

**ORDINANCE NO. 31, 2024**

**AN ORDINANCE AMENDING CHAPTER 1335, PROPERTY MAINTENANCE CODE, OF THE CODIFIED ORDINANCES OF THE VILLAGE OF ST. BERNARD, OHIO**

**WHEREAS**, St. Bernard is updating and amending its Property Maintenance Code to address a variety of issues impacting the health and safety of its residents including, without limitation, the revival and expansion of St. Bernard's rental properties registration and inspection process to include, amongst others, those properties being used as institutional structures and those for short term rentals; and,


**WHEREAS**, the updates and amendments to the Property Maintenance Code, are designed ensure compliance with basic health and safety standards, for all properties for the health, safety and welfare of the public, now therefore:

**BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF ST. BERNARD, STATE OF OHIO:**

**Section 1.** That the Village of St. Bernard hereby amends Chapter 1335, Property Maintenance Code, as set forth in the attached Exhibit "A".

**Section 2.** It is found and determined that all formal actions of this Council concerning and relating to the adoption of this ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Passed this 19<sup>th</sup> day of December, 2024.

ATTEST:   
Clerk of Council

  
President of Council

Approved this 19<sup>th</sup> day of December, 2024.

  
Mayor

I, CAROLINE STEGMAN, CLERK OF COUNCIL, VILLAGE OF ST. BERNARD, STATE OF OHIO, DO HEREBY testify that the publication of Ordinance No. 31, 2024, was made by posting true copies of the same in the most public places designated by Council: the Village website; and the Village social media account, for a period of fifteen (15) days or more commencing January 9<sup>th</sup>, 2024.

ATTEST:  DATE Dec 19<sup>th</sup> 2024  
Clerk of Council

Approved as to form  Date 19 Dec 2024  
Director of Law

**ORIGINAL**

## EXHIBIT A

### CHAPTER 1335 Property Maintenance Code

#### ADMINISTRATION AND ENFORCEMENT

##### 1335.01 GENERAL.

(a) Title. These regulations shall be known as the Property Maintenance Code of the City of St. Bernard, hereinafter referred to as the Property Maintenance Code or "this code."

(b) Scope. This code is to protect the public health, safety and welfare in all existing structures, residential and nonresidential, and on all existing premises as hereinafter provided, by:

(1) Establishing minimum maintenance standards for all structures and premises for basic equipment and facilities for light, ventilation, space heating and sanitation; for safety from fire; for space, use and location; and for safe and sanitary maintenance of all structures and premises now in existence;

(2) Fixing the responsibilities of owners, operators and occupants of all structures; and

(3) Providing for administration, enforcement and penalties.

(c) Intent. This code shall be construed liberally and justly to insure public health, safety and welfare insofar as they are affected by the maintenance of structures and premises.

(d) Other Regulations. The provisions in this code shall not be construed to prevent the enforcement of other ordinances or regulations which prescribe standards other than are provided herein.

(e) Application of Building Code. Any repairs or alterations to a structure, or changes of use therein, which may be caused directly or indirectly by the enforcement of this code shall be done in accordance with the procedures and provisions of the Building Code.

(f) Existing Remedies. The provisions in this code shall not be deemed to abolish or impair existing remedies of the jurisdiction or its officers or agencies relating to the removal or demolition of any buildings which are deemed to be dangerous, unsafe, or unsanitary.

##### 1335.02 VALIDITY.

(a) Validity. 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.

(b) 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 governed 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.

### **1335.03 EXISTING STRUCTURES.**

As provided in Section [1335.01](#), this code establishes minimum requirements for the initial and continued occupancy and use of all structures and premises and does not replace or modify requirements otherwise established by ordinance which may be additional or more stringent for the construction, repair, alteration, or use of structures, equipment or facilities.

### **1335.04 ENFORCEMENT AUTHORITY.**

(a) Officer. It shall be the duty and responsibility of the code official to enforce the provisions of this code as herein provided.

(b) Jurisdiction. The Fire Chief or their authorized representative shall have concurrent jurisdiction, powers and duties, as the Code Official with respect to application and enforcement of Code Sections [1335.71](#) through [1335.75](#) "Fire Safety Requirements" and Code Sections [1335.81](#) through [1335.84](#) "Fire Warning Systems".

(c) Relief from Personal Liability. Any code official, Fire Chief or their authorized representative, officer or employee who acts in good faith and without malice in the discharge of their duties of enforcement of this code is relieved of all personal liability for any damage that may accrue to persons or property as a result of such acts or alleged failure to act. Further, they shall not be held liable for any costs in any action, suit or proceeding that may be instituted by them in the enforcement of this code. In any of these actions, the official or employee shall be defended or represented by the jurisdiction's attorney-at-law until the final termination of the proceedings.

(d) Official Records. An official record shall be kept of all business and activities of the department specified in the provisions of this code, and all such records shall be open to public inspection at all appropriate times and under reasonable regulations established by the code official to maintain the integrity and security of such records.

