 HEATING FACILITIES REQUIRED.

Every dwelling and dwelling unit shall have heating facilities which are properly installed and vented, and maintained in safe operating condition and are capable of safely and adequately heating all habitable rooms, bathrooms and water closet compartments located therein to a temperature of at least seventy degrees Fahrenheit when outside temperature is minus ten degrees Fahrenheit. (Ord. 1971-43. Passed 7-26-71.)

1361.07 LIGHTING IN HALLS OR STAIRWAYS.

Every public hall and stairway in every multiple dwelling containing five or more dwelling units shall be adequately lighted at all times. Every public hall and stairway in structures devoted solely to dwelling occupancy and containing not more than four dwelling units may be supplied with conveniently located light switches, controlling an adequate lighting system which may be turned on when needed, instead of full-time lighting.

(Ord. 1962-20. Passed 7-23-62.)

1361.08 SCREENING.

In every dwelling or dwelling unit all openings to outdoor space used for ventilation purposes shall be equipped with screening. All screening required under this section shall be not less than sixteen meshes to the square inch and shall be installed and maintained in a manner according complete protection against entry into the dwelling or dwelling unit of flies, mosquitoes and other insects. (Ord. 1962-20. Passed 7-23-62.)

1361.09 BASEMENT SCREENING.

Every basement or cellar window used or intended to be used for ventilation and every other opening to a basement which might provide an entry for rodents, shall be supplied with a screen and such other device as will effectively prevent their entrance.

(Ord. 1962-20. Passed 7-23-62.)

**CHAPTER 1363
Safety and Sanitation**

<p>1363.01 Compliance with minimum standards.</p> <p>1363.02 Structure to be watertight, rodentproof and weathertight.</p> <p>1363.03 Windows, doors and hatchways.</p> <p>1363.04 Stairs and porches.</p> <p>1363.05 Plumbing fixtures.</p>	<p>1363.06 Bathroom floor surfaces.</p> <p>1363.07 Safe equipment and facilities.</p> <p>1363.08 Discontinuance of service or facility.</p> <p>1363.09 Clean and sanitary dwelling.</p> <p>1363.10 Rain carriers.</p>
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CROSS REFERENCES

Abandoned refrigerators - see GEN. OFF. 521.01
Littering and deposit of garbage - see GEN. OFF. 521.08
Noxious odors - see GEN. OFF. 521.09

1363.01 COMPLIANCE WITH MINIMUM STANDARDS.

No person shall occupy as owner-occupant or let to another for occupancy any dwelling or dwelling unit, for the purpose of living therein, which does not comply with the requirements set forth in this chapter. (Ord. 1962-20. Passed 7-23-62.)

1363.02 STRUCTURE TO BE WATERTIGHT, RODENTPROOF AND WEATHERTIGHT.

Every foundation, floor and exterior wall shall be reasonably watertight, rodentproof and weathertight. Every roof shall be leakproof. Every dwelling unit shall be capable of affording privacy and shall be kept in good repair. (Ord. 1962-20. Passed 7-23-62.)

1363.03 WINDOWS, DOORS AND HATCHWAYS.

Every window, exterior door and basement hatchway shall be watertight, rodentproof and reasonably weathertight, and shall be kept in sound working condition and good repair. (Ord. 1962-20. Passed 7-23-62.)

1363.04 STAIRS AND PORCHES.

Every inside and outside stair, every porch, and every appurtenance thereto shall be so constructed as to be safe to use and capable of supporting the load that normal use may cause to be placed thereon, and shall be kept in sound condition and good repair. (Ord. 1962-20. Passed 7-23-62.)

1363.05 PLUMBING FIXTURES.

Every plumbing fixture and water and wastepipe shall be properly installed and maintained in good sanitary working condition, free from defects, leaks and obstructions. (Ord. 1962-20. Passed 7-23-62.)

1363.06 BATHROOM FLOOR SURFACES.

Every water closet compartment floor surface and bathroom floor surface shall be constructed and maintained so as to be reasonably impervious to water and so as to permit such floor easily to be kept in a clean and sanitary condition. (Ord. 1962-20. Passed 7-23-62.)

