

## CHAPTER 1802

### Rules of Construction and Definitions

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1802.01 Rules of construction.

1802.02 Definitions.

#### 1802.01 RULES OF CONSTRUCTION.

(A) Scope. Unless otherwise expressly stated, the following terms shall, for the purposes of this Property Maintenance Code (PMC), have the meanings shown in this chapter.

(B) Interchangeability. Words stated in the present tense include the future; words stated in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural the singular.

(C) Terms Defined in Other Parts. Where terms are not defined in this chapter and are defined in other chapters of this PMC, or are defined in any of the building, plumbing and mechanical codes listed in Chapter 1826, such terms shall have the meanings ascribed to them in those chapters or codes. In the event there is a conflict between the definition of a term in any code listed in Chapter 1826 and the definition listed in any section or chapter of this PMC, then the definition in this PMC shall prevail.

(D) Terms Not Defined. Where terms are not defined in this PMC, or in any of the building, plumbing and mechanical codes listed in Chapter 1826, such terms shall have ordinarily accepted meanings such as the context implies.

(E) Terms to Include "Or Any Part Thereof". Whenever the words "dwelling unit," "dwelling," "premises," "building," "rooming house," "rooming unit," "story" and "structure" are used in this PMC, they shall be construed as though they were followed by the words "or any part thereof."

(Ord. 37-94. Passed 4-11-94.)

#### 1802.02 DEFINITIONS.

As used in this PMC, the following words and terms shall have the meanings respectively ascribed to them herein:

(A) Approved: Approved by the Code Official.

(B) Basement: That portion of a structure which is partly or completely below grade.

(C) Bathroom: A room containing plumbing fixtures, including but not limited to a bathtub, shower, sink, or toilet.

(D) Building: Any structure occupied or intended for supporting or sheltering any occupancy, or any vacant structure.

(E) Building Code: The Building Code officially adopted by the legislative body of this jurisdiction, or other such codes officially designated by the legislative body of this jurisdiction for the regulation of construction, alteration, addition, repair, removal, demolition or location of buildings and structures.

(F) Code Official: The Code Official is the Director of the Department of Community Development or any person duly authorized by him to administer or enforce the provisions of this PMC.

(G) Condemn: To determine as unfit for occupancy.

(H) Construction documents: All the written, graphic, or pictorial documents prepared or assembled for describing the design, location and physical characteristics of the elements of a project necessary for obtaining a building permit. The construction drawings shall be drawn to an appropriate scale.

(I) Dormitory: A space in a building where group sleeping accommodations are provided in one room, or in a series of closely associated rooms, for persons not members of the same family group.

(J) Dwelling: Any type of structure occupied or intended for occupancy by any person for purposes of living or sleeping therein, such as a dormitory, dwelling unit, hotel, one-family dwelling, rooming house, rooming unit, apartment house or complex, condominium, duplex or two-family dwelling.

(K) Dwelling unit: A single unit providing complete, independent living facilities for one or more persons, including provisions for living, sleeping, eating, cooking and sanitation.

(L) Exterior property area: The open or unoccupied land of a premises, and any adjoining property under the control of owners or operators of such premises.

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

(N) Family: An individual or married couple and the children thereof with not more than two other persons related directly to the individual or married couple by blood or marriage; or a group of not more than five unrelated persons, living together

as a single housekeeping unit in a dwelling unit.

(O) Garbage: The animal or vegetable waste resulting from the handling, preparation, cooking and consumption of food or food products.

(P) Habitable space: Space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet compartments, closets, halls, storage or utility spaces, and similar areas, are not considered habitable spaces.

(Q) Hotel: Any building containing six or more guest rooms, intended or designed to be occupied, or which are rented or hired out to be occupied, for sleeping purposes by guests.

(R) Infestation: The presence, within or contiguous to a structure or premises, of insects, rats, vermin or other pests.

(S) Junk: "Junk" means any worn out, cast-off or discarded article, or material which is ready for disposal or destruction, or which has been collected or stored for salvage or conversion to some other use. Any article or material which, unaltered or unchanged and without further reconditioning, can be used for its original purpose as readily as when new, shall not be considered junk. Portions of junk motor vehicles, such as hoods, fenders, radiators, rims, motors, etc., not being utilized for the repair of a motor vehicle, shall be considered junk.

(T) Let for occupancy or let: To permit possession or occupancy of a dwelling, building or structure by a person who is not the legal owner of record thereof, pursuant to a written or unwritten lease, agreement or license, or pursuant to a recorded or unrecorded agreement or contract for the sale of land.

(U) Occupancy: The purpose for which a structure or portion thereof is utilized or occupied.

(V) Occupant: Any person living or sleeping in a dwelling, building or structure, or having possession of a space therein.

(W) One-family dwelling: A building containing one dwelling unit.

(X) Openable area: That part of a window or door which is available for unobstructed ventilation and which opens directly to the outdoors.

(Y) Operator: Any person who has charge, care or control of a structure or premises which is let or offered for occupancy.

(Z) Owner: Any person, agent, operator, firm, corporation or other legal entity having a legal or equitable interest in property, or recorded in the official records of the state, county or municipality as holding legal title to the property, or otherwise having control of the property, including the guardian of the estate of any such person, the executor or administrator of the estate of any such person, a trustee, or a receiver if ordered to take possession or control of real property by a court.

(AA) Person: An individual, corporation, firm, partnership, trustee, receiver, joint venture or any other group or legal entity.

(BB) Plumbing: The practice, materials and fixtures utilized in the installation, maintenance, extension and alteration of all piping, fixtures, appliances and appurtenances within the scope of the plumbing code listed in Chapter 1826.

(CC) Plumbing fixture: A receptacle or device which is either permanently or temporarily connected to the water distribution system of a premises and which demands a supply of water therefrom, or which discharges wastewater, liquid-borne waste materials or sewage either directly or indirectly to the drainage system of the premises, or which requires both a water supply connection and a discharge to the drainage system of the premises.

(DD) Premises: A lot, plot, parcel or area of land, including the interior and exterior of any structures thereon.

(Ord. 25-96. Passed 2-26-96.)

(EE) Public nuisance: Includes any of the following, as may be determined by the Code Official:

(1) The physical condition or occupancy of any premises regarded as a public nuisance at common law, or as determined by statute.

(2) Any physical condition or occupancy of any premises or its appurtenances considered to be an attractive nuisance to children, including, but not limited to, abandoned wells, shafts, basements, excavations and unsafe fences or structures.

(3) Any premises that has unsanitary sewerage or plumbing facilities.

(4) Any premises determined to be unfit for human habitation.

(5) Any premises that is manifestly capable of being a fire hazard, or is manifestly unsafe or unsecured so as to endanger life, limb or property.

(6) Any premises from which the plumbing, heating or facilities required by this PMC have been removed, or from which utilities have been disconnected, destroyed, removed or rendered ineffective, or for which the required precautions against trespassers have not been provided.

(7) Any premises that is unsanitary, or that is littered with rubbish or garbage, or that has an uncontrolled growth of weeds.

(8) Any structure that is in a state of dilapidation, deterioration or decay; that has faulty construction; that is

overcrowded; that is open, vacant or abandoned; that is damaged by fire to such an extent that it does not provide shelter; that is in danger of collapse or failure; or that is dangerous to anyone on or near the premises.

(FF) Registered design professional: An architect or engineer, registered or licensed to practice professional architecture or engineering, as defined by the statutory requirements of the professional registration laws of the state in which the project is to be constructed.

(GG) Rooming house: A building arranged or occupied for lodging for compensation, and not occupied as a one-family dwelling or a two-family dwelling.

(HH) Rooming unit: Any room or group of rooms forming a single habitable unit occupied or intended to be occupied for sleeping or living.

(II) Rubbish: Combustible or noncombustible waste materials, except garbage. The term shall include the residue from the burning of wood, coal, coke or other combustible materials and shall also include paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery, dust, domestic animal waste, and other similar materials.

(JJ) Structure: That which has been, or is being, built or constructed, or a portion thereof.

(KK) Toilet room: A room containing a toilet or urinal, but not a bathtub or shower.

(LL) Two-family dwelling: A building containing two dwelling units.

(MM) Ventilation: The natural or mechanical process of supplying conditioned or unconditioned air to, or removing such air from, any space.

(NN) Weeds:

(1) "Weeds" are all grasses, annual plants and vegetation, other than trees, shrubs and cultivated flowers and gardens.

(2) "Noxious or harmful weeds or vines" means ragweeds, daisies, goldenrod, burdock, yellow dock, dandelions, thistles, wild carrot and any other weed or vegetable which exhales offensive or noxious odors or from which there is carried by the wind any injurious, offensive or annoying pollen, dust, down, seed or particle, or which may conceal filthy deposits.

(OO) Workmanlike: Executed in a generally acceptable and skilled manner, e.g. generally plumb, level, square, in line, undamaged and without marring adjacent work.

(PP) Yard: An open area of land on the same premises with a structure, or a vacant premises.

(Ord. 37-94. Passed 4-11-94; Ord. 065-04. Eff. 05-01-04)

## CHAPTER 1804

### General Provisions and Administration

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#### CROSS REFERENCES

Littering - see GEN. OFF. 660.02

Noxious odors; filthy accumulations; polluting and diverting watercourses - see GEN. OFF. 660.03

Notice to fill lots; remove putrid substances - see GEN. OFF. 660.09

Offensive privies - see GEN. OFF. 660.14

Solid waste - see S.U. & P.S. Ch. 1052

Hazardous conditions - see B. & H. 1410.08

Existing buildings; dangerous buildings - see B. & H. Ch. 1420

#### **1804.01 TITLE.**

This Part Eighteen of these Codified Ordinances shall be known as the Property Maintenance Code of Lima, Ohio, hereinafter referred to as "this Code" or the "PMC."

(Ord. 37-94. Passed 4-11-94.)

#### **1804.02 PURPOSES.**

The purposes of this Code are to protect the public health, safety and welfare in all existing structures, residential and nonresidential, and on all existing premises, by establishing minimum requirements and standards for premises, structures, equipment and facilities for light, ventilation, space, heating, sanitation, protection from the elements, life safety, safety from fire and other hazards, and safe and sanitary maintenance; to fix the responsibility of owners, operators and occupants; to regulate the occupancy of existing structures and premises; and to provide for administration, enforcement and penalties.

(Ord. 37-94. Passed 4-11-94.)

#### **1804.03 INTENT.**

This Code shall be construed so as to secure its expressed intent, which is to ensure public health, safety and welfare insofar as they are affected by the continued occupancy and maintenance of structures and premises. Existing structures and premises that do not comply with this Code shall be altered or repaired to provide a minimum level of health and safety as required herein.

(Ord. 37-94. Passed 4-11-94.)

#### **1804.04 REFERENCED STANDARDS.**

The standards referenced in this Code and listed in Chapter 1826 shall be considered part of the requirements of this Code to the prescribed extent of each such reference. Where differences occur between provisions of this Code and the provisions of referenced standards, the provisions of this Code shall apply.

(Ord. 37-94. Passed 4-11-94.)

#### **1804.05 EXISTING REMEDIES.**

The provisions of this Code shall not be construed to abolish or impair existing remedies of the jurisdiction or its officers or agencies relating to the removal or demolition of any structure which is dangerous, unsafe or unsanitary.

(Ord. 37-94. Passed 4-11-94.)

#### **1804.06 WORKMANSHIP.**

All repairs, maintenance work, alterations and installations which are caused directly or indirectly by the enforcement of this Code shall be executed and installed in a workmanlike manner.

(Ord. 37-94. Passed 4-11-94.)

#### **1804.07 APPLICATION OF OTHER CODES.**

Any repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the building, plumbing and mechanical codes and NFPA 70 listed in Chapter 1826.

(Ord. 37-94. Passed 4-11-94.)

#### **1804.08 SEVERABILITY.**

If any section, subsection, paragraph, sentence, clause or phrase of this Code shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this Code which shall continue in full force and effect, and to this end the provisions of this Code are hereby declared to be severable.

(Ord. 37-94. Passed 4-11-94.)

#### **1804.09 SAVING CLAUSE.**

This Code shall not affect violations of any other ordinance, code or regulation existing prior to the effective date hereof, and any such violation shall be removed and shall continue to be punishable to the full extent of the law under the provisions of those ordinances, codes or regulations in effect at the time the violation was committed.

(Ord. 37-94. Passed 4-11-94.)

#### **1804.10 MAINTENANCE REQUIRED.**

All equipment, systems, devices and safeguards required by this Code or a previous statute or code for a structure or premises when erected or altered shall be maintained in good working order. The requirements of this code are not intended to provide the basis for removal or abrogation of fire protection and safety systems and devices in existing structures.

(Ord. 37-94. Passed 4-11-94.)

#### **1804.11 APPROVED MATERIALS AND EQUIPMENT.**

All materials, equipment and devices approved by the Code Official shall be constructed and installed in accordance with such approval.

(Ord. 37-94. Passed 4-11-94.)

#### **1804.12 MODIFICATIONS.**

Where there are practical difficulties involved in carrying out structural or mechanical provisions of this Code, the Code

Official shall have the right to vary or modify such provisions upon application of the owner or the owner's representative, provided that the spirit and intent of the law is observed and that the public health, safety and welfare are assured.

(Ord. 37-94. Passed 4-11-94.)

#### **1804.13 RECORDS.**

The application for modification and the final decision of the Code Official shall be in writing and shall be officially recorded in the permanent records of the Department of Building Inspection.

(Ord. 37-94. Passed 4-11-94.)

#### **1804.14 MATERIAL AND EQUIPMENT RE-USE.**

Materials, equipment and devices shall not be re-used unless such elements have been reconditioned, tested and placed in good and proper working condition and approved.

(Ord. 37-94. Passed 4-11-94.)

#### **1804.15 ALTERNATIVE MATERIALS AND EQUIPMENT.**

The provisions of this Code are not intended to prevent the installation of any material or construction not specifically prescribed by this Code, provided that any such alternative has been approved. An alternative material or method of construction shall be approved when the Code Official finds that the proposed design is satisfactory and complies with the intent of this Code, and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this Code in quality, strength, effectiveness, fire resistance, durability and safety.

(Ord. 37-94. Passed 4-11-94.)

#### **1804.16 RESEARCH AND INVESTIGATIONS.**

Sufficient technical data shall be submitted to substantiate the proposed installation of any material or assembly. If it is determined that the evidence submitted is satisfactory proof of performance for the proposed installation, the Code Official shall approve such alternative, subject to the requirements of this Code. The cost of all tests, reports and investigations required under this Code shall be paid by the applicant.

(Ord. 37-94. Passed 4-11-94.)

#### **1804.17 AUTHORITY OF CODE OFFICIAL GENERALLY.**

The Code Official shall enforce all of the provisions of this Code. The Code Official is also authorized to enforce the provisions of subsections (A), (R), and (S) of Section 452.03 of the Codified Ordinances of Lima.

(Ord. 37-94. Passed 4-11-94; Ord. 114-15. Passed 5-18-15.)

#### **1804.18 AUTHORITY OF CODE OFFICIAL RE NOTICES AND ORDERS.**

The Code Official shall issue all necessary notices and orders to ensure compliance with this Code.

(Ord. 37-94. Passed 4-11-94.)

#### **1804.19 RIGHT OF ENTRY.**

The Code Official is authorized to enter a structure or premises at reasonable times to inspect the same. Prior to entering into a space not otherwise open to the general public, the Code Official shall make a reasonable effort to locate the owner or other person having charge or control of the structure or premises, present proper identification and request entry. If requested entry is refused or otherwise not obtained, the Code Official shall have recourse as provided by law.

(Ord. 37-94. Passed 4-11-94.)