### **1335.05 DUTIES AND POWERS OF CODE OFFICIAL.**

(a) General. The code official shall enforce all the provisions of this code relative to the maintenance of structures and premises, except as may otherwise be specifically provided for by other regulations.

(b) Notices and Orders. The code official shall issue all necessary notices and orders to abate illegal or unsafe conditions to insure compliance with the code requirements for the safety, health, and general welfare of the public.

(c) Inspections. In order to safeguard the safety, health and welfare of the public, the code official is authorized to enter any structure or premises at any reasonable time for the purpose of making inspections and performing his duties under this code.

(1) Right of Entry. If any owner, occupant, or other person in charge of a structure subject to the provisions of this code refuses, impedes, inhibits, interferes with, restricts, or obstructs entry and free access to any part of the structure or premises where inspection authorized by this code is sought, the administrative authority may seek, in a court of competent jurisdiction, an order that such owner, occupant, or other person in charge cease and desist with such interference.

(2) 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 inspection, maintenance, repairs, or alterations as are necessary to comply with the provisions of this code.

(d) Credentials. The code official or his authorized representative shall disclose proper credentials of his respective office for the purpose of inspecting any and all buildings and premises in the performance of his duties under this code.

(e) Coordination of Enforcement. Inspection of premises, the issuance of notices and orders and enforcement thereof shall be the responsibility of code officials so charged by the jurisdiction. Whenever, in the opinion of a code official initiating an inspection under this code, it is deemed necessary or desirable to have inspections by any other department, he shall make 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 which it determines must be issued.

(f) Rule Making Authority. The code official shall have power as may be necessary in the interest of public safety, health and general welfare, to adopt and promulgate rules and regulations to interpret and implement the provisions of this code to secure the intent thereof and to designate requirements applicable because of local climatic or other conditions; but such rules shall not have the effect of waiving working stresses or fire protection requirements specifically provided in this code or violating accepted engineering practice involving public safety.

(g) Annual Report. At least annually, the code official shall submit to the chief authority of the jurisdiction a written statement of operations in the form and content as shall be prescribed by such authority.

#### **1335.06 CONDEMNATION.**

(a) General. When a structure or part thereof is found by the code official to be unsafe, or when a structure or part thereof is found unfit for human occupancy or use, or is found unlawful, it may be condemned pursuant to the provisions of this code and may be placarded and vacated. It shall not be re-occupied without the approval of the code official. Unsafe equipment shall be placarded and placed out of service.

(1) An unsafe structure is one in which all or part thereof is found to be dangerous to life, health, property, or the safety of the public or its occupants because it is so damaged, decayed, dilapidated, structurally unsafe, or of such faulty construction or unstable foundation that it is likely to partially or completely collapse.

(2) Unsafe equipment includes any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers or other equipment on the premises or within the structure which is in such disrepair or condition that it is found to be a hazard to life, health, property or safety of the public or occupants of the premises or structure. Unsafe equipment may contribute to the finding that the structure is unsafe or unfit for human occupancy or use.

(3) A structure is unfit for human occupancy or use whenever the code official finds that it is unsafe, unlawful, or because of the degree in which it lacks maintenance or is in disrepair, is unsanitary, vermin or rodent infested, contains filth and contamination, or lacks ventilation, illumination, sanitary or heating facilities, or other essential equipment required by this code, or because its location constitutes a hazard to its occupants or to the public.

(4) An unlawful structure is one found in whole or in part to be occupied by more persons than permitted under this code, or was erected, altered, or occupied contrary to law.

(b) Closing of Vacant Structures. If the structure or part thereof is vacant and unfit for human habitation, occupancy, or use and is not in danger of structural collapse, the code official may post a placard of condemnation on the premises and may order the structure closed up so it will not be an attractive nuisance to youngsters. Upon failure of the owner to close up the premises within the time specified in the order, the code official shall cause it to be closed through any available public agency or by contract or arrangement by private persons and the cost thereof shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

### **1335.07 NOTICES AND ORDERS.**

(a) Whenever the HIP Inspector determines that there has been a violation of any of the provisions of this Chapter, he shall give notice of the violation to the person responsible therefore and order compliance, as herein provided. The notice and order shall:

- (1) Be put in writing on an appropriate form as the Department of Building, Planning and Development shall determine;
- (2) Include a list of violations, refer to the sections and divisions violated and order remedial action which will effect compliance with the provisions of this Chapter;
- (3) Specify a reasonable time within which to comply; and
- (4) Be served on the operator, owner, or occupant personally, or by certified mail and regular mail to the person's residence, regular place of business or last known address. If the certified or regular mail is returned undelivered, a copy shall be posted in a conspicuous place in or on the person's residence, regular place of business, last known address or the building affected.