1363.07 SAFE EQUIPMENT AND FACILITIES.

Every supplied facility, piece of equipment or utility, which is required under this Housing Code shall be so constructed or installed that it will function safely and effectively and shall be maintained in satisfactory working condition. (Ord. 1962-20. Passed 7-23-62.)

1363.08 DISCONTINUANCE OF SERVICE OR FACILITY.

No owner, operator or occupant shall cause any service, facility, equipment or utility which is required under this Housing Code to be removed from or shut off from or discontinued for any occupied dwelling let or occupied by him, except for such temporary interruption as may be necessary while actual repairs or alterations are in process, or during temporary emergencies when discontinuance of service is approved by the Housing Inspector. (Ord. 1962-20. Passed 7-23-62.)

1363.09 CLEAN AND SANITARY DWELLING.

No owner shall occupy or let to any other occupant any vacant dwelling unit unless it is clean, sanitary and fit for human occupancy. (Ord. 1962-20. Passed 7-23-62.)

1363.10 RAIN CARRIERS.

The owner of any dwelling shall be responsible for the installation and maintenance of adequate rain carriers where such rain carriers are required by the Building Code of the City or where the absence thereof creates a structural or a health hazard. (Ord. 1962-20. Passed 7-23-62.)

CHAPTER 1365
Space, Height and Use

1365.01	Compliance with minimum standards.	1365.04	Height of rooms.
1365.02	Floor space required.	1365.05	Basement occupancy.
1365.03	Floor space of sleeping rooms.	1365.06	Room arrangement.

1365.01 COMPLIANCE WITH MINIMUM STANDARDS.

No person shall occupy or let to another for occupancy any dwelling or dwelling unit, for the purpose of living therein, which does not comply with the requirements set forth in this chapter. (Ord. 1962-20. Passed 7-23-62.)

1365.02 FLOOR SPACE REQUIRED.

Every dwelling unit shall contain at least 150 square feet of floor space for the first occupant thereof and at least 100 additional square feet of floor space for every additional occupant thereof, the floor space to be calculated on the basis of total habitable room area. A child under one year of age is exempt from this section. (Ord. 1971-43. Passed 7-26-71.)

1365.03 FLOOR SPACE OF SLEEPING ROOMS.

In every dwelling unit of two or more rooms, every room occupied for sleeping purposes by one occupant shall contain at least seventy square feet of floor space, and every room occupied for sleeping purposes by more than one occupant shall contain at least fifty square feet of floor space for each occupant thereof. A child under one year of age is exempt from this section. (Ord. 1971-43. Passed 7-26-71.)

1365.04 HEIGHT OF ROOMS.

At least one-half of the floor area of every habitable room shall have a ceiling height of at least seven feet; and the floor area of that part of any room where the ceiling height is less than five feet shall not be considered as part of the floor area in computing the total floor area of the room for the purpose of determining the maximum permissible occupancy thereof. (Ord. 1962-20. Passed 7-23-62.)

1365.05 BASEMENT OCCUPANCY.

No basement shall be used as a habitable room or dwelling unit or rooming unit unless it meets all standards thereof as set forth in this Housing Code, and meets the following requirements:

- (a) The floor and walls shall be impervious to leakage or seepage of underground water and surface water and shall be well drained and protected against dampness;
- (b) The total window area in each room shall be equal to at least ten percent of the floor area of the room, excepting that the ten percent requirement may be reduced to five percent if adequate artificial illumination is provided;
- (c) The total openable window area of each habitable room shall be at least five percent of the floor area of the room when natural ventilation is used exclusively;
- (d) Each room so used shall be separated from the heating equipment, incinerator or other equally hazardous equipment by a standard partition of one hour fire resistance;
- (e) Access can be gained to each room so used without passage through a furnace room. (Ord. 1972-4. Passed 1-10-72.)

1365.06 ROOM ARRANGEMENT.

(a) In a single dwelling unit, room arrangement must be such that a bath and toilet are accessible without going through a sleeping room.

(b) In a single dwelling unit, room arrangement shall be such as to permit access to sleeping rooms without going through a sleeping room.
(Ord. 1972-5. Passed 1-10-72.)