#### **1804.20 ACCESS BY OWNER OR OPERATOR.**

Every occupant of a structure or premises shall give the owner or operator thereof, or his agent or employee, access to any part of such structure or its premises at reasonable times for the purpose of making such inspections, maintenance, repairs or alterations as are necessary to comply with the provisions of this Code.

(Ord. 37-94. Passed 4-11-94.)

#### **1804.21 IDENTIFICATION.**

The Code Official shall carry proper identification when inspecting structures or premises and otherwise when in the performance of duties under this Code.

(Ord. 37-94. Passed 4-11-94.)

#### **1804.22 COORDINATION OF ENFORCEMENT; INSPECTION OF PREMISES.**

The issuance of notices and orders and the enforcement thereof shall be the responsibility of the Code Official so charged by the jurisdiction. Whenever inspections by any other department are necessary, the Code Official shall make a reasonable effort to arrange for the coordination of such inspections so as to minimize the number of visits by inspectors, and to confer with the other departments for the purpose of eliminating conflicting orders before any are issued. A department shall not, however, delay the issuance of any emergency orders.

(Ord. 37-94. Passed 4-11-94.)

#### **1804.23 RULE-MAKING AUTHORITY.**

The Code Official shall have power, as necessary in the interest of the public health, safety and general welfare, to adopt and promulgate rules and regulations to interpret, implement and enforce the provisions of this Code, to secure the intent thereof, and to designate requirements applicable because of local climatic or other conditions. Such rules shall not have the effect of waiving structural or fire performance requirements specifically provided for in this Code or of violating accepted engineering practice involving public safety.

(Ord. 37-94. Passed 4-11-94.)

#### **1804.24 ORGANIZATION.**

The Code Official shall appoint such number of officers, technical assistants, inspectors and other employees as shall be necessary for the administration of this Code and as authorized by the appointing authority. The Code Official is authorized to designate an employee as deputy who shall exercise all the powers of the Code Official during the temporary absence or disability of the Code Official.

(Ord. 37-94. Passed 4-11-94.)

#### **1804.25 RESTRICTION ON EMPLOYEES.**

An official or employee connected with the enforcement of this Code shall not be engaged in, or directly or indirectly connected with, the furnishing of labor, materials or appliances for the construction, alteration or maintenance of a building, or the preparation of construction documents therefor, unless that person is the owner of the building, nor shall such officer or employee engage in any work that conflicts with official duties or with the interests of the Department of Building Inspection.

(Ord. 37-94. Passed 4-11-94.)

#### **1804.26 RELIEF FROM PERSONAL RESPONSIBILITY.**

The Code Official, officer or employee charged with the enforcement of this Code, while acting for the jurisdiction, shall not thereby be rendered liable personally, and is hereby relieved from all personal liability for any damage accruing to persons or property as a result of any act required or permitted in the discharge of official duties. Any suit instituted against an officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this Code shall be defended by the legal representative of the jurisdiction until the final termination of the proceedings. The Code Official or any subordinate shall not be liable for costs in any action, suit or proceeding that is instituted pursuant to the provisions of this Code, and any officer of the Department of Building Inspection, acting in good faith and without malice, shall be free from liability for acts performed under any of its provisions or by reason of any act or omission in the performance of official duties in connection therewith.

(Ord. 37-94. Passed 4-11-94.)

#### **1804.27 UNLAWFUL ACTS.**

No person, firm or corporation shall erect, construct, alter, extend, repair, remove, demolish, maintain, fail to maintain, provide, fail to provide, occupy, let to another to occupy, or permit another person to occupy, any structure or equipment regulated by this Code, or cause the same to be done, contrary to, in conflict with or in violation of any of the provisions of this Code, or fail to obey a lawful order of the Code Official, or remove or deface a placard or notice posted under the provisions of this Code.

(Ord. 37-94. Passed 4-11-94.)

#### **1804.28 PROSECUTION.**

In case of any unlawful acts, the Code Official shall institute an appropriate action or proceeding at law to exact the penalty provided in Section 1804.99. Also, the Code Official shall ask the jurisdiction's legal representative to proceed at law or in equity, including injunctive relief, against the person responsible for the violation for the purpose of ordering that person:



- (A) To restrain, correct or remove the violation or refrain from any further violations;
- (B) To restrain or correct the erection, installation, maintenance, repair or alteration of such premises or structure;
- (C) To require the removal of work in violation; or
- (D) To prevent the occupancy of the structure that is not in compliance with the provisions of this Code.

(Ord. 21-96. Passed 2-26-96.)

#### **1804.29 NOTICE TO OWNER OR TO PERSON OR PERSONS RESPONSIBLE.**

Whenever the Code Official determines that there has been a violation of this Code or has grounds to believe that a violation has occurred, notice shall be given to the owner or the person or persons responsible therefor in the manner prescribed in Sections 1804.30 and 1804.31. Notices for condemnation procedures shall also comply with Section 1816.06. Where appropriate in the discretion of the Code Official, such notice may also be posted at a suitable location in or on the premises if the Code Official determines that such posting will provide additional notice to the owner or the person or persons responsible for the violation.

(Ord. 22-96. Passed 2-26-96.)

#### **1804.30 FORM.**

The notice prescribed in Section 1804.29 shall:

- (A) Be in writing;
- (B) Include a description of the real estate sufficient for identification;
- (C) Include a statement of the reason or reasons why the notice is being issued;
- (D) Include a correction order allowing a reasonable time for the repairs and improvements required to bring the dwelling unit, structure or premises into compliance with the provisions of this Code;
- (E) Include assessment of Civil Penalty and Notice of Reinspection Fees if there is failure to bring premises into compliance; and,
- (F) Include a statement notifying the person of any administrative appeal rights and procedures.

(Ord. 37-94. Passed 4-11-94; Ord. 064-04, Eff. 05-01-04)

#### **1804.31 DUTY OF OWNERS; METHOD OF SERVICE.**

(A) All owners of property located within the City of Lima are required to ensure that the tax mailing address on file with the Allen County Auditor for their property is correct, and that the property owner should reasonably receive notice at that address.

(B) The notice prescribed in Section 1804.29 shall be served by one of the following methods:

- (1) Delivery by personal service upon the person to whom the notice is directed or such person's agent; or,
- (2) Sent by regular U.S. Mail addressed to such person at the last known tax mailing address on file with the Allen County Auditor, which is reasonably calculated to reach the party named in the notice. If the notice is returned showing that the letter was not delivered for any reason; then, a copy of the notice shall be posted in a conspicuous place on or about the property or structure affected by such notice. When such a notice is so posted, any time periods referenced in the notice shall commence from the date of posting. Service of such notice in the foregoing manner upon the owner's agent or upon the person responsible for the premises shall constitute service of notice upon the owner.

(Ord. 23-96. Passed 2-26-96; Ord. 090-18. Passed 4-23-18.)

#### **1804.32 TRANSFER OF OWNERSHIP.**

No owner of any dwelling unit or structure who has received a compliance order or upon whom a notice of violation has been served shall sell, transfer, mortgage, lease or otherwise dispose of the unit or structure to another until the provisions of the compliance order or notice of violation have been complied with, or until such owner shall first furnish the grantee, transferee, mortgagee or lessee a true copy of any compliance order or notice of violation issued by the Code Official, and furnish to the Code Official a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such compliance order or notice of violation and fully accepting the responsibility, without condition, for making the corrections or repairs required by such compliance order or notice of violation.

(Ord. 37-94. Passed 4-11-94.)

#### **1804.33 APPEALS.**

Any person adversely affected by a ruling or order of the Code Official may file an appeal with the Board of Building



Appeals. The appeal shall be in writing, shall state the reasons for the appeal and shall be received by the Board no later than ten days from the date of the ruling or order of the Code Official. The Board shall hear the appeal in the manner prescribed in Chapter 1406 of these Codified Ordinances.

(Ord. 24-96. Passed 2-26-96.)

#### **1804.34 ADMINISTRATIVE ACTION.**

The Code Official shall take immediate action in accordance with the decision of the Board of Building Appeals.

(Ord. 37-94. Passed 4-11-94.)

#### **1804.35 COURT REVIEW.**

Any person adversely affected by a ruling or order of the Board of Building Appeals, including the Code Official, shall have the right to appeal to the appropriate court in the manner and time required by law following the filing of the decision of the Board in the office of the Code Official.

(Ord. 37-94. Passed 4-11-94.)

#### **1804.36 RESPONSIBILITY OF OWNER.**

Unless otherwise specifically stated in this Code, the owner of a premises is ultimately responsible for any violation of this Code.

(Ord. 37-94. Passed 4-11-94.)

#### **1804.38 ADMINISTRATIVE FEE SCHEDULE.**

(A) For the purposes of this Part 18 -- Property Maintenance Code, whenever an Administrative Fee is authorized to be charged for work or services performed by the City, the Administrative Fee shall be two hundred and five dollars (\$205.00).

(B) For the purposes of this Part 18 -- Property Maintenance Code, whenever a Reinspection Fee is authorized to be charged for reinspection of the premises performed by the City, the Reinspection Fee shall be seventy- five dollars (\$75.00).

(Ord. 190-3. Passed 10-20-03, Ord. 063-04, Effective 05-01-04)

#### **1804.39 SPECIFIED PARCELS.**

(A) Definition. A specified parcel is a premises, with or without a structure, in which all of the following are applicable:

(1) The parcel has been the subject of violations of Sections 1806.08, Storage and Accumulation of Junk and Similar Materials, 1806.09, Weeds, or 1816.04, Unsecured Vacant Structures, and the Code Official has caused any of these code violations to be remedied on at least two occasions in a twelve month period;

(2) The owner and/or person responsible for the premises has failed to remedy the violations consistent with the requirements of this Code; and,

(3) The parcel is found by the Code Official to be unoccupied and vacant for a period of at least thirty days.

(B) Declaration of Public Nuisance. Specified parcels are hereby declared a public nuisance subject to immediate abatement to protect the public health and safety. This section shall be liberally construed to effectuate such immediate abatement.

(C) Specified Parcel List. Upon finding a premises to be a specified parcel, said parcel will be placed upon the City's Specified Parcel List and subject to seasonal cutting, removal of junk and similar materials, and boarding-up until such time as the property is transferred to a new owner and/or responsible person who then maintains said parcel in a manner consistent with the requirements listed in Sections 1806.08, 1806.09, and 1816.04. Annually a Code Official shall be assigned to make a review of the Specified Parcel List in order to make any necessary additions or deletions. The Specified Parcel List is subject to final approval by the Director of the Department of Community Development.

(D) Notice and Order by Publication and Posting

(1) Notwithstanding other notice provisions contained within this Code, owners and/or persons responsible for parcels classified as specified parcels will be given notice by publication and posting as herein described.

(2) No later than the first week of April each year, the Specified Parcel List shall be published in a newspaper of general circulation at least ten days prior to any services being performed by the City on the parcels. The publication shall include a description of the real estate sufficient for identification, a brief description of the code violations, an order of correction, notice that the parcel has been placed on the specified parcel list, notice of the assessment of costs and administrative fees, and rights to appeal.

(3) No later than ten days prior to any services being performed, each parcel shall be posted, by stake or placarding on any structure, as a specified parcel. The posting shall include a brief description of the code violations, an order of

correction, notice that the parcel has been placed on the specified parcel list, notice of the assessment of costs and administrative fees, and rights to appeal.

(E) Appeals. Any owner and/or person responsible for the specified parcel may file an appeal with the Board of Building Appeals concerning the property's placement on the Specified Parcel List, no later than ten days following the first publication of the specified parcel list in a newspaper of general circulation or posting, whichever is later. The appeal shall be in writing, state the reasons for the appeal, and be filed with the Code Official and the Secretary for the Board of Building Appeals. The Board shall hear the appeal in the manner prescribed in Chapter 1406 of the Codified Ordinances.

(F) Administrative Fee and Costs. Notwithstanding other administrative fees described in this Code, the Special Assessment Administrative Fee of two hundred and five dollars (\$205.00) is authorized to be charged to the owner and/or persons responsible annually for initial placement or continued placement of the premises on the Specified Parcel List. The owner is additionally responsible for costs of publication and nuisance abatement costs incurred during the year.

(Ord. 072-09. Passed 03-23-09, Effective 03-23-09; Ord. 091-18. Passed 4-23-18.)

#### **1804.99 PENALTIES.**

(a) Any person who violates a provision of this Code shall, upon conviction thereof, be subject to the following penalties:

(1) For a first conviction, a misdemeanor of the fourth degree, and shall be fined not more than two hundred fifty dollars (\$250.00) or imprisoned not more than thirty days, or both.

(2) For a second conviction, a misdemeanor of the third degree, and shall be fined not more than five hundred dollars (\$500.00) or imprisoned not more than sixty days, or both.

(3) For a third conviction, a misdemeanor of the second degree, and shall be fined not more than seven hundred fifty dollars (\$750.00) or imprisoned not more than ninety days, or both.

(4) For a fourth or subsequent conviction, a misdemeanor of the first degree, and shall be fined not more than one thousand dollars (\$1,000.00) or imprisoned not more than six months, or both.

(b) A separate offense shall be deemed committed each day during or on which a violation occurs or continues after due notice has been served.

(c) Any person who violates a provision of this Code shall be required to pay a Civil Penalty in the amount of Three Hundred Fifty dollars (\$350.00), except as provided as follows;

(1) If that person complies with the correction order within the time specified in the order, the Civil Penalty shall be reduced to Fifty dollars (\$50.00); and,

(2) In cases involving violations of Chapter 1806 (General Requirements for Exterior Property Areas) of this Code the property maintenance inspector shall have the discretion to waive the reduced penalty if the person cited meets the following criteria:

A. The person has not violated sections 1806.14 (Parking of Motor Vehicles and Watercraft), 1806.15 (Parking of vehicles and Trailers Containing Junk), or 1806.16 (Prohibition against Junk Motor Vehicles) of the Code; and,

B. The person cited for the violation is the owner occupant of the premises and has not previously received a citation for a violation of this Code at the location subject to the citation; and,

C. The nature, extent, and duration of the violation did not create a significant risk to the public health, safety, or welfare.

(d) When a person is found in violation of a provision of this Code and fails to comply with the correction order within the time specified, a reinspection fee shall be charged for every inspection thereafter. Reinspection of the premises shall be conducted until such time that the property is brought in compliance with Part 18 of the Codified Ordinances of the City of Lima, Ohio. Whenever reinspection of the premises is conducted by the City and such costs of reinspection has not been included within the administrative costs, the additional cost of reinspection shall be assessed in the amount provided by Section 1804.38.

(e) In the event the person fails to pay a Civil Penalty, Reinspection or Administrative Fee or costs incurred by City for clean up, repair and/or abatement of the premises within thirty (30) days after being notified in writing, by regular U.S. mail, or posting on premises, of the amount thereof by the code official, may be collected using one or more of the following methods, provided however that the expenses may only be collected once:

(1) Such expenses may be certified by Council to the County Auditor and placed upon the tax duplicate for collection as a special assessment and thereupon shall be collected as other taxes and assessments; or

(2) The Director of Law is authorized to bring suit and take other necessary legal action to collect such expenses.

(f) The remedies provided in this Section shall be in addition to any other remedy allowed by law.