(b) Whenever a person violates or fails to comply with any of the provisions of this Chapter, the Building Code Official shall have the authority to impose an administrative penalty. The Building Code Official shall consider the following criteria in assessing an administrative penalty:

- (1) The extent to which the person has benefited by the violation of this Chapter;
- (2) The degree of harm to the public health, safety, welfare, and aesthetics as a result of the violation of this Chapter;
- (3) The recidivism of the person, including previous notices and orders to comply and previous enforcement action;
- (4) Good faith efforts of the person to remedy the violation of this Chapter; and

(5) The duration of the violation after a notice and order to comply was served pursuant to this section.

(c) The imposition of an administrative penalty shall be accomplished only after a notice and order is provided to the occupant, operator or owner. Notice of a decision imposing an administrative penalty shall:

(1) Be put in writing on an appropriate form as the Department of Building, Planning and Development shall determine;

(2) State the basis for the administrative penalty, including the section of this Chapter that has been violated;

(3) Specify the date and manner by which the penalty must be paid; and

(4) Be served on the occupant, operator, or owner personally, or by certified mail and regular mail to the person's residence, regular place of business or last known address. If the certified or regular mail is returned undelivered, a copy shall be posted in a conspicuous place in or on the person's residence, regular place of business, last known address or the dwelling affected.

(d) 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 reasonable grounds to believe that a violation has occurred, or whenever he has condemned any structure or equipment under the provisions of Section [1335.06](#), he shall give notice to the owner or the person or persons responsible therefore in the manner prescribed below. If he has condemned the property or part thereof, he shall give notice to the owner and to the occupants of his intent to placard and to vacate the property or to order equipment out of service.

(e) Form. Such notice prescribed in subsection (a) hereof shall:

(1) Be in writing,

(2) Include a description of the real estate sufficient for identification;

(3) Include a statement of the reason or reasons why it is being issued;

(4) Include a correction order allowing a reasonable time for the repairs and improvements required to bring the dwelling unit or structure into compliance with the provisions of this code; and

(5) Include an explanation of the owner's right to seek modification or withdrawal of the notice by petition to an appeals board or appropriate review board. (Ord. 23-2011. Passed 4-21-11.)

(f) Service. Such service shall be deemed to be properly served upon such owner if a copy thereof is delivered to him personally; or by leaving the notice at the usual place of abode, in the presence of someone in the family of suitable age and discretion who shall be informed of the contents thereof; or by certified mail addressed to the owner at his last known address with return receipt requested; or if the certified letter is returned with receipt showing that it has not been delivered, by posting a copy thereof in a conspicuous place in or about the structure affected by such notice. (Ord. 31-2016. Passed 12-15-16.)

(g) Service on Occupant. When a condemnation order is served on an occupant other than the owner or person responsible for such compliance, a reasonable time to vacate the property after non-compliance shall be stated. Owners or persons responsible for compliance shall vacate at the time set for correction of defects if there is failure of compliance.

(h) Penalties. Penalties for noncompliance of orders and notices shall be subject to the penalties set forth in Section [1335.10](#).

(i) Transfer of Ownership. It shall be unlawful for the owner of any dwelling unit or structure who has received a compliance order or upon whom a notice of violation has been served to sell, transfer, mortgage, lease or otherwise dispose of 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 shall 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.

#### **1335.08 PLACARDING.**

(a) Placarding of Structure. After the condemnation notice required under the provisions of this code has resulted in an order by virtue of failure to comply within the time given, the code official may post on the premises or structure or parts thereof, or on defective equipment, a placard bearing the words: "Condemned as Unfit for Human Occupancy or Use", and a statement of the penalties provided for any occupancy or use or for removing the placard. The owner or the person or persons responsible for the correction of violations shall have removed themselves from the property on failure to comply with the correction order in the time specified, but other occupants shall be given a reasonable time thereafter to vacate.

(b) Prohibited Use. Any person who shall occupy a placarded premises or structure or part thereof, or shall use placarded equipment, and any owner or any person responsible for the premises who shall let anyone occupy a placarded premises shall be liable for the penalties provided by this code.

(c) 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 by this code.

#### **1335.09 BUILDING CODE OFFICIALS.**

(a) Rules and Regulations. The Building Code Official is authorized to make and adopt rules and regulations and fix reasonable standards as may be necessary for the proper enforcement of the provisions of this Chapter and to carry out the intent thereof.

(b) Emergency Situation. Whenever the Building Code Official finds that an emergency exists which requires immediate action to protect the public health, he/she may, without notice or hearing, issue an order stating the existence of the emergency and requiring that action be taken as he/she deems necessary to meet the emergency. The order shall be effective immediately. Any person to whom the



order is directed shall comply therewith immediately, but, on petition to the Director of Community Development, shall be afforded a hearing as soon as possible. After the hearing, depending on his/her finding as to whether or not the emergency condition has been abated, the Director of Community Development shall continue the order in effect or modify or revoke it.

(c) Failure to Obey Order. In the event that the person to whom the order is directed neglects or refuses to obey the order, the Director of Community Development or a properly authorized employee of the Department of Community Development is hereby authorized to abate the emergency situation at the expense of the person in noncompliance with the order, and to collect any costs so incurred as authorized by law.