CHAPTER 1367
Responsibility of Owners and Occupants

1367.01	Responsibilities of owner.	1367.04	Disposal of garbage.
1367.02	Occupant to keeping dwelling clean and sanitary.	1367.05	Hanging screens.
1367.03	Disposal of rubbish.	1367.06	Extermination of pests.
		1367.07	Care of plumbing fixtures.

CROSS REFERENCES

Snow and ice removal - see GEN. OFF. 521.06

Garbage and rubbish removal - see GEN. OFF. 521.08

Safety and sanitation - see BLDG. Ch. 1363

1367.01 RESPONSIBILITIES OF OWNER.

Every owner shall be responsible for the following:

- (a) Cleanliness of all parts of the dwelling and premises shared in common by more than one family except where such responsibility is assumed by an operator or an occupant by written agreement.
- (b) Providing all utilities, facilities, equipment and services required by this Housing Code except where such responsibility is assumed by an operator or an occupant by written agreement. (Ord. 1962-20. Passed 7-23-62.)

1367.02 OCCUPANT TO KEEP DWELLING CLEAN AND SANITARY.

Every occupant of a dwelling or dwelling unit shall keep in a clean and sanitary condition that part of the dwelling, dwelling unit and premises thereof which he occupies and controls. (Ord. 1962-20. Passed 7-23-62.)

1367.03 DISPOSAL OF RUBBISH.

Every occupancy of a dwelling or dwelling unit shall dispose of all his rubbish in a clean and sanitary manner by placing it in the rubbish containers required by Section 1359.07. (Ord. 1962-20. Passed 7-23-62.)

1367.04 DISPOSAL OF GARBAGE.

Every occupant of the dwelling or dwelling unit shall dispose of all his garbage and other organic waste in a clean and sanitary manner by placing it in the garbage disposal facilities or garbage storage containers required by Sections 1359.06 and 1359.07. (Ord. 1962-20. Passed 7-23-62.)

1367.05 HANGING SCREENS.

Every occupant of a dwelling or dwelling unit shall be responsible for hanging all screens, except where the owner has agreed to supply such service.
(Ord. 1962-20. Passed 7-23-62.)

1367.06 EXTERMINATION OF PESTS.

Every occupant of a dwelling or dwelling unit shall be responsible for the extermination of any insects, rodents or other pests therein or on the premises; and every occupant of a dwelling unit in a dwelling containing more than one dwelling unit shall be responsible for such extermination whenever his dwelling unit is the only one infested. Notwithstanding the foregoing provisions of this section, whenever infestation is caused by failure of the owner to maintain a dwelling in a ratproof or reasonably insectproof condition, extermination shall be the responsibility of the owner. Whenever infestation exists in two or more of the dwelling units in any dwelling, or in the shared or public parts of any dwelling containing two or more dwelling units, extermination thereof shall be the responsibility of the owner.
(Ord. 1962-20. Passed 7-23-62.)

1367.07 CARE OF PLUMBING FIXTURES.

Every occupant of a dwelling unit shall keep all plumbing fixtures therein in a clean and sanitary condition and shall be responsible for the exercise of reasonable care in the proper use and operation thereof.
(Ord. 1962-20. Passed 7-23-62.)

CHAPTER 1369
Rooming Houses

1369.01	Compliance.	1369.05	Enforcement.
1369.02	Permit; fee.	1369.06	Minimum requirements.
1369.03	Denial of permit.	1369.07	Correction of violations;
1369.04	Inspections; right of entry.		notices; hearing.

CROSS REFERENCES

Appeal, hearing and variances - see BLDG. Ch. 1355
 Condemnation proceedings - see BLDG. Ch. 1357
 Removal of unsafe buildings - see BLDG. Ch. 1358

1369.01 COMPLIANCE.

No person shall operate a rooming house or shall occupy or let to another for occupancy any room unit in any rooming house, except in compliance with the applicable provision of every section of these regulations. (Ord. 1972-6. Passed 1-10-72.)

1369.02 PERMIT; FEE.

(a) No person shall operate a rooming house unless he holds a valid rooming house permit issued by the Health Commissioner in the name of the operator for the specific rooming house. This permit shall be displayed in a conspicuous place within the rooming house at all times. Every rooming house permit shall expire at the end of one year following its date of issuance.

(b) The operator shall apply to the Health Commissioner for such permit, which shall be issued by the Commissioner upon compliance by the operator with the applicable provisions of these regulations.