(Ord. 37-94. Passed 4-11-94; Ord. 066-04, Eff. 05-01-04; Ord. 228-12. Passed 10-22-12, Effective 10-22-12)

## CHAPTER 1806

### General Requirements for Exterior Property Areas

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- 1806.01 Sanitation.
- 1806.02 Infestation.
- 1806.03 Grading and drainage.
- 1806.04 Sidewalks, walkways, driveways, parking spaces, and stairs.
- 1806.05 Removal of snow and ice from sidewalks.
- 1806.06 Barricades and warning lights; abandoned excavations.
- 1806.07 Exhaust vents.
- 1806.08 Storage and accumulation of junk and similar materials on private property; notice to remove.
- 1806.09 Weeds.
- 1806.10 Notice to cut; service.
- 1806.11 Failure to comply after notice.
- 1806.12 Prosecution despite cutting.
- 1806.13 Tree branches overhanging streets.
- 1806.14 Parking of motor vehicles and watercraft.
- 1806.15 Parking of vehicles and trailers containing junk.
- 1806.16 Prohibition against junk motor vehicles; exceptions.
- 1806.17 Outdoor use of furniture.
- 1806.18 Damaged, dead, diseased, or insect-infested tree removal on private property; notice to remove.

#### CROSS REFERENCES

Littering - see GEN. OFF. 660.02

Noxious odors; filthy accumulations; polluting and diverting watercourses - see GEN. OFF. 660.03

Notice to fill lots; remove putrid substances - see GEN. OFF. 660.09

Offensive privies - see GEN. OFF. 660.14

Solid waste - see S.U. & P.S. Ch. 1052

Hazardous conditions - see B. & H. 1410.08

Existing buildings; dangerous buildings - see B. & H. Ch. 1420

#### **1806.01 SANITATION.**

All exterior property and premises shall be maintained in a clean, safe, and sanitary condition. The occupant shall keep that part of the exterior property which such occupant occupies or controls in a clean, safe and sanitary condition. Nothing herein shall abrogate the ultimate responsibility of the owner, as set forth in Section 1804.36.

(Ord. 37-94. Passed 4-11-94.)

#### **1806.02 INFESTATION.**

All structures and exterior property areas shall be kept free from rat, vermin, insect or other pest infestation. Where rats, vermin, insects or other pests are found, they shall be promptly removed or exterminated by approved processes which will not be injurious to human health. After removal or extermination, proper precautions shall be taken to prevent re-infestation.

(Ord. 37-94. Passed 4-11-94.)

#### **1806.03 GRADING AND DRAINAGE.**

All premises shall be graded and maintained to prevent the accumulation of stagnant water thereon, or within any structure located thereon. This section shall not apply to water retention areas and reservoirs approved by the Code Official.

(Ord. 37-94. Passed 4-11-94.)

#### **1806.04 SIDEWALKS, WALKWAYS, DRIVEWAYS, PARKING SPACES, AND STAIRS.**

(A) All sidewalks, walkways, driveways, parking surfaces, and similar areas shall be kept in a proper state of repair and maintained free from hazardous conditions and free from nuisance, including, but not limited to, excessive grass and weeds.

(1) Driveways, parking surfaces, and similar areas constructed on or after the effective date of this section that were not approved under Chapters 1024, 1026, or 1806, or that fail to conform to the hard surface standards adopted by the City Engineer are, hereby, declared nuisances subject to abatement under this section.

(B) Stairs shall be kept in a proper state of repair, maintained free from hazardous conditions, and comply with the requirements of Sections 1808.10 and 1824.11.

(C) Upon receipt of information that subsections (A) or (B) hereof is being violated, the Code Official shall cause a written notice to be served upon the owner, lessee, agent, or tenant having charge of such land, notifying him that the violation must be corrected within ten days of service of the notice.

(D) The form of such notice shall comply with the provisions of Section 1804.30 and shall be served in accordance with Section 1804.31.

(E) If the person to whom a notice is directed fails to comply with the requirements of the notice, the owner, lessee, agent, or tenant having charge of such land shall be assessed a civil penalty as provided in Section 1804.99, an administrative fee in the amount provided in Section 1804.38, and the costs for preparing and serving all notices.

(F) In the event that the person to whom notice was sent fails to pay such expenses within thirty days after being notified in writing, by regular U.S. mail, of the amount thereof by the Code Official, the expenses set forth in subsection (E) hereof may be collected using one or more of the following methods, provided, however, that the expenses may only be collected once:

(1) Such expenses may be certified by Council to the County Auditor and placed upon the tax duplicate for collection as a special assessment and thereupon shall be collected as other taxes and assessments; or,

(2) The Director of Law is authorized to bring suit and take other necessary legal action to collect all such expenses.

(G) The remedies provided in this section shall be in addition to the penalty provided in Section 1804.99 and any other remedy allowed by law.

(Ord. 055-17. Passed 4-10-17.)

#### **1806.05 REMOVAL OF SNOW AND ICE FROM SIDEWALKS.**

(A) The owner, occupant or any person having the care of any building, lot or land abutting on any street, square or other public way within the City, where there is a sidewalk in front of or alongside of the same, shall, within the first four hours after daylight after snow has ceased to fall, cause such snow to be removed from such sidewalk. The provisions of this section shall also apply to the falling of snow or ice from buildings upon such sidewalks.

(B) Whenever the sidewalk or any part thereof adjoining any building, lot or land on any street is encumbered with sleet and ice, it shall be the duty of the owner, occupant or any person having care of any such building or lot to cause such sidewalk to be made safe and convenient by removing the ice therefrom or by covering the same with sand, salt or other suitable substances.

(C) The Mayor shall have the authority to temporarily suspend the obligations of this section only on a city-wide basis when the Mayor determines it is appropriate to do so because of impossibility, impracticality, irrelevance to existing circumstances, likelihood of short-term future resolution, other demonstrable inability to comply, hardship, or for other good cause as determined by the Mayor.

(Ord. 37-94. Passed 4-11-94, Ord. 268-14. Passed 11-17-14.)

#### **1806.06 BARRICADES AND WARNING LIGHTS; ABANDONED EXCAVATIONS.**

(A) No person shall abandon or permit to remain on public or private property any excavation, well or cesspool, or structure which is in the process of construction, reconstruction, repair or alteration, unless the same is adequately protected by suitable barricades and guarded by warning devices or lights at night so that the condition will not reasonably prove dangerous to life or limb.

(B) Prior to the placement of any such barricade on public streets or grounds, a permit must be obtained in accordance with Section 1020.07 of these Codified Ordinances.

(C) No person shall destroy, remove, damage or extinguish any barricade or warning light that is placed for the protection of the public so as to prevent injury to life or limb.

(D) No owner or person in control of a premises upon which a basement, cellar, well or cistern has been abandoned due to demolition, failure to build, or any other reason, shall fail to cause the same to be filled to the ground surface with rock,

gravel, earth or other suitable material.

(E) If the owner or person to whom a notice is directed requiring him to fill the basement, cellar, well or cistern, or other type of excavation, fails to comply with the requirements of the notice, the Code Official may cause said basement, cellar, well or cistern, or other type of excavation, to be filled, and may employ the necessary labor to perform such task. All expenses shall be paid out of funds appropriated by Council upon vouchers approved by the Mayor. The expenses shall consist of the following:

- (1) All direct costs for the filling of such items; plus
- (2) The costs for preparing and serving all notices; plus
- (3) An administrative fee in the amount set forth in section 1804.38.

(F) In the event that the owner or other appropriate person fails to pay such expenses within thirty days after being notified in writing, by regular U.S. mail of the amount thereof by the Code Official, the expenses set forth in subsection (e) hereof may be collected by using one or more of the following methods, provided, however, that the expenses may only be collected once:

(1) Such expenses may be certified by Council to the County Auditor and placed upon the tax duplicate for collection as a special assessment and thereupon shall be collected as other taxes and assessments; or

(2) The Director of Law is authorized to bring suit and take other necessary legal action to collect all such expenses.

(G) The remedies provided in this section shall be in addition to the penalty provided in Section 1804.99 and other remedy allowed by law.

(Ord. 37-94. Passed 4-11-94; Ord. 191-03, Passed 10-20-03)

#### **1806.07 EXHAUST VENTS.**

Pipes, ducts, conductors, fans and blowers shall not discharge gases, steam, vapor, hot air, grease, smoke, odors or other gaseous or particulate wastes directly upon abutting or adjacent public or private property or that of another tenant.

(Ord. 37-94. Passed 4-11-94.)

#### **1806.08 STORAGE AND ACCUMULATION OF JUNK AND SIMILAR MATERIALS ON PRIVATE PROPERTY; NOTICE TO REMOVE.**

(A) No person shall cause or permit garbage, rubbish, tree or bush branches or trimmings, brush, cast-off or discarded articles, litter, junk, materials which are ready for destruction, or which have been collected for salvage or conversion to some other use, to be stored, kept or placed outside any structure, or on any premises, except where permitted by zoning ordinances.

(B) Upon receipt of information that subsection (a) hereof is being violated, the Code Official shall cause a written notice to be served upon the owner, lessee, agent or tenant having charge of such land, notifying him that the offending articles and/or materials must be removed within ten days after service of such notice.

(C) The form of such notice shall comply with the provisions of Section 1804.30 and shall be served in accordance with Section 1804.31.

(D) If the person to whom a notice is directed fails to comply with the requirements of the notice, the Code Official shall cause such offending articles and/or materials to be removed from the premises and may employ the necessary labor to perform such task. All expenses shall be paid out of funds appropriated by Council upon vouchers approved by the Mayor. The expenses shall consist of the following:

- (1) All direct costs for the removal of such items; plus
- (2) The costs for preparing and serving all notices; plus
- (3) An administrative fee in the amount set forth in 1804.38.

(E) In the event that the owner or other appropriate person fails to pay such expenses within thirty days after being notified in writing, by regular U.S. mail, of the amount thereof by the Code Official, the expenses set forth in subsection (D) hereof may be collected using one or more of the following methods, provided, however, that the expenses may only be collected once:

(1) Such expenses may be certified by Council to the County Auditor and placed upon the tax duplicate for collection as a special assessment and thereupon shall be collected as other taxes and assessments; or

(2) The Director of Law is authorized to bring suit and take other necessary legal action to collect all such expenses.

(F) The remedies provided in this section shall be in addition to the penalty provided in Section 1804.99 and any other remedy allowed by law.

(Ord. 64-94, Passed 5-23-94; Ord. 192-03, Passed 10-20-03)

#### **1806.09 WEEDS.**

(A) The owner or occupant of any premises shall maintain such premises and exterior property free from grass and/or weeds in excess of eight inches.

(B) The owner or occupant of any premises shall maintain such premises and exterior property free from all noxious or harmful weeds or vines.

(Ord. 37-94. Passed 4-11-94.)

#### **1806.10 NOTICE TO CUT; SERVICE.**

(A) Upon information that noxious or harmful weeds or vines, or grass or weeds in excess of the maximum allowable height, are growing on land within the City, the Code Official shall cause a written notice to be served upon the owner, lessee, agent or tenant having charge of such land, notifying him that noxious or harmful weeds or vines, or grass or weeds in excess of the maximum allowable height, are growing on such land and that they must be cut and destroyed within five days after service of such notice.

(B) The form of such notice shall comply with the provisions of Section 1804.30 and shall be served in accordance with Section 1804.31.

(Ord. 37-94. Passed 4-11-94.)

#### **1806.11 FAILURE TO COMPLY AFTER NOTICE.**

(A) If the person to whom the notice referred to in Section 1806.10 is directed fails to comply with the terms of such notice, the Code Official shall cause such noxious or harmful weeds or vines, or grass or weeds in excess of the maximum allowable height, to be cut and destroyed and may employ the necessary labor to perform such task. All expenses shall be paid out of funds appropriated by Council upon vouchers approved by the Mayor. The expenses shall consist of the following:

- (1) All direct costs for the cutting and/or destruction of the noxious or harmful weeds or vines, or grass or weeds; plus
- (2) The costs for preparing and serving all notices; plus
- (3) An administrative fee in the amount set forth in section 1804.38.

(B) In the event that the owner or other appropriate person fails to pay such expenses within 30 days after being notified in writing, by regular U.S. mail, of the amount thereof by the Code Official, the costs set forth in division (a) of this section may be collected using one or more of the following methods, provided, however, that the expenses may only be collected once:

(1) Such expenses may be certified by Council to the County Auditor and placed upon the tax duplicate for collection as a special assessment and thereupon shall be collected as other taxes and assessments; or

(2) The Director of Law is authorized to bring suit and take other necessary legal action to collect all such expenses.

(C) The remedies provided in this section shall be in addition to the remedies available in Section 1804.28 and the penalty provided in Section 1804.99.

(Ord. 26-96, Passed 2-26-96; Ord. 193-03, Passed 10-20-03)

#### **1806.12 PROSECUTION DESPITE CUTTING.**

The cutting and destroying of noxious or harmful weeds or vines, or grass or weeds in excess of the maximum allowable height, by the owner, occupant or other person having charge of the land in question, pursuant to the requirements of the notice provided for in Section 1806.10, shall not constitute a bar to prosecution.

(Ord. 37-94. Passed 4-11-94.)

#### **1806.13 TREE BRANCHES OVERHANGING STREETS.**

The branches of all shade or ornamental trees located on private property within the corporate limits shall not be allowed to grow nearer than 16 feet to the line of the established grade of the street or within sixteen feet from the surface of the earth upon any street upon which a grade has not been established. The branches of trees extending downward to a point nearer than 16 feet to the line of the established grade upon any street, or nearer than 16 feet to the surface of the earth upon any street where there is no established grade, are hereby declared to be a nuisance and the owners of the abutting lot or land shall cause the same to be removed or such nuisance shall be abated according to law.

(Ord. 37-94. Passed 4-11-94.)

#### **1806.14 PARKING OF MOTOR VEHICLES AND WATERCRAFT.**

(A) For purposes of this section, the following definitions shall apply:



(1) "Motor vehicle" means those devices defined as a motor vehicles in Section 402.20 of the Codified Ordinances. Motor vehicles include, but are not limited to, "trailers" as described in Section 402.49 of the Codified Ordinances.

(2) "Commercial motor vehicle" means a motor vehicle defined as a "commercial motor vehicle" in Section 40.09(b) of the Codified Ordinances, but shall also include any motor vehicle with a gross vehicle weight rating ("GVWR") of over 10,000 pounds, except for a "recreational vehicle" as defined in Ohio R.C 4501.01.

(3) "Residential premises" mean those premises located within residentially-zoned districts in the City.

(4) "Watercraft" include those devices defined as watercraft in Ohio R.C. 1547.01.

(5) "Sound operating condition" means a motor vehicle or watercraft capable of being immediately used for its designed and intended purposes. Any motor vehicle parked, stored, or kept at or near the same location for more than thirty consecutive days, or missing a tire, wheel, engine, transmission, windshield and/or door shall be presumed not to be in sound operating condition.

(B) No motor vehicle owner or person in charge or control of any residential premises within the City, whether as owner, tenant, lessee, occupant, or otherwise, shall allow to be parked, kept or stored on the exterior area of such premises any of the following:

- (1) A motor vehicle which is not properly licensed for immediate use on public streets;
- (2) A motor vehicle which is not in sound operating condition; or
- (3) A commercial motor vehicle.

(C) No watercraft owner or person in charge or control of any residential premises within the City, whether as owner, tenant, lessee, occupant, or otherwise, shall allow to be parked, kept or stored on the exterior area of such premises any of the following:

- (1) A watercraft which is not properly licensed for immediate use on the water; or
- (2) A watercraft which is not in sound operating condition.

(D) The exterior parking, keeping or storage of motor vehicles or watercraft on residential premises, that is not otherwise prohibited by this section, shall also be limited to the following locations:

(1) If a driveway exists on the premises on which motor vehicles or watercraft are parked, kept or stored, then such motor vehicles or watercraft shall only be parked, kept or stored on the driveway. The street entrance to the driveway must be accessed by a curb cut approved by the City Engineer.