#### **1335.10 VIOLATIONS AND PENALTY.**

(a) Administrative Penalties. In addition to any criminal penalties that may be imposed pursuant to subsection (d) hereof, any person, occupant, operator, owner or purchaser who violates or fails to comply with any of the provisions of this Chapter shall be subject to following administrative penalties in accordance with the criteria stated in Section [1335.07](#) of this Chapter:

- (1) For a first offense, an administrative fine of up to \$100.00.
- (2) For a second offense, an administrative fine of up to \$500.00.
- (3) For a third offense, an administrative fine of up to \$1000.00.

(b) If a person, occupant, operator, owner or purchaser fails neglects or refuses to pay an administrative penalty within the time ordered pursuant to Section [1335.07](#) of this Chapter, then the Building Official shall so notify the St. Bernard Auditor. The St. Bernard Auditor shall certify the administrative penalty to the County Auditor. In addition to the administrative penalty, an interest rate equal to the current rate of interest charged by St. Bernard on special assessments shall be imposed by St. Bernard for the life of the administrative penalty, added to the administrative penalty, and collected as provided in this section. The St. Bernard Auditor shall then certify the amount of the administrative penalty, including interest, to the County Auditor. The County Auditor shall enter the amount on the tax duplicate of the County as a special assessment against the person's real estate at issue.

(c) Criminal Penalties. In addition to any administrative penalties that may be imposed pursuant to subsection (a) hereof, any person, occupant, operator, owner or purchaser who violates or fails to comply with any of the provisions of this Chapter shall be guilty of a misdemeanor of the third degree and shall be fined not more than \$1500.00 or imprisoned not more than 30 days, or both, and shall, in addition to any other penalties within these maximum amounts, be subject to imposition of the following minimum mandatory penalties, which shall not be suspended or held in abeyance:

(1) A person, occupant, operator, owner or purchaser who has not previously been convicted of any violation of a section of the Fire Prevention Code, Health, Safety and Sanitation Code, Nuisance Code, Housing Code, Zoning Code, or Building Code shall be fined not less than \$50.00.

(2) A person, occupant, operator, owner or purchaser who has previously been convicted of one violation of a section of the Fire Prevention Code, Health, Safety and Sanitation Code, Nuisance Code, Housing Code, Zoning Code, or Building Code shall be fined not less than \$200.00.



(3) A person, occupant, operator, owner or purchaser who has previously been convicted of two violations of a section of the Fire Prevention Code, Health, Safety and Sanitation Code, Nuisance Code, Housing Code, Zoning Code, or Building Code shall be fined not less than \$350.00.

(4) A person, occupant, operator, owner or purchaser who has previously been convicted of three violations of a section of the Fire Prevention Code, Health, Safety and Sanitation Code, Nuisance Code, Housing Code, Zoning Code, or Building Code shall be fined not less than \$500.00.

(d) Application of Prior Convictions. A conviction or convictions obtained prior to January 1, 2011 shall constitute a conviction or convictions for purposes of enforcement of the minimum mandatory penalties required by this section. Each separate count of which a person has been convicted shall constitute a separate violation of a section of the Fire Prevention Code, Health, Safety and Sanitation Code, Nuisance Code, Housing Code, Zoning Code, or Building Code.

(e) Continuing Violations. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.

(f) Strict Liability. The provisions of this Chapter are specifically intended to impose strict liability.

To prevent the occupation or use of the structure, or part thereof erected, constructed, installed or altered in violation of, or not in compliance with, the provisions of this code, or in violation of a plan or specification under which an approval, permit or certificate was issued.

#### **1335.11 RIGHT TO APPEAL.**

(a) Petition. Any person affected by any notice which has been issued in connection with the enforcement of any provision of this code, or of any rule or regulation adopted pursuant thereto, may request and shall be granted a hearing on the matter before the Board; provided that such person shall file in the office of the Board a written petition requesting such hearing and containing a statement of the grounds therefor within twenty days after the day the notice was served.

(b) Appeals Board. In order to protect existing structures in the jurisdiction by vigorous enforcement of the provisions of this code, there shall be and is hereby created a Property Maintenance Code Appeals Board, hereafter referred to as the Board, consisting of five members who shall be appointed by the chief executive of the jurisdiction.

(c) Board Membership. The Board shall consist of five residents and electors of the jurisdiction appointed by the chief executive including: one person skilled in real estate and property management for at least two years; one general contractor for at least three years; one registered architect or other professional person for at least three years; one citizen who is a renter for at least two years; and one citizen who is a homeowner for at least two years. The chief executive shall also appoint one member to act as chairman, who will serve one year. Each member shall have been a resident of the jurisdiction for at least one year prior to appointment. The renter member and the homeowner member will be asked to resign if their status as renter or homeowner is changed. The chief executive may appoint for a term of one year an alternate member of such Board in addition to the five members above provided for, who shall act with full power only when a member of the Board refuses to vote because of interest or when a member is absent. Thereafter, all appointments shall be for periods of two years. Each member shall

serve until his successor has been appointed. The code official shall appoint one member of his department who shall act as Secretary to the Board.