(c) A rooming house permit is not transferable. When a person who holds a rooming house permit transfers his interest in or control of a rooming house he shall notify the Health Commissioner in writing within twenty-four hours. Such notice shall include the name and address of the person succeeding to the ownership or control of the rooming house.

(d) A permit fee of ten dollars (\$10.00) for the first five dwelling units and one dollar (\$1.00) for each additional unit shall be paid to the County Health Commissioner. The minimum fee shall be ten dollars (\$10.00) for any rooming house. (Ord. 1972-6. Passed 1-10-72.)

1369.03 DENIAL OF PERMIT.

(a) When the Health Commissioner denies an application for a rooming house permit, he shall notify the applicant in writing. A notice of denial shall include the date of denial, the time within which a request for hearing may be made and a brief statement of the facts upon which the denial was based.

(b) Any person whose application for a permit to operate a rooming house has been denied may request and shall be granted a hearing before the Commissioner under the procedure provided by Section 1369.07. (Ord. 1972-6. Passed 1-10-72.)

1369.04 INSPECTIONS; RIGHT OF ENTRY.

Upon presentation of proper credentials or proper identification, the Health Commissioner may enter at reasonable times any building, structure or premises in the City to perform any duty imposed on him by these regulations. No person shall in any way obstruct, hinder, delay or otherwise interfere with the Commissioner in such entrance. (Ord. 1972-6. Passed 1-10-72.)

1369.05 ENFORCEMENT.

(a) Whenever upon inspection of any rooming house the Health Commissioner finds that conditions or practices exist which are in violation of any provision of these regulations, the Commissioner shall give notice in writing to the operator of such rooming house that unless such conditions or practices are corrected within a reasonable period to be determined by the Commissioner, the operator's rooming house permit shall be suspended. At the end of such period the Commissioner shall reinspect such rooming house, and if he finds that such conditions or practices have not been corrected, he shall give notice in writing that the permit has been suspended.

(b) Any person whose permit to operate a rooming house has been suspended, or who has received a written notice that his permit is to be suspended unless an existing violation is corrected, may request and shall be granted a hearing before the Health Commissioner, under the procedure provided by Section 1369.07. If no petition for a hearing is filed within ten days after the date the permit was suspended, the permit shall be automatically revoked. Upon receipt of notice of revocation, the operator shall immediately cease operation of the rooming house and no person shall occupy for sleeping or living purposes any rooming unit therein. (Ord. 1972-6. Passed 1-10-72.)

1369.06 MINIMUM REQUIREMENTS.

(a) At least one flush watercloset, lavatory basin and bathtub or shower, properly connected to a water and sewer system approved by the Health Commissioner and in good working condition, shall be provided for each ten persons or fraction thereof residing within a rooming house, including members of the operator's family wherever they share the use of such facilities. However, in a rooming house where rooms are let only to males, flush urinals may be substituted for not more than one-third the required number of water closets. All such facilities shall be so located within the dwelling as to be reasonably accessible from a common hall or passageway to all person sharing such facilities. Every lavatory basin and bathtub or shower shall be supplied with hot water at all times. No such facilities shall be located in a basement except by written approval of the Health Commissioner.

(b) The operator of every rooming house shall change supplied bed linen and towels therein at least once each week, and prior to the letting of any room to any occupant. The operator shall be responsible for the maintenance of all supplied bedding in a clean and sanitary manner.

(c) Every room occupied for sleeping purposes by one person shall contain at least seventy square feet of floor space, and every room occupied for sleeping purposes by more than one person shall contain at least fifty square feet for each additional occupant.

(d) Every rooming unit shall have at least one safe, unobstructed means of egress leading to safe, open space at ground level and to a public street or alley without having to pass through any other rooming unit.

(e) The operator of every rooming house shall be responsible for the sanitary maintenance of all walls, floors and ceilings; for maintenance of sanitary conditions in every other part of the rooming house and for the sanitary maintenance of the premises of the rooming house.

(f) Every provision of this regulation which applies to rooming houses shall also apply to hotels, motels, tourist homes, except to the extent that any such provision may be found in conflict with the laws of this State or with the lawful regulations of any State board or agency. (Ord. 1972-6. Passed 1-10-72.)