(2) If on the premises where motor vehicles or watercraft are parked, kept or stored there exists insufficient driveway space to accommodate such motor vehicles or watercraft, then not more than two motor vehicles and/or watercraft may be parked, kept or stored in the rear yard. All motor vehicles, except for "trailers" as described in Section 402.49, shall be parked, kept, or stored upon a hard surface in compliance with standards adopted by the City Engineer no greater than 400 square feet in size, that accommodates no more than two motor vehicles, and that is accessible from the driveway or public right-of-way

(E) If the locations provided in subsection (D) hereof will not reasonably accommodate the exterior parking, keeping, or storage on any residential premises of those motor vehicles or watercraft that are not otherwise prohibited by this section, then the Board of Adjustment is authorized to grant an "Off-Street Parking Permit" upon application therefor and under such terms and conditions that the Board determines to be reasonable and equitable. The fee for such permit shall be as provided in Section 1290.01 of the Codified Ordinances.

(1) Prior to filing an application with the Board of Adjustment, the City Engineer shall conduct an inspection of the residential premises to determine the feasibility of the proposed, additional parking surface, and if an application is filed, provide recommendations to the Board of Adjustment. The fee for such inspection shall be as provided in Section 1070.01 of the Codified Ordinances.

(2) Upon filing an application with the Board of Adjustment, the applicant's immediate neighbors shall be given notice of the application and hearing by ordinary U.S. mail.

(3) In considering an application for an "Off-Street Parking Permit," the Board of Adjustment shall be guided by the following objectives:

A. Non-rear yard motor vehicle parking, keeping, or storage should be upon hard surfaces which are in compliance with standards adopted by the City Engineer no greater than 400 square feet in size, that accommodates no more than two motor vehicles and/or watercraft, and that is accessible from the driveway or public right-of-way.

B. Only one hard surface should be permitted within the area comprising the front and side yards and such hard surface should be located no less than ten feet from any property line.

C. The interests of an applicant's immediate neighbors and the general public should be given due consideration.

(F) Except for "trailers," as defined in Section 402.49, and watercraft, the exterior parking, keeping, or storage of motor vehicles in non-residentially zoned districts shall be on hard surfaces in compliance with standards adopted by the City



Engineer.

(1) The parking, keeping, and storage of motor vehicles in non-residentially zoned districts is further limited to motor vehicles and watercraft in sound operating condition, and which are properly licensed for immediate use on public streets or waterways, except:

A. Motor vehicles or watercraft parked or stored on new or used motor vehicle or watercraft sales lots which are operable but unlicensed.

B. Licensed motor vehicles or watercraft parked or stored while in the temporary care of a motor vehicle or watercraft service business in compliance with the Lima Zoning Code.

C. Motor vehicles or watercraft parked or stored on premises operating as a junk or dismantling business in compliance with the Lima Zoning Code and Ohio law.

(G) This section shall not apply to a motor vehicle or watercraft under major mechanical repair or overhaul, including body work, provided that such work is performed inside a structure which is appropriate to be used for such purposes in accordance with State or local zoning, building, fire, or other applicable codes.

(H) Upon a determination by the Code Official that any subsection hereof is being violated, the Code Official shall cause a written notice to be served upon the owner, lessee, agent, tenant, occupant or person having control of such land, and the registered owner of the motor vehicle or watercraft, as the violator(s), notifying such person(s) that the offending motor vehicle or watercraft must be removed or relocated to an area in compliance with these provisions within five days after service of such notice. Such written notice shall contain:

- (1) The name of the violator.
- (2) The property address at which the motor vehicle or watercraft is located.
- (3) The make and model of the motor vehicle or watercraft.
- (4) The license plate number, if any.
- (5) The motor vehicle or watercraft identification number (VIN), if available.
- (6) A description of the condition of said motor vehicle or watercraft.

(7) A statement to the effect that the person in charge or in control of the private property upon which such motor vehicle or watercraft is located and the titled owner of such motor vehicle or watercraft are jointly and severally liable for all costs incurred by the City for the removal, storage and disposal of such motor vehicle or watercraft, plus an administrative fee in the amount set forth in Section 1804.38.

(8) A notice of any right to appeal.

(I) Such written notice shall be served in the manner prescribed by Section 1804.31.

(J) If the owner, lessee, agent or person having charge of the land, or the registered owner of the motor vehicle or watercraft, served with the notice, fails to remove such motor vehicle or watercraft as required herein, the Code Official is authorized to remove and impound any such motor vehicle or watercraft remaining at any place within the City in violation of this section. Such motor vehicle or watercraft shall be impounded until lawfully claimed or disposed of. Upon impounding of a motor vehicle or watercraft a photograph shall be taken of the same, and an inventory search shall be conducted.

(K) All expenses related to the removal and impoundment of such motor vehicle or watercraft by the City shall be paid out of funds appropriated by Council upon vouchers approved by the Mayor. The expenses shall consist of the following:

- (1) All direct costs for the removal and impoundment of the motor vehicle or watercraft; plus
- (2) The costs for preparing and serving all notices; plus
- (3) An administrative fee in the amount set forth in Section 1804.38.

(L) In the event that the owner or other person in charge or control of such property, and/or the title owner of said motor vehicle or watercraft, fails to pay such expenses within thirty days after being notified in writing, by regular U.S. mail, of the amount thereof by the Code Official, the expenses set forth in subsection (K) hereof may be collected using one or more of the following methods, provided that the expenses may only be collected once:

(1) Such expenses may be certified by Council to the County Auditor and placed upon the tax duplicate for collection as a special assessment and thereupon shall be collected as other taxes and assessments; or

(2) The Director of Law is authorized to bring suit and take other necessary legal action to collect all such expenses.

(M) The owner, lessee, agent, tenant or person otherwise having charge or control of such premises, and the titled owner of such motor vehicle or watercraft, are jointly and severally liable for all expenses incurred by the City as set forth in subsection (K) hereof.

(N) The movement of a motor vehicle or watercraft in violation of this section to any other location within the City limits that does not abate the violation under this section shall not constitute compliance with this section.

(O) Any person who has received notice to remove a motor vehicle or watercraft under this section may appeal to the Board of Building Appeals. An appeal must be filed within five days after service of the notice, excluding Saturdays, Sundays and holidays, together with a fee of twenty-five dollars (\$25.00) for the cost of the appeal. The twenty-five dollars (\$25.00) will be refunded if the appeal is successful. The scope of the appeal shall be limited to: 1) determining whether the person requesting such appeal is in charge or in control of the real property involved or is the registered owner of the motor vehicle or watercraft involved and 2) whether the parking, keeping or storage of the motor vehicle or watercraft involved is in violation of this section. At such appeal, the appellant must appear in person, and the City and the appellant may introduce such witnesses and evidence as each party deems necessary. The appeal provision provided herein shall be the exclusive method of appeal of notices of violations of this section, notwithstanding the method of appeal set forth in Section 1804.33.

(P) The remedies provided in this section shall be in addition to the remedies available in Section 1804.28 and the penalty provided in Section 1804.99.

(Ord. 056-17. Passed 4-10-17.)

#### **1806.15 PARKING OF VEHICLES AND TRAILERS CONTAINING JUNK.**

No person shall place, park, stop or stand, in or upon any highway, street, alley or private property within the City, any vehicle or trailer upon or in which is deposited, collected, stored or maintained any junk, except when the person in charge or control of such vehicle or trailer is in the actual and immediate act of loading or unloading junk upon, in or from the vehicle or trailer. As used in this section, "vehicle" and "trailer" shall have the same definitions as provided in Chapter 402 of these Codified Ordinances.

(Ord. 37-94. Passed 4-11-94.)

#### **1806.16 PROHIBITION AGAINST JUNK MOTOR VEHICLES; EXCEPTIONS.**

(A) For purposes of this section, the following definitions shall apply:

(1) "Junk motor vehicle" means any motor vehicle meeting any three of the following criteria:

- a. Three years old or older
- b. Partially dismantled
- c. Inoperable
- d. Fair market value of less than one thousand five hundred dollars (\$1,500.00).
- e. Unlicensed or improperly licensed.

(2) "Partially dismantled" means, but not limited to, the following:

- a. Missing engine
- b. Missing battery
- c. Missing transmission
- d. Missing door, fenders or hood
- e. Missing wheels or on blocks
- f. Missing tires or deflated tires
- g. Missing or broken windshield or windows

(3) "Inoperable" means any motor vehicle incapable to being propelled under its own power. Any motor vehicle that has not been moved for thirty consecutive days shall be presumed to be inoperable.

(4) "Collector's vehicle" means any motor vehicle or agricultural tractor or traction engine of special interest having a fair market value of one hundred dollars (\$100.00) or more, whether operable or not, that is owned, operated, collected, preserved, stored, maintained or used essentially as a collector's item, leisure pursuit or investment, but not as the owner's principal means of transportation.

(b) No vehicle owner or person in charge or control of any premises within the City, whether as owner, tenant, lessee, occupant or otherwise, shall allow any junk motor vehicle to remain upon any premises longer than ten days after receipt of written notice to remove the junk motor vehicle from such premises. The written notice shall be issued to the property owner and/or the owner of such vehicle by an office of the Police Department or by the Code Official. Such written notice shall contain:

- (1) The name of the property owner.
- (2) The property address at which the junk motor vehicle is located.
- (3) The make and model of the vehicle.

- (4) The license plate number, if any.
- (5) The vehicle identification number (VIN), if available.
- (6) A description of the condition of said vehicle.

(7) A statement to the effect that the person in charge or in control of the private property upon which such vehicle is located and the titled owner of such vehicle are jointly and severally liable for all costs incurred by the City for the removal, storage and disposal of such vehicle, plus an administrative fee in the amount set forth in section 1804.38.

- (8) A notice of any right to appeal.

(c) Such written notice shall be served in the manner prescribed by Section 1804.31.

(d) If the owner, lessee, agent or person having charge of the land, or the title owner of the motor vehicle, served with the notice, fails to remove such junk motor vehicle, an officer of the Police Department approved by the Chief of Police, or the Code Official, is authorized to remove and impound any junk motor vehicle remaining at any place within the City in violation of this section. Such junk motor vehicle shall be impounded until lawfully claimed or disposed of in accordance with Ohio R.C. 4513.63. Upon impounding of a junk motor vehicle a photograph shall be taken.

(e) All expenses related to the removal and impoundment of such junk motor vehicle by the City shall be paid out of funds appropriated by Council upon vouchers approved by the Mayor. The expenses shall consist of the following:

- (1) All direct costs for the removal and impoundment of the vehicle; plus
- (2) The costs for preparing and serving all notices; plus
- (3) An administrative fee in the amount set forth in section 1804.38, per vehicle.

(f) In the event that the owner or other person in charge or control of such property, and/or the title owner of said vehicle, fails to pay such expenses within thirty days after being notified in writing, by regular U.S. mail, of the amount thereof by the Code Official, the expenses set forth in subsection (e) hereof may be collected using one or more of the following methods, provided, however, that the expenses may only be collected once:

(1) Such expenses may be certified by Council to the County Auditor and placed upon the tax duplicate for collection as a special assessment and thereupon shall be collected as other taxes and assessments; or

- (2) The Director of Law is authorized to bring suit and take other necessary legal action to collect all such expenses.

(g) The owner, lessee, agent, tenant or person otherwise having charge or control of such premises, and the titled owner of such vehicle, are jointly and severally liable for all expenses incurred by the City as set forth in subsection (e) hereof.

(h) The movement of a vehicle in violation of this section to any other location within the City limits that does not abate the violation under this section shall not constitute compliance with this section.

(i) The provisions of this section shall not apply to the deposit, parking, storage, maintenance or collection of junk motor vehicles in an enclosed building in a regularly established junk yard in any area of the City in which the same is permitted under the Zoning Code, or a collector's vehicle as described in subsection (a)(4) hereof.

(j) Any person in charge or in control of any premises within the City, whether as owner, tenant, lessee, occupant or otherwise, shall completely conceal any collector's vehicle stored on the property by means of storage inside buildings or fences which comply with all building and zoning ordinances and all building codes.

(k) Except as allowed in subsections (i) and (j) hereof, the deposit, parking, storage, maintenance or collection of junk motor vehicles on private property is hereby declared to be a public nuisance and offensive to the public health, welfare and safety of the residents of the City.

(l) Any person who has received notice to remove a junk vehicle may appeal to the Board of Building Appeals. An appeal must be filed within five days after service of the notice, excluding Saturdays, Sundays and holidays, together with a fee of twenty-five dollars (\$25.00) for the cost of the appeal. The twenty-five dollars (\$25.00) will be refunded if the appeal is successful. The scope of the appeal shall be limited to determining whether the person requesting such appeal is in charge or control of the private property involved, or is the titled owner of said vehicle, and whether such vehicle is a junk motor vehicle as charged. At such appeal, the appellant must appear in person, and the City and the appellant may introduce such witnesses and evidence as each party deems necessary. The appeal provision provided herein shall be the exclusive method of appeal of notices of violations of this section, notwithstanding the method of appeal set forth in Section 1804.33.

(m) The remedies provided in this section shall be in addition to the remedies available in Section 1804.28 and the penalty provided in Section 1804.99.

(Ord. 20-96, Passed 2-26-96; Ord. 195-03, Passed 10-20-03; Ord. 85-13, Passed 4-22-13.)

#### **1806.17 OUTDOOR USE OF FURNITURE.**

Furniture that is not specifically constructed or intended for outdoor use shall not be kept or stored outdoors on any premises.

(Ord. 28-96. Passed 2-26-96.)

**1806.18 DAMAGED, DEAD, DISEASED, OR INSECT-INFESTED TREE REMOVAL ON PRIVATE PROPERTY; NOTICE TO REMOVE.**

(a) Damaged, dead, diseased, or insect-infested trees, or parts thereof, are hereby declared to be a nuisance, and no person shall permit the same to exist or remain on private property. For purposes of this section, "trees" include shrubs or herbs of arborescent form.

(b) Upon receipt of information that subsection (a) hereof is being violated, the Code Official shall cause a written notice to be served upon the owner, lessee, agent, or tenant having charge of such land, notifying him that the offending tree(s), or parts thereof, must be removed within sixty days after service of such notice.

(c) The form of such notice shall comply with the provisions of Section 1804.30 and shall be served in accordance with Section 1804.31.

(d) If the person to whom a notice is directed fails to comply with the requirements of the notice, the owner, lessee, agent, or tenant having charge of such land shall be assessed a civil penalty as provided in Section 1804.99, an administrative fee in the amount provided in Section 1804.38, and the costs for preparing and serving all notices.

(e) In the event that the person to whom notice was sent fails to pay such expenses within thirty days after being notified in writing, by regular U.S. mail, of the amount thereof by the Code Official, the expenses set forth in subsection (d) hereof may be collected using one or more of the following methods, provided, however, that the expenses may only be collected once:

(1) Such expenses may be certified by Council to the County Auditor and placed upon the tax duplicate for collection as a special assessment and thereupon shall be collected as other taxes and assessments; or

(2) The Director of Law is authorized to bring suit and take other necessary legal action to collect all such expenses.

(f) The remedies provided in this section shall be in addition to the penalty provided in Section 1804.99 and any other remedy allowed by law.

(Ord. 261-15. Passed 12-7-15.)

## **CHAPTER 1808**

### **General Requirements for Exterior Structure**

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- 1808.01 In general.
- 1808.02 Street numbers.
- 1808.03 Structural members.
- 1808.04 Foundation walls.
- 1808.05 Exterior walls.
- 1808.06 Roofs; gutters and downspouts; drainage.
- 1808.07 Decorative features.
- 1808.08 Overhang extensions.
- 1808.09 Chimneys and towers.
- 1808.10 Handrails and guards.
- 1808.11 Window and door frames.
- 1808.12 Insect screens.
- 1808.13 Doors.
- 1808.14 Basement hatchways.
- 1808.15 Guards for basement windows.
- 1808.16 Accessory structures.