(d) Vote. The Board shall hear all appeals relative to the enforcement of this code, and by a concurring vote of the majority of its members may reverse or affirm, wholly or partly, or may modify the decision appealed from, and shall make such order or determination as in its opinion ought to be made. Failure to secure such concurring votes shall be deemed a confirmation of the decision of the code official.

(e) Financial Interest. A member of the Board shall not participate in any hearings or vote on any appeal in which he has a direct or indirect financial interest, or is engaged as a contractor, or is engaged in the preparation of plans and specifications, or in which he has any personal interest.

(f) Records. The Secretary of the Board shall keep a record of each meeting so that the record shows clearly the basis of each decision made by the Board.

#### **1335.12 DEMOLITION.**

(a) General. The code official may order the owner of premises upon which is located any structure or part thereof, which in his judgment is so old, dilapidated or has become so out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human habitation, occupancy or use, and so that it would be unreasonable to repair the same, to raze and remove such structure or part thereof; or if it can be made safe by repairs to repair and make safe and sanitary or to raze and remove at the owner's option; or where there has been a cessation of normal construction of any structure for a period of more than two years, to raze and remove such structure or part thereof.

(b) Unreasonable Repairs. Whenever the code official determines that the cost of such repairs would exceed one hundred percent (100%) of the current value of such structure, such repairs shall be presumed unreasonable and it shall be presumed for the purpose of this section that such structure is a public nuisance which may be ordered razed without option on the part of the owner to repair.

(c) Order. The order shall specify a time in which the owner shall comply therewith and specify repairs, if any. It shall be served on the owner of record or his agent where an agent is in charge of the building and upon the holder of any encumbrance of record in the manner provided for service of a summons by a court of record. If the owner or a holder of an encumbrance of record can not be found, the order may be served by posting it on the main entrance of the building and by publishing it once each week for three successive weeks in a newspaper authorized to provide service by publication.

(d) Restraining Actions. Anyone affected by any such order shall within twenty days after service of such order apply to a court of record for an order restraining the code official from razing and removing such structure or parts thereof. The court shall determine whether the order of the code official is reasonable, and if found reasonable the court shall dissolve the restraining order, and if found not reasonable the court shall continue the restraining order or modify it as the circumstances may require.

(e) Failure to Comply. Whenever the owner of a property fails to comply with a demolition order within the time prescribed, the code official shall cause the structure or part thereof to be razed and removed, either through an available public agency or by contract or arrangement with private persons, and the cost of such razing and removal shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

(f) Salvage Materials. When any structure has been ordered razed and removed the governing body or other designated officer under said contract or arrangement aforesaid may sell the salvage and valuable materials at the highest price obtainable. The net proceeds of such sale, after deducting the expenses of such razing and removal, shall be promptly remitted with a report of such sale or transaction, including the items of expense and the amounts deducted, for the use of the person who may be entitled thereto, subject to any order of a court. If such a surplus does not remain to be turned over, the report shall so state.

## DEFINITIONS

### 1335.21 GENERAL.

(a) Scope. Unless otherwise expressly stated, the following terms shall, for the purpose of this code, have the meanings indicated in this section and Section [1335.22](#).

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

(c) Terms Defined in Other Codes. Where terms are not defined in this code and are defined in the Building, Plumbing, Mechanical and/or Fire Prevention Codes, they shall have the same meanings ascribed to them as in those Codes.

(d) Terms Not Defined. Where terms are not defined under the provisions of this code or under the provisions of the Building, Plumbing, Mechanical, and/or Fire Prevention Codes, they shall have ascribed to them their ordinarily accepted meanings or such as the context herein may imply.

### 1335.22 APPLIED MEANING OF WORDS AND TERMS.

(a) As used in this Property Maintenance Code certain terms are defined as follows:

(1) "Approved" as applied to a material device, or method of construction means approved by the code official under the provisions of this code, or approved by other authority designated by law to give approval in the matter in question.

(2) "Assembly, places of" means all structures which are designed or occupied for the gathering together of persons for purposes such as civic, social or religious functions, recreation, food or drink consumption or awaiting transportation. This use group shall include all theaters and all other buildings and structures intended for the production and viewing of performing arts or motion pictures; including theaters, motion picture theaters and television and radio studios admitting an audience. All buildings and places of public assembly designed for occupancy as dance halls, nightclubs and for similar purposes, including all rooms, lobbies and other spaces connected thereto with a common means of egress and entrance. All buildings with or without an auditorium in which persons assemble for amusement, entertainment or recreation purposes as well as incidental motion picture, dramatic or theatrical presentations, lectures or other similar purposes, this includes art galleries, exhibition halls, museums, lecture halls, libraries, restaurants and recreation centers and buildings designed for similar assembly purposes. All buildings and structures which are occupied exclusively for the purposes of worship or other religious services.