1369.07 CORRECTION OF VIOLATIONS; NOTICES; HEARING.

(a) Whenever the Health Commissioner determines that there are reasonable grounds to believe that there has been a violation of any provision of this chapter, he shall give written notice of such alleged violation to the person or persons responsible, therefore allowing a reasonable time for the correction of the alleged violation.

(b) Any person affected by any notice of an alleged violation may request and shall be granted a hearing before the Health Commissioner provided the request for such hearing is made within the number of days specified in the notice.

(c) After such hearing the Commissioner shall sustain, modify or withdraw the notice, depending upon his finding as to whether the provisions of the regulations have been complied with.

(d) Whenever the Health Commissioner finds that an emergency exists which requires immediate action to protect the public health, he may without notice or hearing, issue an order reciting the existence of such an emergency and requiring that such action be taken as he deems necessary to meet the emergency.

Notwithstanding the other provisions of this chapter, such an order shall be effective immediately. Any person to whom such an order is directed shall comply therewith immediately, but upon petition to the Health Commissioner shall be afforded a hearing as soon as possible. After such hearing, depending upon his finding as to whether the provisions of this chapter have been complied with, the Commissioner shall continue such order in effect, or modify or revoke it. (Ord. 1972-6. Passed 1-10-72.)

TITLE NINE - Fair Housing Code

- Chap. 1371. Definitions.
 Chap. 1373. Unlawful Housing Practices
 Chap. 1375. Notices.
 Chap. 1377. Fair Housing Board.
 Chap. 1379. Enforcement.
 Chap. 1381. Miscellaneous Provisions.

CHAPTER 1371
Definitions

- | | | | |
|----------------|---|----------------|-----------------------------|
| 1371.01 | Title, purpose and application of terms. | 1371.05 | Housing. |
| 1371.02 | Real estate agent. | 1371.06 | Lending institution. |
| 1371.03 | Board. | 1371.07 | Person. |
| 1371.04 | Discrimination, discriminating, or discriminate. | | |

CROSS REFERENCES

Fair housing - see Ohio R.C. Ch. 4112

1371.01 TITLE, PURPOSE AND APPLICATION OF TERMS.

- (a) This Title Nine shall be known as the Fair Housing Code.
- (b) The purpose of the Fair Housing Code is to establish standards to secure for all of the residents of the City of Huron, their right to equal housing opportunities regardless of their race, color, creed, sex, marital status, religious belief, national origin, age or handicap.
- (c) The definitions in this chapter shall apply in the interpretation and enforcement of this Title Nine, Fair Housing Code. (Ord. 1985-16. Passed 7-15-85.)

1371.02 REAL ESTATE AGENT.

"Real estate agent" includes any real estate broker, real estate salesman or an agent thereof, or any other person, partnership, association or corporation who for consideration sells, purchases, exchanges, rents, negotiates, offers or attempts to negotiate the sale, purchase, exchange or rental of real property or holds himself out as engaged in the business of selling, purchasing, exchanging, renting or otherwise transferring any interest in real property.
(Ord. 1985-16. Passed 7-15-85.)

1371.03 BOARD.

"Board" means the Fair Housing Board created by Section 1377.01.
(Ord. 1985-16. Passed 7-15-85.)

1371.04 DISCRIMINATION, DISCRIMINATING OR DISCRIMINATE.

"Discrimination", "discriminating" or "discriminate" means to render any difference in treatment to any person in the sale, lease, rental or financing of a dwelling or housing unit because of a person's race, color, creed, sex, marital status, religious belief, national origin, age or handicap. (Ord. 1985-16. Passed 7-15-85.)

1371.05 HOUSING.

"Housing" includes any building, facility or structure or portion thereof which is used or occupied or is intended, arranged or designed to be used or occupied as the home, residence or sleeping place of one or more persons, groups or families and any vacant land offered for sale or lease for the construction or location thereon of such building, facility or structure.
(Ord. 1985-16. Passed 7-15-85.)

1371.06 LENDING INSTITUTION.

"Lending institution" means any bank, insurance company, savings and loan association or any other person or organization regularly engaged in the business of lending money or guaranteeing loans. (Ord. 1985-16. Passed 7-15-85.)