#### **CROSS REFERENCES**

Littering - see GEN. OFF. 660.02

Noxious odors; filthy accumulations; polluting and diverting watercourses - see GEN. OFF.660.03

Notice to fill lots; remove putrid substances - see GEN. OFF.660.09

Offensive privies - see GEN. OFF.660.14

Solid waste - see S.U. & P.S. Ch.1052

Hazardous conditions - see B. & H. 1410.08

Existing buildings; dangerous buildings - see B. & H. Ch.1420

#### **1808.01 IN GENERAL.**

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

(Ord. 37-94. Passed 4-11-94.)

#### **1808.02 STREET NUMBERS.**

Each structure to which a street number has been assigned shall have such number displayed in a position easily observed and readable from the public right-of-way. All numbers shall be in Arabic numerals at least three inches (76 mm) high and one-half inch (13 mm) stroke.

(Ord. 37-94. Passed 4-11-94.)

#### **1808.03 STRUCTURAL MEMBERS.**

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

(Ord. 37-94. Passed 4-11-94.)

#### **1808.04 FOUNDATION WALLS.**

All foundation walls shall be maintained plumb and free from open cracks and breaks and shall be kept in such condition so as to prevent the entry of rats, pests or other animals.

(Ord. 37-94. Passed 4-11-94.)

#### **1808.05 EXTERIOR WALLS.**

All exterior walls shall be free from holes, breaks and loose or rotting materials and shall be maintained weatherproof and properly surface-coated where required to prevent deterioration.

(Ord. 37-94. Passed 4-11-94.)

#### **1808.06 ROOFS; GUTTERS AND DOWNSPOUTS; DRAINAGE.**

The roof and flashing shall be sound, tight and not have defects that admit rain. Gutters and downspouts shall be used to collect roof water drainage and shall be maintained in a tight, leakproof condition adequate to prevent dampness or deterioration in the foundation, walls or interior portion of the structure. Roof water drainage shall not be discharged in a manner that creates a public or private nuisance.

(Ord. 29-96. Passed 2-26- 96.)

#### **1808.07 DECORATIVE FEATURES.**

All cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.

(Ord. 37-94. Passed 4-11-94.)

#### **1808.08 OVERHANG EXTENSIONS.**

All canopies, marquees, signs, metal awnings, stairways, fire escapes, standpipes, exhaust ducts and similar overhang extensions shall be maintained in good repair and be properly anchored so as to be kept in a safe and sound condition. When required, all exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weathercoating materials, such as paint or similar surface treatment.

(Ord. 37-94. Passed 4-11-94.)

#### **1808.09 CHIMNEYS AND TOWERS.**

All chimneys, cooling towers, smokestacks and similar appurtenances shall be maintained structurally safe and sound and in good repair. All exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic applications of weather-coating materials, such as paint or similar surface treatment.

(Ord. 37-94. Passed 4-11-94.)

#### **1808.10 HANDRAILS AND GUARDS.**

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

(Ord. 37-94. Passed 4-11-94.)

#### **1808.11 WINDOW AND DOOR FRAMES.**

(A) Every window, door and frame shall be kept in sound condition, good repair and weathertight.

(B) All glazing materials shall be maintained free from cracks and holes.

(C) Every window, other than a fixed window, shall be easily openable and capable of being held in position by window hardware.

(Ord. 37-94. Passed 4-11-94.)

#### **1808.12 INSECT SCREENS.**

(A) Every door, window and other outside opening utilized or required for ventilation purposes, serving any structure containing habitable rooms, food preparation areas, food service areas, or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored, shall be supplied with approved tightly fitting screens of not less than sixteen mesh per inch and every swinging door shall have a self-closing device in good working condition.

(B) Screen doors shall not be required for out-swinging doors or other types of openings which make screening impractical, provided that other approved means, such as air curtains or insect repellent fans, are employed.

(Ord. 37-94. Passed 4-11-94.)

#### **1808.13 DOORS.**

All exterior doors and hardware shall be maintained in good condition. Locks at all entrances to dwelling units, rooming units and guest rooms shall tightly secure the door.

(Ord. 37-94. Passed 4-11-94.)

#### **1808.14 BASEMENT HATCHWAYS.**

Every basement hatchway shall be maintained to prevent the entrance of rats, pests or other animals, rain and surface drainage water.

(Ord. 37-94. Passed 4-11-94.)

#### **1808.15 GUARDS FOR BASEMENT WINDOWS.**

Every basement window that is openable shall be supplied with shields, storm windows or other approved protection against the entry of rats, pests or other animals.

(Ord. 37-94. Passed 4-11-94.)

#### **1808.16 ACCESSORY STRUCTURES.**

All accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in good repair.

(Ord. 37-94. Passed 4-11-94.)

## **CHAPTER 1810**

### **General Requirements for Interior Structure**

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- 1810.01 In general.
- 1810.02 Structural members.
- 1810.03 Interior surfaces.
- 1810.04 Lead-based paint.
- 1810.05 Stairs and railings.
- 1810.06 Handrails and guards.

#### CROSS REFERENCES

Littering - see GEN. OFF.660.02

Noxious odors; filthy accumulations; polluting and diverting watercourses - see GEN. OFF.660.03

Notice to fill lots; remove putrid substances - see GEN. OFF.660.09

Offensive privies - see GEN. OFF.660.14

Solid waste - see S.U. & P.S. Ch.1052

Hazardous conditions - see B. & H. 1410.08

Existing buildings; dangerous buildings - see B. & H. Ch.1420

### **1810.01 IN GENERAL.**

The interior of a structure and the equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. Every occupant shall keep that part of the structure which such occupant occupies or controls in a clean and sanitary condition. Every owner of a structure containing a rooming house, a hotel, a dormitory, two or more dwelling units or two or more nonresidential occupancies, shall maintain, in a clean and sanitary condition, the shared or public areas of the structure and exterior property.

(Ord. 37-94. Passed 4-11-94.)

### **1810.02 STRUCTURAL MEMBERS.**

The supporting structural members of every structure shall be maintained structurally sound, and be capable of supporting the imposed loads.

(Ord. 37-94. Passed 4-11-94.)

### **1810.03 INTERIOR SURFACES.**

All interior surfaces, including windows and doors, shall be maintained in good, clean and sanitary condition. Peeling paint, cracked or loose plaster, decayed wood and other defective surface conditions shall be corrected.

(Ord. 37-94. Passed 4-11-94.)

### **1810.04 LEAD-BASED PAINT.**

Interior and exterior painted surfaces of dwellings and child and day care facilities, including fences and outbuildings, which contain in excess of 0.06 percent lead by weight shall be removed or covered in an approved manner. Any surface to be covered shall first be marked with warnings as to the lead content of such surface.

(Ord. 37-94. Passed 4-11-94.)

### **1810.05 STAIRS AND RAILINGS.**

All interior stairs and railings shall be maintained in sound condition and good repair.

(Ord. 37-94. Passed 4-11-94.)

### **1810.06 HANDRAILS AND GUARDS.**

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

(Ord. 37-94. Passed 4-11-94.)



## **Rubbish and Garbage**

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1812.01 Accumulation of rubbish or garbage.

1812.02 Disposal of rubbish.

1812.03 Disposal of garbage.

### **CROSS REFERENCES**

Littering - see GEN. OFF.660.02

Noxious odors; filthy accumulations; polluting and diverting watercourses - see GEN. OFF.660.03

Notice to fill lots; remove putrid substances - see GEN. OFF.660.09

Offensive privies - see GEN. OFF.660.14

Solid waste - see S.U. & P.S. Ch.1052

Hazardous conditions - see B. & H. 1410.08

Existing buildings; dangerous buildings - see B. & H. Ch.1420

### **1812.01 ACCUMULATION OF RUBBISH OR GARBAGE.**

All exterior property and premises, and the interior of every structure, shall be free from any accumulation of rubbish or garbage.

(Ord. 37-94. Passed 4-11-94.)

### **1812.02 DISPOSAL OF RUBBISH.**

(A) Every occupant of a structure shall dispose of all rubbish in a clean and sanitary manner by placing such rubbish in approved containers.

(B) The owner of every occupied premises shall supply approved covered containers for rubbish, and the owner of the premises shall be responsible for the removal of rubbish.

(Ord. 37-94. Passed 4-11-94.)

### **1812.03 DISPOSAL OF GARBAGE.**

(A) Every occupant of a structure shall dispose of garbage in a clean and sanitary manner by placing such garbage in an approved garbage disposal facility or approved garbage containers.

(B) The owner of every dwelling shall supply one of the following: an approved mechanical food waste grinder in each dwelling unit, an approved incinerator unit in the structure available to the occupants in each dwelling unit, or an approved leakproof, covered, outside garbage container.

(C) The operator of every establishment producing garbage shall provide, and at all times cause to be utilized, leakproof approved containers provided with close-fitting covers for the storage of such materials until removed from the premises for disposal.

(Ord. 37-94. Passed 4-11-94.)

## **CHAPTER 1814**

### **Extermination**

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1814.01 Infestation.

1814.02 Responsibility of owner.

1814.03 Single occupancy.

1814.04 Multiple occupancy.

1814.05 Responsibility of occupant.

### **CROSS REFERENCES**

Littering - see GEN. OFF.660.02

Noxious odors; filthy accumulations; polluting and diverting watercourses - see GEN. OFF.660.03

Notice to fill lots; remove putrid substances - see GEN. OFF.660.09

Offensive privies - see GEN. OFF.660.14

Solid waste - see S.U. & P.S. Ch.1052

Hazardous conditions - see B. & H. 1410.08

Existing buildings; dangerous buildings - see B. & H. Ch.1420

#### **1814.01 INFESTATION.**

All structures shall be kept free from insect and rat infestation. All structures in which insects or rats are found shall be promptly exterminated by approved processes that will not be injurious to human health. After extermination, proper precautions shall be taken to prevent re-infestation.

(Ord. 37-94. Passed 4-11-94.)

#### **1814.02 RESPONSIBILITY OF OWNER.**

The owner of any structure shall be responsible for extermination within the structure prior to renting or leasing the structure.

Ord. 37-94. Passed 4-11-94.)

#### **1814.03 SINGLE OCCUPANCY.**

The occupant of a structure containing a single dwelling unit or of a single nonresidential structure shall be responsible for extermination on the premises.

(Ord. 37-94. Passed 4-11-94.)

#### **1814.04 MULTIPLE OCCUPANCY.**

The owner of a structure containing two or more dwelling units, a multiple occupancy, a rooming house or a nonresidential structure shall be responsible for extermination in the public or shared areas of the structure and exterior property. If infestation is caused by failure of an occupant to prevent such infestation in the area occupied, the occupant shall be responsible for extermination.

(Ord. 37-94. Passed 4-11-94.)

#### **1814.05 RESPONSIBILITY OF OCCUPANT.**

The occupant of any structure shall be responsible for the continued rat-proof condition of the structure, and if the occupant fails to maintain the rat-proof condition, the cost of extermination shall be the responsibility of the occupant.

(Ord. 37-94. Passed 4-11- 94.)

## **CHAPTER 1816**

### **Unsafe Structures and Equipment**

---

1816.01 In general.

1816.02 Structure unfit for human occupancy.

1816.03 Unlawful structure.

1816.04 Closing of vacant structures.

1816.05 Notice.

1816.06 Placarding.

1816.07 Prohibited occupancy.

1816.08 Removal of placard.

CROSS REFERENCES

Littering - see GEN. OFF.660.02

Noxious odors; filthy accumulations; polluting and diverting watercourses - see GEN. OFF.660.03

Notice to fill lots; remove putrid substances - see GEN. OFF.660.09

Offensive privies - see GEN. OFF.660.14

Solid waste - see S.U. & P.S. Ch.1052

Hazardous conditions - see B. & H. 1410.08

Existing buildings; dangerous buildings - see B. & H. Ch.1420

### **1816.01 IN GENERAL.**

When a structure or equipment is found by the Code Official to be unfit for human occupancy, or is found to be unlawful, such structure shall be condemned pursuant to the provisions of this Code.

(Ord. 37-94. Passed 4-11-94.)

### **1816.02 STRUCTURE UNFIT FOR HUMAN OCCUPANCY.**

A structure is unfit for human occupancy whenever the Code Official finds that such structure is unsafe, unsecured, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is unsanitary, vermin or rat infested, contains filth and contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by this Code, or because the location of the structure constitutes a hazard to the occupants of the structure or to the public.

(Ord. 37-94. Passed 4-11-94.)

### **1816.03 UNLAWFUL STRUCTURE.**

An unlawful structure is one found in whole or in part to be occupied by more persons than are permitted under this Code, or that was erected, altered or occupied contrary to law.

(Ord. 37-94. Passed 4-11-94.)

### **1816.04 CLOSING OF VACANT STRUCTURES.**

(A) If a structure is vacant and unsecured, or unfit for human habitation and occupancy, and is not in danger of structural collapse, the Code Official is authorized to post a placard of condemnation on the premises and order the structure closed up so as not to be an attractive nuisance. Upon failure of the owner to close up the premises within the time specified in the order, the Code Official shall cause the premises to be closed through any available public agency or by contact or arrangement with private persons, and the cost thereof shall be collected in accordance with subsection (c) hereof.

(B) In the event this Code Official determines that a vacant and unsecured structure, poses an immediate danger to the safety or well being of the public or any person, then the Code Official is authorized to immediately cause said structure to be closed and secured, without prior notice to the owner or other appropriate person. The expenses therefore shall be the responsibility of the owner of the premises.

(C) In the event that the owner or other appropriate person fails to pay the expenses for the work performed pursuant to subsection (b) hereof, within thirty days after being notified in writing, by regular U.S. mail, of the amount thereof by the Code Official, such expenses may be collected using on or more of the following methods provided, however, that the expenses may only be collected once:

(1) Such expenses may be certified by Council to the County Auditor and placed upon the tax duplicate for collection as a special assessment and thereupon shall be collected as other taxes and assessments; or

(2) The Director of Law is authorized to bring suit and take other necessary legal action to collect all such expenses.

(D) No structure which has been closed under this section, or which otherwise has been closed or boarded-up by any other person, shall remain closed or boarded-up for a period longer than six months. The repair shall result in openings secured by conventional methods used in the design of the building or by methods permitted for new construction of similar type. No owner of a structure, or other person legally responsible for a structure, shall fail to repair any doors, windows or other openings which are boarded up or otherwise secured by any means other than conventional methods used in the design of the building or permitted for new construction of a similar type, or fail to cause the structure to be in compliance with this Property Maintenance Code after the expiration of said six-month period.

(E) All doors, windows and other openings shall be covered with a minimum of one-half inch thick painted structural sheathing material or solid nominal one-inch lumber, closely butted at the edges and maintained. Such coverings may be installed to fit over the exterior casing or to fit tightly inside the exterior casing coverings the sash area only. However, there shall not be any edges or cracks that will serve as handholds for tearing off of the same. All coverings shall be anchored by nails or screws and shall not be capable of being removed without tools. Any porch floor, railing, post or roof, or any other

attachment to the structure, in danger of falling or causing injury by being decayed or having holes that could cause tripping or falling, shall be repaired and maintained. All loose debris and discarded boards and lumber shall be kept clear of the premises.

(Ord. 179-97. Passed 12-15-97; Ord. 196-03, Passed 10-20-03)

#### **1816.05 NOTICE.**

Whenever the Code Official has condemned a structure or equipment under the provisions of this chapter, notice shall be posted in a conspicuous place in or about the structure affected by such notice and served on the owner or the person or persons responsible for the structure or equipment in accordance with Section 1804.31. The notice shall be in the form prescribed in Section 1804.30.

(Ord. 37-94. Passed 4-11-94.)