(3) "Basement" means that portion of a building which is partly below and partly above grade, and having at least one-half its height above grade. (see "Cellar")

(4) "Building Code" means the Building Code officially adopted by the legislative body of this jurisdiction, or such other code as may be officially designated by the legislative body of the jurisdiction for the regulation of construction, alteration, addition, repair, removal, demolition, use, location, occupancy and maintenance of buildings and structures.

(5) "Building official" means the official designated by the jurisdiction to enforce building, zoning or similar laws, or his duly authorized representative.

(6) "Businesses" means all buildings and structures which are occupied for the transaction of business, for the rendering of professions services, or for other services that involve stock of goods, wares or merchandise.

(7) "Cellar" means that portion of a building which is partly or completely below grade, and having at least one-half its height below grade. (see "Basement")

(8) "Central heating" means the heating system permanently installed and adjusted so as to provide the distribution of heat to all habitable rooms, bathrooms and water closet compartments from a source outside of these rooms.

(9) "Code official" means the official who is charged with the administration and enforcement of this code, or any duly authorized representative.

(10) "Condemn" means to adjudge unfit for use or occupancy.

(11) "Condemnation" means the act of judicially condemning.

(12) "Dwellings":

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

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

C. "Multi-family-apartment house" means a building or portion thereof containing more than two dwelling units and not classified as a one- or two-family dwelling.

D. "Condominium" means the part of a condominium property that is designated as a unit in the declaration, is delineated as a unit on the drawings prepared pursuant to section 5311.07 of the Ohio Revised Code, and is a residential unit, in which the designated part of the condominium property is devoted in whole or in part to use as a residential dwelling consisting of one or more rooms on one or more floors of a building.

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

F. "Lodging house" means any building or portion thereof containing not more than five guest rooms which are used by not more than five guests where rent is paid in money, goods, labor, or otherwise. A "lodging house" shall comply with all the requirements for dwellings.

G. "Dormitory" means a space in a building where group sleeping accommodations are provided for persons not members of the same family group, in one room, or in a series of closely associated rooms.

H. "Hotel" means any building containing six or more guest rooms intended or designed to be used, or which are used, rented, or hired out to be occupied or which are occupied for sleeping purposes by guests.

I. "Short Term Rental" means:

(i) Any residential dwelling unit or part thereof;

(ii) Offered or held out to the public for rent on a hosting platform, web or mobile application, or other online platform through which short term rentals are listed, advertised, solicited, or otherwise held out for rent for monetary or other valuable consideration; and

(iii) for a duration of occupancy of less than thirty consecutive days.

(13) "Dwelling unit" means a single unit providing complete, independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking and sanitation.

(14) "Education facilities" means all structures for educational purposes including among others, schools, colleges, universities, a child day care center or a child care facility. Structures occupied for business training or vocational training.

(15) "Enforcement officer" means the official designated herein or otherwise charged with the responsibilities of administering this code, or his authorized representative.

(16) "Exterior property areas" means the open space on the premises and on adjoining property under the control of owners or operators of such premises.

(17) "Extermination" means the control and elimination of insects, rodents or other pests by eliminating their harborage places; by removing or making inaccessible materials that may serve as their food; by poison spraying, fumigating, trapping, or by any other approved pest elimination methods.

(18) "Factory and industrial facilities" means all structures in which occupants are engaged in work or labor in the fabricating, assembling or processing of products or materials. This includes, among others, factories, assembling plants, industrial laboratories and all other industrial and manufacturing occupancies.

(19) "Family" means 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 (excluding servants) persons, living together as a single housekeeping unit in a dwelling unit.

(20) "Garbage" means the animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food.

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

(22) "High hazard facilities" means all structures which are occupied for the manufacturing, processing, generation, storage or other use of hazardous materials.

(23) "Hotel". See "dwellings."

(24) "Infestation" means the presence, within or contiguous to, a structure or premises of insects, rodents, vermin or other pests.

(25) "Institutional structures" means all structures in which people suffering from physical, emotional, social, or mental limitations because of health or age are harbored for medical or other care, support, or treatment, or in which people are detained for penal or correction purposes, or in which the liberty of the inmates is restricted. This shall include buildings and structures, or parts thereof, which house individuals who, because of mental or physical disability or other reasons, must live in a supervised environment. Such supervision need not be provided on premises or in an around-the-clock manner to be considered a "supervised environment." Rest homes.

(26) "Junk vehicles" means any vehicle which is without a currently valid license plate or plates and is in either a rusted, wrecked, discharged, dismantled, partly dismantled, inoperative, or abandoned condition. A "junked vehicle" shall be classified as to its condition in one of the two following categories:

A. Restorable. A junked vehicle that is in a condition whereby repairs to same could be made to place it in operating condition without exceeding the estimated value when repaired.