1371.07 PERSON.

"Person" means one or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint stock companies, trusts, unincorporated organizations, trustees, trustees in bankruptcy, receivers and fiduciaries.
(Ord. 1985-16. Passed 7-15-85.)

CHAPTER 1373
Unlawful Housing Practices

1373.01 Unlawful practices: person or real estate agent.

1373.02 Unlawful practices: lending institutions.

CROSS REFERENCES

Interfering with civil rights - see GEN. OFF. 525.13

1373.01 UNLAWFUL PRACTICES: PERSON OR REAL ESTATE AGENT.

No person or real estate agent shall:

- (a) Discriminate against any person in the selling, leasing, subleasing, renting, assigning or otherwise transferring of any interest in a housing unit.
- (b) Discriminate against any person by refusing to negotiate, making false representations on the availability of the housing unit, or withdrawing from the market a housing unit which is for sale, lease, sublease or rental.
- (c) Include in the terms, conditions or privileges of any sale, lease, sublease, rental, assignment or other transfer of any housing, any clause, condition or restriction discriminating against any person in the use or occupancy of such housing.
- (d) Discriminate in the furnishing of any facilities, repairs, improvements or services, or in the terms, conditions, privileges or tenure of occupancy of any person.
- (e) Publish or circulate or cause to be published or circulated, any notice, statement, listing or advertisement, or announce a policy or make any record in connection with the prospective sale, lease, sublease, rental or financing of any housing which indicates reliance, determination or decision based on race, color, creed, sex, marital status, age, religious belief, national origin or handicap with respect to any prohibited act specified in this chapter.

- (f) Assist in, compel or coerce the doing of any act declared to be an unlawful housing practice under this chapter or obstruct or prevent enforcement or compliance with provisions of this chapter, or attempt directly or indirectly to commit any act declared by this chapter to be an unlawful housing practice.
- (g) Induce or attempt to induce the sale, transfer of interest, or listing for sale of any housing by making representations regarding the existing or potential proximity of real property owned, used or occupied by any person of any particular race, color, creed, religious belief, national origin or handicap by direct or indirect methods.
- (h) Make any representation to a prospective purchaser or lessee that any housing in a particular block, neighborhood or area may undergo, is undergoing or has undergone a change with respect to racial, color, religious, national or ethnic composition of such block, neighborhood or area.
- (i) Induce or attempt to induce the sale or listing for sale of any housing by representing that the presence or anticipated presence of persons of any particular race, color, religious belief or national origin in the area will or may result in:
 - (1) The lowering of property values.
 - (2) A change in the racial, color, religious, national or ethnic composition of the block, neighborhood or area in which the property is located.
 - (3) An increase in criminal or antisocial behavior in the area.
 - (4) A decline in quality of the schools serving the area.
- (j) Cause or coerce or attempt to cause or coerce retaliation against any person because such person has unlawfully opposed any act or failure to act that is a violation of this chapter or has, in good faith, filed a complaint, testified, participated or assisted in any way in any proceeding under this chapter.
- (k) Deny any person access to or membership or participation in any multiple-listing service, real estate brokers' organization or other service, organization or facility relating to the business of selling or renting housing or discriminate against a person in the terms or conditions of such access, membership or participation.
- (l) Do any other thing or engage in conduct which would otherwise make unavailable equal housing opportunities. (Ord. 1985-16. Passed 7-15-85.)

1373.02 UNLAWFUL PRACTICES: LENDING INSTITUTIONS.

No lending institution shall discriminate in lending money, guaranteeing loans, accepting a deed of trust or mortgage or otherwise making available funds for the purchase, acquisition, construction, alteration, rehabilitation, repair or maintenance of any housing, or discriminate in the fixing of the rates, terms, conditions or provisions of any such financial assistance. (Ord. 1985-16. Passed 7-15-85.)