#### **1816.06 PLACARDING.**

Upon failure of the owner or person responsible to comply with the notice provisions within the time given, the Code Official shall post on the premises or on defective equipment, a placard bearing the word "Condemned" and a statement of the penalties provided for occupying the premises, operating the equipment or removing the placard.

(Ord. 37-94. Passed 4-11-94.)

#### **1816.07 PROHIBITED OCCUPANCY.**

Any person who shall occupy a placarded premises or shall operate placarded equipment, and any owner or any person responsible for the premises who shall let anyone occupy a placarded premises or operate placarded equipment, shall be subject to the penalties provided in this Code.

(Ord. 37-94. Passed 4-11-94.)

#### **1816.08 REMOVAL OF PLACARD.**

The Code Official shall remove the condemnation placard whenever the defect or defects upon which the condemnation and placarding action were based have been eliminated. Any person who defaces or removes a condemnation placard without the approval of the Code Official shall be subject to the penalties provided in this Code.

(Ord. 37-94. Passed 4-11-94.)

## **CHAPTER 1818**

### **Light, Ventilation and Occupancy**

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- 1818.01 Scope.
- 1818.02 Responsibility of owner.
- 1818.03 Alternative devices.
- 1818.04 Light in habitable spaces.
- 1818.05 Light in common halls and stairways.
- 1818.06 Light in other spaces.
- 1818.07 Ventilation in habitable spaces.
- 1818.08 Ventilation in bathrooms and toilet rooms.
- 1818.09 Ventilation for cooking facilities.
- 1818.10 Process ventilation.
- 1818.11 Clothes dryer exhaust.
- 1818.12 Occupancy limitations; privacy.
- 1818.13 Access from sleeping rooms.
- 1818.14 Area for sleeping purposes.
- 1818.15 Toilet accessibility.

- 1818.16 Overcrowding.
- 1818.17 Combined spaces.
- 1818.18 Prohibited occupancy.
- 1818.19 Minimum ceiling heights.
- 1818.20 Minimum room widths.
- 1818.21 Food preparation.

#### CROSS REFERENCES

Littering - see GEN. OFF.660.02

Noxious odors; filthy accumulations; polluting and diverting watercourses - see GEN. OFF.660.03

Notice to fill lots; remove putrid substances - see GEN. OFF.660.09

Offensive privies - see GEN. OFF.660.14

Solid waste - see S.U. & P.S. Ch.1052

Hazardous conditions - see B. & H. 1410.08

Existing buildings; dangerous buildings - see B. & H. Ch.1420

#### **1818.01 SCOPE.**

The provisions of this chapter shall govern the minimum conditions and standards for light, ventilation and space for the occupancy of a structure.

(Ord. 37-94. Passed 4-11-94.)

#### **1818.02 RESPONSIBILITY OF OWNER.**

The owner of the structure shall provide and maintain light, ventilation and space conditions in compliance with the requirements of this chapter. A person shall not occupy as owner-occupant, or permit another person to occupy, any premises that do not comply with the requirements of this chapter.

(Ord. 37-94. Passed 4-11-94.)

#### **1818.03 ALTERNATIVE DEVICES.**

In lieu of the means for natural light and ventilation prescribed in this chapter, artificial light or mechanical ventilation complying with the Building Code listed in Chapter 1826 shall be permitted.

(Ord. 37-94. Passed 4-11-94.)

#### **1818.04 LIGHT IN HABITABLE SPACES.**

Every habitable space shall have at least one window of approved size facing directly to the outdoors or to a court. The minimum total window area, measured between stops, for every habitable space, shall be eight percent of the floor area of the room, except in kitchens where artificial light is provided in accordance with the provisions of the Building Code listed in Chapter 1826. Wherever walls or other portions of a structure face a window of any room, and such obstructions are located less than three feet (914 mm) from the window and extend to a level above that of the ceiling of the room, such window shall not be deemed to face directly to the outdoors nor to a court and shall not be included as contributing to the required minimum total window area for the room.

(Ord. 37-94. Passed 4-11-94.)

#### **1818.05 LIGHT IN COMMON HALLS AND STAIRWAYS.**

Every common hall and stairway, other than in one and two-family dwellings, shall be lighted at all times with at least a sixty-watt standard incandescent light bulb or equivalent for each 200 square feet (19 m<sup>2</sup>) of floor area, provided that the spacing between lights shall not be greater than thirty feet (9,144 mm). Every exterior stairway shall be illuminated with a minimum of one footcandle (11 lux) at floors, landings and treads.

(Ord. 37-94. Passed 4-11-94.)

#### **1818.06 LIGHT IN OTHER SPACES.**

All other spaces shall be provided with natural or artificial light sufficient to permit the maintenance of sanitary conditions, the safe occupancy of the space and the utilization of the appliances, equipment and fixtures.

(Ord. 37-94. Passed 4-11-94.)

#### **1818.07 VENTILATION IN HABITABLE SPACES.**

Every habitable space shall have at least one openable window. The total openable area of the window in every room shall be equal to at least forty-five percent of the minimum glazed area required in Section 1818.04. (Ord. 37-94. Passed 4-11-94.)

#### **1818.08 VENTILATION IN BATHROOMS AND TOILET ROOMS.**

Every bathroom and toilet room shall comply with the ventilation requirements for habitable spaces as set forth in Section 1818.07, except that a window shall not be required in spaces equipped with a mechanical ventilation system that complies with the following:

(A) Air exhausted by a mechanical ventilation system from a bathroom within a dwelling unit shall be exhausted to the exterior and shall not be recirculated to any space, including the space from which such air is withdrawn.

(B) Air exhausted by a mechanical ventilation system from all other bathrooms or toilet rooms shall be exhausted to the exterior without recirculation to any space, or not more than eighty-five percent of the exhaust air shall be recirculated where the system is provided with effective absorption and filtering equipment.

(Ord. 37-94. Passed 4-11-94.)

#### **1818.09 VENTILATION FOR COOKING FACILITIES.**

Unless approved through the certificate of occupancy, cooking shall not be permitted in any rooming unit or dormitory unit, and a cooking facility or appliance shall not be permitted to be present in a rooming unit or dormitory unit, except where specifically approved in writing by the Code Official.

(Ord. 37-94. Passed 4-11-94.)

#### **1818.10 PROCESS VENTILATION.**

Where injurious, toxic, irritating or noxious fumes, gases, dusts or mists are generated, a local exhaust ventilation system shall be provided to remove the contaminating agent at the source. Air shall be exhausted to the exterior and not be recirculated to any space.

(Ord. 37-94. Passed 4-11-94.)

#### **1818.11 CLOTHES DRYER EXHAUST.**

Clothes dryer venting systems shall be independent of all other systems and shall be vented in accordance with the manufacturer's instructions.

(Ord. 37-94. Passed 4-11-94.)

#### **1818.12 OCCUPANCY LIMITATIONS; PRIVACY.**

Dwelling units, hotel units, rooming units and dormitory units shall be arranged to provide privacy and be separate from other adjoining spaces.

(Ord. 37-94. Passed 4-11-94.)

#### **1818.13 ACCESS FROM SLEEPING ROOMS.**

Sleeping rooms shall not constitute the only means of access to other sleeping rooms or habitable spaces, except in dwelling units that contain fewer than two bedrooms.

(Ord. 37-94. Passed 4-11-94.)

#### **1818.14 AREA FOR SLEEPING PURPOSES.**

Every room occupied for sleeping purposes by one occupant shall contain at least seventy square feet (7 m<sup>2</sup>) of floor area, and every room occupied for sleeping purposes by more than one person shall contain at least fifty square feet (5 m<sup>2</sup>) of floor area for each occupant thereof.

(Ord. 37-94. Passed 4-11-94.)

#### **1818.15 TOILET ACCESSIBILITY.**

Every bedroom shall have access to at least one toilet and one lavatory without passing through another bedroom.

(Ord. 37-94. Passed 4-11-94.)

**1818.16 OVERCROWDING.**

Dwelling units shall not be occupied by more occupants than are permitted by the minimum occupancy area requirements of Table 1818.16.

<i>Table 1818.16</i>			
<i>Minimum Occupancy Area Requirements</i>			
<i>Space</i>	<i>Minimum occupancy area in square feet<sup>b</sup></i>		
	<i>1-2 occupants</i>	<i>3-5 occupants</i>	<i>6 or more</i>
Living room <sup>a</sup>	No requirements	120	150
Dining room <sup>a</sup>	No requirements	80	100
Kitchen	50	50	60
Bedrooms	Shall comply with section 1818.14		

Note a. See Section 1818.17 for combined living room/dining room spaces.

Note b. 1 square foot = 0.093 m<sup>2</sup>.

(Ord. 37-94. Passed 4-11-94.)

**1818.17 COMBINED SPACES.**

Combined living room and dining room spaces shall comply with the requirements of Table 1818.16 if the total area is equal to that required for separate rooms and if the space is located so as to function as a combination living room/dining room.

(Ord. 37-94. Passed 4-11-94.)

**1818.18 PROHIBITED OCCUPANCY.**

Kitchens, nonhabitable spaces and interior public areas shall not be occupied for sleeping purposes.

(Ord. 37-94. Passed 4-11-94.)

**1818.19 MINIMUM CEILING HEIGHTS.**

(A) Habitable spaces, other than kitchens, shall have a clear ceiling height of not less than seven feet, four inches (2,235 mm). Hallways, corridors, laundry areas, bathrooms, toilet rooms and kitchens shall have a clear ceiling height of not less than seven feet (2,134 mm).

(B) The requirements of subsection (a) hereof shall not apply to the following conditions:

(1) Beams or girders spaced not less than four feet (1,219 mm) on center and projecting not more than six inches (152 mm) below the required ceiling height, provided that the minimum clear height is not less than six feet, eight inches (2,033 mm).

(2) Dropped or furred ceilings over not more than one-half of the minimum floor area required by this Code, provided that no part of such dropped or furred ceiling is less than seven feet (2,134 mm) in height.

(3) Rooms occupied exclusively for sleeping, study or similar purposes and having a sloped ceiling over all or part of the room, with a clear ceiling height of at least seven feet (2,134 mm) over not less than one-third of the required minimum floor area. In calculating the floor area of such rooms, only those portions of the floor area with a clear ceiling height of five feet (1,524 mm) or more shall be included.

(4) Basement rooms in one and two-family dwellings occupied exclusively for laundry, study or recreation purposes, having a ceiling height of not less than six feet, eight inches (2,033 mm) with not less than six feet, four inches (1,932 mm) of clear height under beams, girders, ducts and similar obstructions.

(Ord. 37-94. Passed 4-11-94.)

**1818.20 MINIMUM ROOM WIDTHS.**

A habitable room, other than a kitchen, shall not be less than seven feet (2,133 mm) in any plan dimension. Kitchens shall have a clear passageway of not less than three feet (914 mm) between counterfronts and appliances or counterfronts and



walls.

(Ord. 37-94. Passed 4-11-94.)

### **1818.21 FOOD PREPARATION.**

All spaces to be occupied for food preparation purposes shall contain suitable space and equipment to store, prepare and serve foods in a sanitary manner. There shall be adequate facilities and services for the sanitary disposal of food wastes and refuse, including facilities for temporary storage.

(Ord. 37-94. Passed 4-11-94.)

## **CHAPTER 1820**

### **General Requirements for Plumbing**

---

- 1820.01 Scope.
- 1820.02 Responsibility of owner.
- 1820.03 Required facilities; dwelling units.
- 1820.04 Required facilities; rooming houses.
- 1820.05 Required facilities; hotels.
- 1820.06 Employees' facilities.
- 1820.07 Toilet rooms; privacy.
- 1820.08 Toilet rooms; location.
- 1820.09 Location of employee toilet facilities.
- 1820.10 Plumbing fixtures in general.
- 1820.11 Fixture clearances.
- 1820.12 Water systems in general.
- 1820.13 Contamination.
- 1820.14 Supply.
- 1820.15 Water heating facilities.
- 1820.16 Sanitary drainage system in general.
- 1820.17 Maintenance of sanitary drainage system.
- 1820.18 Storm drainage in general.

#### **CROSS REFERENCES**

Littering - see GEN. OFF.660.02

Noxious odors; filthy accumulations; polluting and diverting watercourses - see GEN. OFF.660.03

Notice to fill lots; remove putrid substances - see GEN. OFF.660.09

Offensive privies - see GEN. OFF.660.14

Solid waste - see S.U. & P.S. Ch.1052

Hazardous conditions - see B. & H. 1410.08

Existing buildings; dangerous buildings - see B. & H. Ch.1420

### **1820.01 SCOPE.**

The provisions of this chapter shall govern the minimum plumbing facilities and plumbing fixtures to be provided in any premises.

(Ord. 37-94. Passed 4-11-94.)

### **1820.02 RESPONSIBILITY OF OWNER.**

The owner of a structure shall provide and maintain plumbing facilities and plumbing fixtures in compliance with this Code. A person shall not occupy as owner-occupant, or permit another person to occupy, any structure or premises that do not comply with the requirements of this chapter.

(Ord. 37-94. Passed 4-11-94.)

### **1820.03 REQUIRED FACILITIES; DWELLING UNITS.**

Every dwelling unit shall contain its own bathtub or shower, lavatory, toilet and kitchen sink, which shall be maintained in a sanitary, safe working condition. The lavatory shall be placed in the same room as the toilet or located in close proximity to the door leading directly into the room in which such toilet is located.

(Ord. 37-94. Passed 4-11-94.)

### **1820.04 REQUIRED FACILITIES; ROOMING HOUSES.**

At least one toilet, lavatory and bathtub or shower shall be supplied for each four rooming units.

(Ord. 37-94. Passed 4-11-94.)

### **1820.05 REQUIRED FACILITIES; HOTELS.**

Where private toilets, lavatories and baths are not provided, one toilet, one lavatory and one bathtub or shower having access from a public hallway shall be provided for each ten occupants.

(Ord. 37-94. Passed 4-11-94.)

### **1820.06 EMPLOYEES' FACILITIES.**

A minimum of one toilet, one lavatory and one drinking facility shall be available to employees. Drinking facilities shall be a drinking fountain, water cooler, bottled water cooler or disposable cups next to a sink or water dispenser. Drinking facilities shall not be located in toilet rooms or bathrooms.

(Ord. 37-94. Passed 4-11-94.)

### **1820.07 TOILET ROOMS; PRIVACY.**

Toilet rooms and bathrooms shall provide privacy and shall not constitute the only passageway to a hall or other space, or to the exterior.

(Ord. 37-94. Passed 4-11-94.)

### **1820.08 TOILET ROOMS; LOCATION.**

Toilet rooms and bathrooms serving hotel units, rooming units or dormitory units, shall have access by traversing not more than one flight of stairs and shall have access from a common hall or passageway.

(Ord. 37-94. Passed 4-11-94.)

### **1820.09 LOCATION OF EMPLOYEE TOILET FACILITIES.**

(A) Toilet facilities shall be accessible from within the employees' regular working area. The required toilet facilities shall be located not more than one story above or below the employees' regular working area and the path of travel to such facilities shall not exceed a distance of 500 feet (152 m). Employee facilities shall either be separate facilities or public customer facilities.

(B) Facilities that are required for employees in storage structures or kiosks, and which are located in adjacent structures under the same ownership, lease or control, shall not exceed a travel distance of 500 feet (152 m) from the employees' regular working area to the facilities.

(Ord. 37-94. Passed 4-11-94.)

### **1820.10 PLUMBING FIXTURES IN GENERAL.**

All plumbing fixtures shall be properly installed and maintained in working order, shall be kept free from obstructions, leaks and defects and shall be capable of performing the function for which such plumbing fixtures are designed. All plumbing fixtures shall be maintained in a safe, sanitary and functional condition.