B. Wreck. A junked vehicle in such condition that it is economically unsound to restore same to operating condition considering the repairs to be made, age of the vehicle, market value of the vehicle if it were restored or in such condition that the public officer, in his opinion determines that it warrants such clarification.

The code official shall make the final determination as to the classification to be assigned to any one particular vehicle.

(27) "Let for occupancy" or "let" means to permit possession or occupancy of a dwelling, dwelling unit, rooming unit, building or structure by a person who shall be legal owner or not be 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.

(28) "Maintenance" means conformance of a building and its facilities to the code under which the building was constructed.

(29) "Mercantile structure" means all buildings and structures which are occupied for display and sales purposes involving stocks of goods, wares or merchandise incidental to such purposes and open to the public. This includes, among others, retail stores, automotive service stations, shops, sales-rooms and markets.

(30) "Motel" means a hotel as defined in this code.

- (31) "Multi-family (multiples) dwellings". See "dwellings."
- (32) "Occupant" means any person over one year of age (including owner or operator) living and sleeping in a dwelling unit or having actual possession of said dwelling or rooming unit.
- (33) "Openable area" means that part of a window or door which is available for unobstructed ventilation and which opens directly to the outdoors.
- (34) "Operator" means any person who has charge, care, or control, including the ability to advertise or solicit use, of a structure or premises which are let or offered for occupancy.
- (35) "Owner" means any person or entity having a legal or equitable interest in the property.
- (36) "Person" means any individual, firm, partnership, joint venture, association, social club, fraternal organization, joint stock company, corporation, estate, trust, business trust, receiver, trustee, syndicate, or another group of combination acting as a unit.
- (37) "Plumbing" means the practice, materials, and fixtures used in the installation, maintenance, extension, and alteration of all piping, fixtures, appliances, and appurtenances within the scope of the plumbing code.
- (38) "Plumbing fixture" means a receptacle or device which is either permanently or temporarily connected to the water distribution system of the premises, and demands a supply of water therefrom; or discharges used water, 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.
- (39) "Premises" means a lot, plot or parcel of land including the building or structures thereon.
- (40) "Public nuisance" includes the following:
- A. The physical condition, or use of any premises regarded as a public nuisance at common law; or
  - B. Any physical condition, use or occupancy of any premises or its appurtenances considered an attractive nuisance to children, including, but not limited to, abandoned wells, shafts, basements, excavations and unsafe fences or structures; or
  - C. Any premises which have unsanitary sewerage or plumbing facilities; or
  - D. Any premises designated as unsafe for human habitation or use; or
  - E. Any premises which are manifestly capable of being a fire hazard, or are manifestly unsafe or unsecure as to endanger life, limb or property; or
  - F. Any premises from which the plumbing, heating, and/or facilities required by this code have been removed, or from which utilities have been disconnected, destroyed, removed or rendered ineffective, or the required precautions against trespassers have not been provided; or
  - G. Any premises which are unsanitary, or which are littered with rubbish or garbage, or which have an uncontrolled growth of weeds; or



H. Any structure or building that is in a state of dilapidation, deterioration or decay; faulty construction; overcrowded; open, vacant, or abandoned; damaged by fire to the extent as not to provide shelter, in danger of collapse or failure and is dangerous to anyone on or near the premises.

(41) "Renovation" means a building and its facilities made to conform to present day minimum standards of sanitation, fire and life safety.

(42) "Rental" means the renting, bartering, trading, letting, or otherwise allowing the use of a dwelling unit, room, or rooms within a dwelling unit, for monetary or other valuable consideration.

(43) "Residence building" means a building in which sleeping accommodations or sleeping accommodations and cooking facilities as a unit are provided, except when classified as an institution under the building code.

(44) "Rooming house" means any residence building, or any part thereof, containing one or more rooming units, in which space is let by the owner or operator to more than five persons who are not members of the family. (See "dwellings, boarding house")

(45) "Rooming unit" means any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping, but not for cooking or eating purposes.

(46) "Rubbish" means combustible and noncombustible waste materials, except garbage. The terms include the residue from the burning of wood, coal, coke, and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery and dust and other similar materials.

(47) "Storage facilities" means all structures which are primarily used for the storage of goods, wares or merchandise. This includes, among others, warehouses, storehouses and freight depots.

(48) "Structure" means that which is built or constructed, including without limitation because of enumeration, buildings for any occupancy or use whatsoever, fences, signs, billboards, fire escapes, stairway, chute escapes, railings, water tanks, towers, open grade steps, sidewalks or stairways, tents or anything erected and framed of component parts which is fastened, anchored or rests on a permanent foundation or on the ground.

(49) "Supplied" means installed, furnished or provided by the owner or operator.

(50) "Utility and miscellaneous structures" means buildings and structures of an accessory character and miscellaneous structures not classified in any specific use group such as private garages and sheds.

(51) "Ventilation" means the process of supplying and removing air by natural or mechanical means to or from any space.

A. "Mechanical" means ventilation by power-driven devices.

B. "Natural" means ventilation by opening to outer air through windows, skylights, doors, louvers, or stacks without wind drive devices.