CHAPTER 1375
Notices

1375.01 Posting.

1375.01 POSTING.

Every real estate agent shall post in a conspicuous location in that portion of his place of business normally used by him for negotiating the terms of a sale or lease of housing, and each person who operates a multi-unit residential building containing more than two units shall post at all times when prospective tenants are being interviewed, in a conspicuous location in that portion of his housing business normally used by him for negotiating the rental of a housing unit therein, a notice prepared by the Board which contains the following language, printed in black on a light-colored background, in not less than fourteen-point type:

"It is a violation of the Fair Housing Law of the City of Huron, State of Ohio for any real estate agent, or for any person owning or managing a multi-unit apartment dwelling to -

- "1. Deny housing to any person because of race, color, creed, sex, marital status, religious belief, national origin, age or handicap.
- "2. Discriminate against any person because of that person's race, color, creed, sex, marital status, age, religious belief, national origin, or handicap with respect to the terms, conditions or privileges of housing accommodations or in the furnishing of facilities or services in connection/herewith.

"IF YOU HAVE BEEN DISCRIMINATED AGAINST CONTACT THE CITY OF HURON FAIR HOUSING BOARD, THE OHIO CIVIL RIGHTS COMMISSION OR THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT."

(Ord. 1985-16. Passed 7-15-85.)

CHAPTER 1377
Fair Housing Board

1377.01 Creation of Board.

1377.01 CREATION OF BOARD.

(a) There is hereby created the Fair Housing Board to consist of three members who are qualified electors of the City and shall not hold any public office at the Municipal, County, State or Federal level at any time while a member of the Board. Any duly appointed Board member who is running for any public office shall be automatically disqualified from further membership on the Board The day the Board member files petitions with the County Board of Elections shall be the date of the disqualification. No Board member shall be appointed who is employed in any real estate or lending institution.

(b) The Board members shall be appointed by the Mayor. Of the members first appointed, one shall hold office for a term of one year; one for a term of two years; and the other for a term of three years; and their successors shall be appointed for terms of three years. The Mayor shall fill all vacancies by appointment for the unexpired term. A Board member whose term has expired shall be eligible for reappointment to the Board

(c) The executive secretary of the Board shall be appointed by the Mayor and shall be an employee of the City.

(d) The Mayor may recommend the removal of any member of the Board for neglect of duty or malfeasance in office to Council. Council may remove a member of the Board from office by the vote of two-thirds of Council only after having first given to such member a copy of the charges against him and an opportunity to be publicly heard in person or by counsel in his own defense; and any such removal shall be final.

(e) Two members of the Board shall constitute a quorum for the purpose of conducting the business thereof. A vacancy on the Board shall not impair the right of the other members to exercise all the power of the Board.

(f) Each member of the Board shall serve without salary, but shall be paid necessary and actual expenses expended in performing the business of the Board.

(g) The Board is charged with the following duties to implement the stated policy of this section:

- (1) To investigate all complaints of unlawful housing practices which are filed with it.
- (2) To initiate complaints of unlawful housing practices on the basis of auditing or testing carried out by its staff or volunteers authorized by the Board.
- (3) To endeavor by conciliation, to resolve such complaints.
- (4) To hold hearings, subpoena witnesses, compel their attendance, administer oaths, take the testimony of any person under oath, and in connection therewith, to require the production for examination of any books or papers relating to any matter under investigation or in question before the Board.
- (5) To render at least once a year to the Mayor and to Council a full written report of all its activities and recommendations.
- (6) To recommend to the Mayor, when it deems necessary, educational and other programs designed to promote the purposes stated in this Title Nine.
- (7) To adopt rules and procedures for the conduct of its business.
- (8) To do such other acts that are necessary and proper in order to perform those duties with which it is charged under the terms of this Title Nine (Ord. 1985-16. Passed 7-15-85.)

CHAPTER 1379
Enforcement

1379.01 Procedures and enforcement.

1379.01 PROCEDURES AND ENFORCEMENT.

(a) Any person subjected to an unlawful housing practice may file within 360 days of the alleged violation with the Fair Housing Board a complaint in writing, sworn to or affirmed which shall state the name and address of the person alleged to have committed the violation complained of and the particulars thereof, and such other information as may be required by the Board. The Board may also corroborate or initiate complaints on the basis of testing carried out by its staff or volunteers authorized by the Board.