(Ord. 37-94. Passed 4-11-94.)

### **1820.11 FIXTURE CLEARANCES.**

Plumbing fixtures shall have adequate clearances for usage and cleaning.

(Ord. 37-94. Passed 4-11-94.)

#### **1820.12 WATER SYSTEMS IN GENERAL.**

Every sink, lavatory, bathtub or shower, drinking fountain, toilet or other plumbing fixture shall be properly connected to either a public water system or to an approved private water system. All kitchen sinks, lavatories, laundry facilities, bathtubs and showers shall be supplied with hot or tempered and cold running water.

(Ord. 37-94. Passed 4-11-94.)

#### **1820.13 CONTAMINATION.**

The water supply shall be maintained free from contamination, and all water inlets for plumbing fixtures shall be located above the flood level rim of the fixture. Shampoo basin faucets, janitor sink faucets, and other hose bibs or faucets to which hoses are attached and left in place, shall be protected by an approved atmospheric- type vacuum breaker or an approved permanently attached hose connection vacuum breaker.

(Ord. 37-94. Passed 4-11-94.)

#### **1820.14 SUPPLY.**

The water supply system shall be installed and maintained to provide a supply of water to plumbing fixtures, devices and appurtenances in sufficient volume and at pressures adequate to enable the fixtures to function properly, safely and free from defects and leaks.

(Ord. 37-94. Passed 4-11-94.)

#### **1820.15 WATER HEATING FACILITIES.**

Water heating facilities shall be properly installed, maintained and capable of providing an adequate amount of water to be drawn at every required sink, lavatory, bathtub, shower and laundry facility at a temperature of not less than 110 degrees Fahrenheit (forty-three degrees Centigrade). A gas-burning water heater shall not be located in any bathroom, toilet room, bedroom or other occupied room normally kept closed, unless adequate combustion air is provided. An approved combination temperature and pressure relief valve and relief valve discharge pipe shall be properly installed and maintained on water heaters.

(Ord. 37-94. Passed 4-11-94.)

#### **1820.16 SANITARY DRAINAGE SYSTEM IN GENERAL.**

All plumbing fixtures shall be properly connected to either a public sewer system or to an approved private sewage disposal system.

(Ord. 37-94. Passed 4-11-94.)

#### **1820.17 MAINTENANCE OF SANITARY DRAINAGE SYSTEM.**

Every plumbing stack, vent, waste and sewer line shall function properly and be kept free from obstructions, leaks and defects.

(Ord. 37-94. Passed 4-11-94.)

#### **1820.18 STORM DRAINAGE IN GENERAL.**

Drainage of roofs, paved areas, yards, courts and other open areas on any premises shall not be discharged in a manner that creates a public nuisance.

(Ord. 37-94. Passed 4-11-94.)

## **CHAPTER 1822**

### **Mechanical and Electrical Requirements**

---

1822.01 Scope.

1822.02 Responsibility of owner.

- 1822.03 Heating facilities required.
- 1822.04 Residential buildings; heat supply; exceptions.
- 1822.05 Nonresidential structures.
- 1822.06 Room temperature measurement.
- 1822.07 Mechanical equipment.
- 1822.08 Cooking and heating equipment.
- 1822.09 Flues.
- 1822.10 Clearances.
- 1822.11 Safety controls.
- 1822.12 Combustion air.
- 1822.13 Energy conservation devices.
- 1822.14 Electrical facilities required.
- 1822.15 Service.
- 1822.16 Electrical system hazards.
- 1822.17 Installation of electrical equipment.
- 1822.18 Receptacles.
- 1822.19 Lighting fixtures.
- 1822.20 Maintenance of elevators, escalators and dumbwaiters.
- 1822.21 Elevators required.

#### CROSS REFERENCES

Littering - see GEN. OFF.660.02

Noxious odors; filthy accumulations; polluting and diverting watercourses - see GEN. OFF.660.03

Notice to fill lots; remove putrid substances - see GEN. OFF.660.09

Offensive privies - see GEN. OFF.660.14

Solid waste - see S.U. & P.S. Ch.1052

Hazardous conditions - see B. & H. 1410.08

Existing buildings; dangerous buildings - see B. & H. Ch.1420

#### **1822.01 SCOPE.**

The provisions of this chapter shall govern the minimum mechanical and electrical facilities and equipment to be provided in any premises.

(Ord. 37-94. Passed 4-11-94.)

#### **1822.02 RESPONSIBILITY OF OWNER.**

The owner of a structure shall provide and maintain mechanical and electrical facilities and equipment in compliance with this Code. A person shall not occupy as owner-occupant, or permit another person to occupy, any premises that do not comply with the requirements of this chapter.

(Ord. 37-94. Passed 4-11-94.)

#### **1822.03 HEATING FACILITIES REQUIRED.**

Heating facilities shall be provided in structures as required by this chapter.

(Ord. 37-94. Passed 4-11-94.)

#### **1822.04 RESIDENTIAL BUILDINGS; HEAT SUPPLY; EXCEPTIONS.**

(A) Every dwelling shall be provided with permanently-affixed heating facilities capable of maintaining a room temperature of sixty-five degrees Fahrenheit (eighteen degrees Centigrade) in all habitable rooms, bathrooms and toilet

rooms based on the outside design temperature required for the locality by the Mechanical Code listed in Chapter 1826.

(B) Every owner and operator of any building who rents, leases or lets one or more dwelling units, rooming units, dormitories or guest rooms on terms, either express or implied, which provide for furnishing heat to the occupants thereof, shall supply sufficient heat to maintain the room temperatures specified in subsection (A) hereof during the hours between 6:30 a.m. and 10:30 p.m. of each day and not less than sixty degrees Fahrenheit (sixteen degrees Centigrade) during other hours.

(C) When the outdoor temperature is below the outdoor design temperature required for the locality by the Mechanical Code listed in Chapter 1826, the owner or operator shall not be required to maintain the minimum room temperatures, provided that the permanently-affixed heating system is operating at full capacity, with supply valves and dampers in a full open position.

(Ord. 37-94. Passed 4-11-94; Ord. 009-16. Passed 1-4-16.)

#### **1822.05 NONRESIDENTIAL STRUCTURES.**

(A) Every enclosed occupied work space shall be supplied with sufficient heat to maintain a temperature of not less than sixty-five degrees Fahrenheit (eighteen degrees Centigrade) during all working hours.

(B) Subsection (A) hereof shall not apply to the following:

- (1) Processing, storage and operation areas that require cooling or special temperature conditions; and
- (2) Areas in which persons are primarily engaged in vigorous physical activities.

(Ord. 37-94. Passed 4-11-94.)

#### **1822.06 ROOM TEMPERATURE MEASUREMENT.**

The required room temperatures shall be measured at a point three feet (914 mm) above the floor and three feet (914 mm) from the exterior walls.

(Ord. 37-94. Passed 4-11-94.)

#### **1822.07 MECHANICAL EQUIPMENT.**

All mechanical equipment, fireplaces and solid fuel-burning appliances shall be permanently affixed, properly installed, maintained in a safe working condition, and capable of performing their intended function.

(Ord. 37-94. Passed 4-11-94; Ord. 010-16. Passed 1-4-16.)

#### **1822.08 COOKING AND HEATING EQUIPMENT.**

All cooking and heating equipment, components and accessories in every heating, cooking and water-heating device shall be maintained free from leaks and obstructions.

(Ord. 37-94. Passed 4-11-94.)

#### **1822.09 FLUES.**

All fuel-burning equipment and appliances shall be connected to an approved chimney or vent, except for fuel-burning equipment and appliances which are labeled by the manufacturer for unvented operation.

(Ord. 37-94. Passed 4-11-94.)

#### **1822.10 CLEARANCES.**

All required clearances from combustible materials shall be maintained.

(Ord. 37-94. Passed 4-11-94.)

#### **1822.11 SAFETY CONTROLS.**

All safety controls for fuel-burning equipment shall be maintained in effective operation.

(Ord. 37-94. Passed 4-11-94.)

#### **1822.12 COMBUSTION AIR.**

A supply of air for complete combustion of the fuel and for ventilation of the space shall be provided for the fuel-burning equipment.

(Ord. 37-94. Passed 4-11-94.)

### **1822.13 ENERGY CONSERVATION DEVICES.**

Devices purporting to reduce fuel consumption by attachment to a fuel-burning appliance, to the fuel supply line thereto, or to the vent outlet or vent piping therefrom, shall not be installed unless they are labeled for such purpose and the installation is specifically approved.

(Ord. 37-94. Passed 4-11-94.)

### **1822.14 ELECTRICAL FACILITIES REQUIRED.**

Every occupied building shall be provided with an electrical system in compliance with the requirements of Sections 1822.15 through 1822.19.

(Ord. 37-94. Passed 4-11-94.)

### **1822.15 SERVICE.**

The size and usage of appliances and equipment shall serve as a basis for determining the need for additional facilities in accordance with NFIPA 70 listed in Chapter 1826. Every dwelling shall be served by a main service that is not less than 100 amperes, three wires.

(Ord. 37-94. Passed 4-11-94.)

### **1822.16 ELECTRICAL SYSTEM HAZARDS.**

Where it is found that the electrical system in a structure constitutes a hazard to the occupants of the structure, or to the structure, by reason of inadequate service, improper fusing, insufficient outlets, improper wiring or installation, deterioration or damage, or similar reasons, the Code Official shall require the defects to be corrected to eliminate the hazard.

(Ord. 37-94. Passed 4-11-94.)

### **1822.17 INSTALLATION OF ELECTRICAL EQUIPMENT.**

All electrical equipment, wiring and appliances shall be properly installed and maintained in a safe and approved manner.

(Ord. 37-94. Passed 4-11-94.)

### **1822.18 RECEPTACLES.**

Every habitable space in a dwelling shall contain at least two separate and remote receptacle outlets. Every laundry area shall contain at least one grounded-type receptacle. Every bathroom shall contain at least one receptacle.

(Ord. 37-94. Passed 4-11-94.)

### **1822.19 LIGHTING FIXTURES.**

Every public hall, interior stairway, toilet compartment, bathroom, laundry room and furnace room shall contain at least one electric lighting fixture.

(Ord. 37-94. Passed 4-11-94.)

### **1822.20 MAINTENANCE OF ELEVATORS, ESCALATORS AND DUMBWAITERS.**

Elevators, dumbwaiters and escalators shall be maintained to sustain safely all imposed loads, to operate properly and to be free from physical and fire hazards.

(Ord. 37-94. Passed 4-11-94.)

### **1822.21 ELEVATORS REQUIRED.**

In buildings equipped with passenger elevators, at least one elevator shall be maintained in operation at all times when the building is occupied. Buildings equipped with only one elevator shall be permitted to have the elevator temporarily out of service for testing or servicing.

(Ord. 37-94. Passed 4-11-94.)

## **CHAPTER 1824**

### **General Requirements for Fire Safety**

---

- 1824.01 Scope.
- 1824.02 Responsibility of owner.
- 1824.03 Means of egress in general.
- 1824.04 Exit capacity.
- 1824.05 Number of exits; exception.
- 1824.06 Arrangement.
- 1824.07 Exit signs.
- 1824.08 Corridor enclosure; exceptions.
- 1824.09 Dead-end travel distance.
- 1824.10 Aisles.
- 1824.11 Stairways, handrails and guards.
- 1824.12 Information signs.
- 1824.13 Locked doors.
- 1824.14 Locks permitted.
- 1824.15 Emergency escapes.
- 1824.16 Accumulations.
- 1824.17 Hazardous materials.
- 1824.18 Maintenance of fire resistance ratings.
- 1824.19 Maintenance of fire doors and smoke barriers.
- 1824.20 Maintenance of fire protection systems.
- 1824.21 Fire suppression systems.
- 1824.22 Control valves.
- 1824.23 Sprinklers.
- 1824.24 Piping.
- 1824.25 Standpipe systems.
- 1824.26 Water supply control valves.
- 1824.27 Hose connections.
- 1824.28 Hose packing.
- 1824.29 Fire extinguishers.
- 1824.30 Smoke detectors; installation; power source; tampering.
- 1824.31 Fire protective signaling systems.
- 1824.32 Records of tests and inspections.
- 1824.33 Elevator recall required.
- 1824.34 Smoke and heat detection.
- 1824.35 Venting of heaters and burners.
- 1824.36 Air pollution.

#### CROSS REFERENCES

Littering - see GEN. OFF.660.02

Noxious odors; filthy accumulations; polluting and diverting watercourses - see GEN. OFF.660.03

Notice to fill lots; remove putrid substances - see GEN. OFF.660.09

Offensive privies - see GEN. OFF.660.14

Solid waste - see S.U. & P.S. Ch.1052



Hazardous conditions - see B. & H. 1410.08

Existing buildings; dangerous buildings - see B. & H. Ch. 1420

BOCA National Fire Prevention Code - see F.P. Ch. 1602

#### **1824.01 SCOPE.**

The provisions of this chapter shall govern the minimum conditions and standards for fire safety relating to structures and exterior premises, including fire safety facilities and equipment to be provided.

(Ord. 37-94. Passed 4-11-94.)

#### **1824.02 RESPONSIBILITY OF OWNER.**

The owner of the premises shall provide and maintain fire safety facilities and equipment in compliance with this Code. A person shall not occupy as owner-occupant, or permit another person to occupy, any premises that do not comply with the requirements of this chapter.

(Ord. 37-94. Passed 4-11-94.)

#### **1824.03 MEANS OF EGRESS IN GENERAL.**

A safe, continuous and unobstructed means of egress shall be provided from the interior of a structure to a public way.

(Ord. 37-94. Passed 4-11-94.)

#### **1824.04 EXIT CAPACITY.**

The capacity of the exits serving a floor shall be sufficient for the occupant load thereof as determined by the Building Code listed in Chapter 1826.

(Ord. 37-94. Passed 4-11-94.)

#### **1824.05 NUMBER OF EXITS; EXCEPTION.**

(A) In nonresidential buildings, every occupied story more than six stories above grade shall be provided with not less than two independent exits. In residential buildings, every story exceeding two stories above grade shall be provided with not less than two independent exits. In stories where more than one exit is required, all occupants shall have access to at least two exits. Every occupied story which is both totally below grade and greater than 2,000 square feet shall be provided with not less than two independent exits.

(B) A single exit is acceptable under any one of the following conditions:

(1) Where the building is equipped throughout with an automatic sprinkler system and an automatic fire detection system, with smoke detectors located in all corridors, lobbies and common areas.

(2) Where the building is equipped throughout with an automatic fire detection system and the exit is an approved smokeproof enclosure or pressurized stairway.

(3) Where an existing fire escape conforming to the Building Code listed in Chapter 1826 is provided in addition to the single exit.

(4) Where permitted by the Building Code listed in Chapter 1826.

(Ord. 37-94. Passed 4-11-94.)

#### **1824.06 ARRANGEMENT.**

Exits from dwelling units, rooming units, guest rooms and dormitory units shall not lead through other such units, or through toilet rooms or bathrooms.

(Ord. 37-94. Passed 4-11-94.)

#### **1824.07 EXIT SIGNS.**

All means of egress shall be indicated with approved "Exit" signs where required by the Building Code listed in Chapter 1826. All "Exit" signs shall be maintained visible and all illuminated "Exit" signs shall be illuminated at all times that the building is occupied.

(Ord. 37-94. Passed 4-11-94.)

#### **1824.08 CORRIDOR ENCLOSURE; EXCEPTIONS.**

(A) All corridors serving an occupant load greater than thirty, and the openings therein, shall provide an effective barrier to resist the movement of smoke. All transoms, louvers, doors and other openings shall be closed or shall be self-closing.

(B) Corridors in occupancies in other than Use Group H, which are equipped throughout with an automatic sprinkler system, are exempt from the requirements of subsection (A) hereof.

(C) Patient room doors in corridors in occupancies in Use Group I-2, where smoke barriers are provided in accordance with the Fire Prevention Code listed in Chapter 1826, are not required to be self-closing.

(D) Corridors in occupancies in Use Group E, where each room that is occupied for instruction or assembly purposes has at least one-half of the required means of egress doors opening directly to the exterior of the building at ground level, are exempt from the requirements of subsection (A) hereof.

(E) Corridors that are in compliance with the Building Code listed in Chapter 1826 are exempt from the requirements of subsection (A) hereof.

(Ord. 37-94. Passed 4-11-94.)

#### **1824.09 DEAD-END TRAVEL DISTANCE.**

All corridors that serve more than one exit shall provide direct connection to such exits. The length of a dead-end corridor shall not exceed thirty-five feet (10,668 mm) where the building is not equipped throughout with an automatic sprinkler system. The dead-end travel distance limitation shall be increased to seventy feet (21,336 mm) where the building is equipped throughout with an automatic sprinkler system.

(Ord. 37-94. Passed 4-11-94.)

#### **1824.10 AISLES.**

Arrangements of chairs or tables and chairs shall provide for ready access by aisle accessways and aisles to each egress door. The minimum clear width of each aisle in occupancies in Use Groups A, E and I-2 shall be maintained in accordance with the requirements of the Building Code listed in Chapter 1826. In all other occupancies, aisles shall have a minimum required clear width of forty-four inches (1,118 mm) where serving an occupant load greater than fifty, and thirty-six inches (914 mm) where serving an occupant load of fifty or less. The clear width of aisles shall not be obstructed by chairs, tables or other objects.

(Ord. 37-94. Passed 4-11-94.)

#### **1824.11 STAIRWAYS, HANDRAILS AND GUARDS.**

Every exterior and interior flight of stairs having more than four risers, and every open portion of a stair, landing or balcony which is more than thirty inches (762 mm) above the floor or grade below, shall have guards. Handrails shall not be less than thirty inches (762 mm) nor more than forty-two inches (1,067 mm) high, measured vertically above the nosing of the tread or above the finished floor of the landing or walking surfaces. Guards shall not be less than thirty inches (762 mm) high above the floor of the landing or balcony.

(Ord. 37-94. Passed 4-11-94.)

#### **1824.12 INFORMATION SIGNS.**

A sign shall be provided at each floor landing in all interior stairways more than three stories above grade, designating the floor level above the floor of discharge. All elevator lobby call stations on all floor levels shall be marked with approved signs in accordance with the requirements for new buildings in the Building Code listed in Chapter 1826. An emergency sign shall not be required for elevators that are part of an accessible means of egress complying with the Building Code listed in Chapter 1826.

(Ord. 37-94. Passed 4-11-94.)

#### **1824.13 LOCKED DOORS.**

All means of egress doors shall be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort, except as provided for in Section 1824.14.

(Ord. 37-94. Passed 4-11-94.)

#### **1824.14 LOCKS PERMITTED.**

Locks or fasteners shall not be installed on egress doors except in the following circumstances:

(A) In mental, penal or other institutions where the security of inmates is necessary, locks are permitted, provided that properly trained supervisory personnel shall be continuously on duty and approved provisions are made to remove occupants safety in case of fire or other emergency.

(B) In problem security areas, special-purpose door alarms or locking devices are permitted if they are approved prior to installation. Manually operated edge or surface-molded flush bolts are prohibited.

(C) Where the door hardware conforms to that permitted by the Building Code listed in Chapter 1826, it is permitted.

(Ord. 37-94. Passed 4-11-94.)

#### **1824.15 EMERGENCY ESCAPES.**

Every sleeping room located in a basement in an occupancy in Use Group I-1 or R shall have at least one openable window or exterior door approved for emergency egress or rescue, or shall have access to not less than two approved independent exits. This section shall not apply, however, to buildings equipped throughout with an automatic fire suppression system.

(Ord. 37-94. Passed 4-11-94.)

#### **1824.16 ACCUMULATIONS.**

Rubbish, garbage or other materials shall not be stored or allowed to accumulate in stairways, passageways, doors, windows, fire escapes or other means of egress.

(Ord. 37-94. Passed 4-11-94.)

#### **1824.17 HAZARDOUS MATERIALS.**

Combustible, flammable, explosive or other hazardous materials, such as paints, volatile oils and cleaning fluids, or combustible rubbish, such as wastepaper, boxes and rags, shall not be accumulated or stored unless such storage complies with the applicable requirements of the Building Code and the Fire Prevention Code listed in Chapter 1826.

(Ord. 37-94. Passed 4-11-94.)

#### **1824.18 MAINTENANCE OF FIRE RESISTANCE RATINGS.**

The fire resistance ratings of floors, walls, ceilings and other elements and components shall be maintained.

(Ord. 37-94. Passed 4-11-94.)

#### **1824.19 MAINTENANCE OF FIRE DOORS AND SMOKE BARRIERS.**

All required fire doors and smoke barriers shall be maintained in good working order, including all hardware necessary for the proper operation thereof. Fire doors shall not be held open by door stops, wedges and other unapproved hold-open devices.

(Ord. 37-94. Passed 4-11-94.)

#### **1824.20 MAINTENANCE OF FIRE PROTECTION SYSTEMS.**

All systems, devices and equipment to detect a fire, actuate an alarm, or suppress or control a fire, or any combination thereof, shall be properly maintained.

(Ord. 37-94. Passed 4-11-94.)

#### **1824.21 FIRE SUPPRESSION SYSTEMS.**

Fire suppression systems shall be in proper operating condition at all times.

(Ord. 37-94. Passed 4-11-94.)

#### **1824.22 CONTROL VALVES.**

Control valves shall be in the fully open position.

(Ord. 37-94. Passed 4-11-94.)

#### **1824.23 SPRINKLERS.**

Sprinklers shall be clean and free of corrosion, paint and damage. Stock shall be at least eighteen inches (457 mm) below sprinkler deflectors.

(Ord. 37-94. Passed 4-11-94.)

#### **1824.24 PIPING.**

Piping shall be properly supported and shall not support any other loads.

(Ord. 37-94. Passed 4-11-94.)

#### **1824.25 STANDPIPE SYSTEMS.**

Standpipe systems shall be in proper operating condition at all times.

(Ord. 37-94. Passed 4-11-94.)

#### **1824.26 WATER SUPPLY CONTROL VALVES.**

Water supply control valves shall be in the fully open position.

(Ord. 37-94. Passed 4- 11-94.)

#### **1824.27 HOSE CONNECTIONS.**

Hose connections shall be identified and have ready access thereto.

(Ord. 37-94. Passed 4-11-94.)

#### **1824.28 HOSE PACKING.**

Where provided, hose shall be properly packed, dry and free from deterioration.

(Ord. 37-94. Passed 4-11-94.)

#### **1824.29 FIRE EXTINGUISHERS.**

All portable fire extinguishers shall be visible, provided with ready access thereto, and maintained in an efficient and safe operating condition. Extinguishers shall be of an approved type.

(Ord. 37-94. Passed 4-11-94.)

#### **1824.30 SMOKE DETECTORS; INSTALLATION; POWER SOURCE; TAMPERING.**

(A) A minimum of one approved single-station or multiple-station smoke detector shall be installed in each guest room, suite or sleeping area in occupancies in Use Groups R-1 and I-1, and in dwelling units in the immediate vicinity of the bedrooms in occupancies in Use Groups R-2 and R-3. In all residential occupancies, smoke detectors shall be required on every story of the dwelling unit, including basements. In dwelling units with split levels and without an intervening door between the adjacent levels, a smoke detector installed on the upper level shall suffice for the adjacent lower level, provided that the lower level is less than one full story below the upper level.

(B) All detectors shall be installed in accordance with the Building Code listed in Chapter 1826. When actuated, the smoke detectors shall provide an alarm suitable to warn the occupants within the individual room or dwelling unit.

(C) The power source for smoke detectors shall be either an AC primary power source or a monitored battery primary power source.

(D) Anyone tampering or interfering with the effectiveness of a smoke detector shall be in violation of this Code.

(Ord. 37-94. Passed 4-11-94.)

#### **1824.31 FIRE PROTECTIVE SIGNALING SYSTEMS.**

(A) Fire protective signaling systems shall be in proper operating condition at all times.

(B) The "power on" indicator of the control panel shall be lit. Alarm or trouble indicators shall not be illuminated.

(C) All manual fire alarm boxes shall be operational and unobstructed.

(D) All automatic fire detectors shall be operational and free from any obstructions that prevent proper operation, including smoke entry.

(Ord. 37-94. Passed 4-11- 94.)

#### **1824.32 RECORDS OF TESTS AND INSPECTIONS.**

A complete written record of all tests and inspections of fire protection systems shall be maintained on the premises by the owner or occupant in charge of said premises.

(Ord. 37-94. Passed 4-11-94.)

### **1824.33 ELEVATOR RECALL REQUIRED.**

All elevators having a travel distance of twenty-five feet (7,620 mm) or more above or below the primary level of elevator access for emergency fire-fighting or rescue personnel shall conform to the requirements of Rule 211.3 of ASME A17.1 listed in Chapter 1826.

(Ord. 37-94. Passed 4-11-94.)

### **1824.34 SMOKE AND HEAT DETECTION.**

Approved smoke or heat detectors shall be installed in return air ducts or plenums in each recirculating air system serving more than one floor in buildings that exceed six stories in height in accordance with the Mechanical Code listed in Chapter 1826. Actuation of the detector shall stop the fan(s) automatically and shall be of the manual-reset type. Automatic fan shutdown is not required where the system is part of an approved smoke control system.

(Ord. 37-94. Passed 4-11-94.)

### **1824.35 VENTING OF HEATERS AND BURNERS.**

(A) A brazier, salamander, space heater, room heater, furnace, water heater or other burner or heater using wood, coal, coke, fuel oil, kerosene, gasoline, natural gas, liquid petroleum gas or similar fuel, and tending to give off carbon monoxide or other harmful gases:

(1) When used in living quarters, or in any enclosed building or space in which persons are usually present, shall be used with a flue or vent so designed, installed and maintained as to vent the products of combustion outdoors, except in storage, factory or industrial buildings which are provided with sufficient ventilation to avoid the danger of carbon monoxide poisoning;

(2) When used as a portable or temporary burner or heater at a construction site, or in a warehouse, shed or structure in which persons are temporarily present, shall be vented as provided in subsection (a) hereof, or used with sufficient ventilation to avoid the danger of carbon monoxide poisoning.

(B) This section does not apply to domestic ranges, laundry stoves, gas logs installed in a fireplace with an adequate flue, or hot plates, unless the same are used as space or room heaters.

(C) No person shall negligently use, or, being the owner, person in charge, or occupant of premises, negligently permit the use of, a burner or heater in violation of the standards for venting and ventilation provided in this section.

(D) Subsection (A) hereof does not apply to any kerosene-fired space or room heater that is equipped with an automatic extinguishing tip-over device, or to any natural gas-fired or liquid petroleum gas-fired space or room heater that is equipped with an oxygen depletion safety shutoff system, and that has its fuel piped from a source outside of the building in which it is located, that are approved by an authoritative source recognized by the State Fire Marshal in the State Fire Code adopted by him under Ohio R.C. 3737.82.

(E) The State Fire Marshal may make rules to ensure the safe use of unvented kerosene, natural gas or liquid petroleum gas heaters exempted from the requirements of subsection (A) hereof when used in assembly buildings, business buildings, high-hazard buildings, institutional buildings, mercantile buildings and type R-1 and R-2 residential buildings, as these groups of buildings are defined in rules adopted by the Board of Building Standards under Ohio R.C. 3781.10. No person shall negligently use, or, being the owner, person in charge or occupant of premises, negligently permit the use of, a heater in violation of any rules adopted under this subsection.

(F) The State Fire Marshal may make rules prescribing standards for written instructions containing ventilation requirements and warning of any potential fire hazards that may occur in using a kerosene, natural gas or liquid petroleum gas heater. No person shall sell or offer for sale any kerosene, natural gas or liquid petroleum gas heater unless the manufacturer provides with the heater written instructions that comply with any rules adopted under this subsection.

(G) No product labeled as a fuel additive for kerosene heaters and having a flash point below 100 degrees Fahrenheit or 37.8 degrees Centigrade shall be sold, offered for sale or used in any kerosene space heater.

(H) No device that prohibits any safety feature on a kerosene, natural gas or liquid petroleum gas space heater from operating shall be sold, offered for sale or used in connection with any kerosene, natural gas or liquid petroleum gas space heater.

(I) No person shall sell or offer for sale any kerosene-fired, natural gas or liquid petroleum gas-fired heater that is not exempt from the requirements of subsection (A) hereof unless it is marked conspicuously by the manufacturer on the container with the phrase "Not Approved For Home Use."

(J) No person shall use a cabinet-type, liquid petroleum gas-fired heater having a fuel source within the heater, inside any building, except as permitted by the State Fire Marshal in the State Fire Code adopted by him under Ohio R.C. 3737.82.

(Ord. 37-94. Passed 4-11-94.)

### **1824.36 AIR POLLUTION.**

(A) The emission of dense smoke within the City from any open fire; from the smokestack or chimney of any building or premises, other than private residences housing not more than two families, except for the period of or periods aggregating six minutes or less in any one hour at a time when the fire box is being cleaned out or a new fire being built therein; or from the stack of any locomotive for a period in excess of one continuous minute after such locomotive is ready for service; of a density equal to or of greater density than No. 2 smoke, as defined by the Ringelmann Chart, on file in the office of the City Engineer, which is incorporated herein by reference, is prohibited.

(B) The emission of dense smoke in violation of subsection (a) hereof is hereby declared to be a nuisance and may be summarily abated by the City Engineer, the Fire Chief or anyone whom they may duly authorize for such purpose. Such remedy shall be in addition to any other penalty provided for in this Code.

(Ord. 37-94. Passed 4-11-94.)

## CHAPTER 1826

### Referenced Standards

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1826.01 Standards listed.

#### CROSS REFERENCES

Littering - see GEN. OFF.660.02

Noxious odors; filthy accumulations; polluting and diverting watercourses - see GEN. OFF.660.03

Notice to fill lots; remove putrid substances - see GEN. OFF.660.09

Offensive privies - see GEN. OFF.660.14

Solid waste - see S.U. & P.S. Ch.1052

Hazardous conditions - see B. & H. 1410.08

Existing buildings; dangerous buildings - see B. & H. Ch.1420

#### 1826.01 STANDARDS LISTED.

This section lists the standards that are referenced in various sections of this Code. The standards are listed herein by the promulgating agency of the standard, the standard identification, the effective date, the title, and the section or sections of this Code that reference the standard. The application of the referenced standards shall be as specified in Section 1804.04. In the event the City has not adopted the versions of the standards listed below, then the last version of the standard adopted by the City shall be considered to be the standard to which reference may be made.

#### ASME

American Society of Mechanical Engineers

345 East 47th Street

New York, New York 10017

Standard reference number    Title

A17.1-90            Safety Code for Elevators and Escalators

#### BOCA

Building Officials and Code Administrators International, Inc.

4051 West Flossmoor Road

Country Club Hills, Illinois 60478-5795

Standard reference number    Title

NBC-93            BOCA National Building Code

NMC-93            BOCA National Mechanical Code

NPC-93            BOCA National Plumbing Code.

NFPC-93           BOCA National Fire Prevention Code

#### NFiPA

National Fire Protection Association

Batterymarch Park

Quincy, Massachusetts 02269

Standard reference number    Title

70-93            National Electrical Code

(Ord. 37-94. Passed 4-11-94.)