(b) Upon the filing of a complaint the executive secretary of the Board shall make such investigation as he deems appropriate to ascertain facts and issues. If the executive secretary determines that there are reasonable grounds to believe a violation has occurred, he shall attempt to conciliate the matter by methods of initial conference and persuasion with all interested parties and such representatives as the parties may choose to assist them. Conciliation conferences shall be informal and nothing said or done during such initial conferences shall be made public by the Board or any member of the Board or its staff unless the parties agree hereto in writing.

(c) The terms of conciliation agreed to by the parties shall be reduced to writing and incorporated into a consent agreement to be signed by the parties, which agreement is for conciliation purposes only and does not constitute an admission by any party that the law has been violated. Consent agreements shall be signed on behalf of the Board by its chairman.

(d) The Board is authorized to seek the cooperation and aid of the Ohio Real Estate Commission or Ohio Civil Rights Commission in any investigation under this section.

(e) If the executive secretary determines that the complaint lacks reasonable grounds upon which to base a violation of this Title Nine, he shall so inform the Board and the Board may in its discretion dismiss such complaint or order such further investigation as may be necessary; provided, that the Board shall not dismiss such complaint without first affording the complainant an opportunity to appear before the Board.

(f) If the executive secretary, with respect to a matter which involves a violation of this Title Nine, fails to conciliate a complaint after the parties have in good faith attempted such conciliation, fails to effect an informal conciliation agreement or a formal consent agreement or determines that a complaint is not susceptible of conciliation, he shall notify the Board immediately and the Board shall thereafter schedule a public hearing to determine whether a violation of this chapter has been committed. The Board shall serve upon the respondent a statement of charges and a summons and shall serve upon all interested parties a notice of the time and place of hearing. The respondent or his authorized counsel may file such statements with the Board prior to the hearing date as it deems necessary in support of its position. The hearing shall be opened to the public, except that the respondent may request in writing a private hearing; the determination of such request shall be discretionary with the Board. The hearing shall be held not less than fifteen days after service of the statement of charges and summons. The summons so issued must be signed by two members of the Board and the issuance of such summons shall require the attendance of named persons and the production of relevant documents and records. The failure to comply with a summons shall constitute a violation of this Title Nine. The interested parties may, at their option, appear before the Board in person or by duly authorized representative and may have the assistance of an attorney. The parties may present testimony and evidence, and the right to cross examine witnesses shall be preserved. All testimony and evidence shall be given under oath or by affirmation. The executive secretary shall keep a full record of the hearing, which record shall be public and open to inspection by any person, and upon request by any principal party to the proceeding. The Board shall furnish such party a copy of the hearing record, if any, at such cost as the Board deems appropriate.

(g) If at the conclusion of the hearing the Board determines upon the preponderance of the evidence that the person complained against has violated this Title Nine, the Board shall, after consultation with the Law Director in executive session, state its findings to and cause the Law Director to prepare and issue an order under Board directive requiring the person complained against to cease and desist from such unlawful conduct and to take such affirmative action as will effectuate the purposes of this Title Nine, with notice that if the Board determines that the person complained against has not after fifteen calendar days following service of the Board's order complied with the order, the Board will recertify the matter to the Law Director for enforcement.

(h) Upon recertification to the Law Director for enforcement, he shall seek compliance by appropriate civil action brought in the name of the Fair Housing Board of the City before a court of competent jurisdiction. In any such proceeding where the court determines that there has been a violation of this Title Nine, the court shall award compensatory damages and, where appropriate, punitive damages, along with attorney fees. The court may also order such other relief as it deems necessary or appropriate.

(i) If at the conclusion of the hearing the Board shall determine upon the preponderance of the evidence of the record that the person complained against has not violated this Title Nine, the Board shall state and publish its findings and issue its order dismissing the complaint. (Ord. 1985-16. Passed 7-15-85.)

CHAPTER 1381
Miscellaneous Provisions

1381.01 Scope of Title Nine.

1381.02 Other legal action.

1381.01 SCOPE OF TITLE NINE.

The provisions of this Title Nine shall apply to all housing located within the territorial limits of the City. (Ord. 1985-16. Passed 7-15-85.)

1381.02 OTHER LEGAL ACTION,

Nothing contained in this Title Nine shall prevent any person from exercising any right or seeking any remedy to which he might otherwise be entitled or from filing any complaint with any other agency or court of law or equity. (Ord. 1985-16. Passed 7-15-85.)