(52) "Workmanlike". Whenever the words "workmanlike state of maintenance and repair" are used in this code, they shall mean that such maintenance and repair shall be made in a reasonably skillful manner.

(53) "Yard" means an open unoccupied space on the same lot with a building extending along the entire length of a street, or rear or interior lot line.

(b) Whenever the words "multi-family dwelling", "residence building," "dwelling unit," "institutional structure," "rooming house," "rooming unit," "premises," or "short term rental" are used in this code, they shall be construed as though they were followed by the words, "or any part thereof."

#### **REGISTRATION/INSPECTIONS**

##### **1335.23 RESIDENTIAL RENTAL UNIT AND INSTITUTIONAL STRUCTURE REGISTRATION AND FEE REQUIRED; APPLICATION FOR AND ISSUANCE OF CERTIFICATE OF REGISTRATION; REVOCATION**

(a) Application for Registration. To enhance the life safety of those of residents who do not own the premises where they are residing, St. Bernard shall require the owner or operator of an institutional structure and/or of a premises or structure containing a residential rental unit, including a commercial building with a residential unit(s), to register each such institutional structure and/or individual rental unit with the Department of Building Planning and Development, on the form provided by that Department.

A bi-annual registration fee is established as follows, or as the Department of Building Planning and Development shall subsequently establish by regulation:

- (1) \$50.00 per Institutional structure.
- (2) \$50.00 per residential rental unit, not to exceed \$500.00 per building.

The registration fee shall be paid to the Department of Building Planning at the time the application for Registration is filed with the Department.

Failure to register the institutional structure or residential rental unit with the Department of Building Planning and Development within the deadlines established in Division (c) of this section shall result in a \$100 penalty per institutional structure or building containing a residential rental unit.

(b) Owner Information. The registration form shall include information as the Department of Building, Planning, and Development shall determine necessary including, but not limited, to the total number of institutional structures or residential rental units that the owner owns or the operator operates within St. Bernard, the address and permanent parcel number of the institutional structure or residential rental property, the number of rental units and/or Institutional structures on each premises and in each structure, the identification number or letter of all rental units on each premises and in each structure. Additionally, the owner or operator of the institutional structure and/or residential rental unit shall also provide:

- (1) The name of the owner as set forth on the current deed to the real property, the address, email address, and the owner's telephone number;

(2) If the residential rental property is owned by a trust, business trust, estate, partnership, limited partnership, limited liability company, association, corporation, or any other business entity, the name, address, email address, and telephone number of the following:

- (A) A trustee, in the case of a trust or business trust;
- (B) The executor or administrator, in the case of an estate;
- (C) A general partner, in the case of a partnership or a limited partnership;
- (D) A member, manager, or officer, in the case of a limited liability company;
- (E) An associate, in the case of an association;
- (F) An officer, in the case of a corporation;
- (G) A member, manager, or officer, in the case of any other business entity.

(3) If the owner is based out-of-state, the owner shall provide the name of the in-state agent and requested contact information.

(c) Notice. St. Bernard shall provide an owner or operator of an institutional structure or a residential rental unit with notice of the requirement to register and provide the information required pursuant to divisions (a) and (b) of this section, and the requirement to update that information under division (d) of this section.

The owner or operator of an institutional structure or of a residential rental unit shall comply with the requirements under divisions (a) and (b) of this section within sixty days after receiving the notice provided under division (c) of this section

(d) Updating Information. An owner of an institution structure or a residential rental unit shall contact the Department of Building Planning and Development and update the information required under division (b) of this section within sixty days after any change in the information occurs. A ten dollar (\$10.00) fee shall be charged per institutional structure or residential rental unit for the updating of information on the registration form.

(e) Certificate of Registration. After submission of an accurate and complete Registration form, payment of the required fee(s), and inspection by St. Bernard of the Institutional structure or residential rental unit demonstrating compliance with the several safety, fire, and other Codes as set forth in Section 1335.25, the Department of Building Planning and Development shall issue a Registration certificate.

A registration certificate shall be valid for two years, unless

- (1) False information is furnished to the Department of Building, Planning and Development in the registration form; or
- (2) A transfer of title to an Institutional structure or a residential rental unit has been completed.

(f) No person, including an owner, purchaser, escrow agent, real estate agent, or realtor, shall participate in a transfer of title to, or disburse proceeds from a transfer of title to, a premises without

having in escrow with the escrow agent handling the transfer of title to the premises, a copy of a registration form completed by the purchaser of the premises, or a statement from the purchaser that the premises contains only one dwelling unit, and will be occupied by the purchaser for one year after the transfer of title. The escrowed document shall be forwarded to the Department of Building Planning and Development upon the transfer of title.

(g) Documentation Required for Registration. In support of the application for Registration, the owner or operator of an Institutional Structure or a residential rental unit shall submit documentation demonstrating compliance with the following requirements:

(1) The Owner or Operator shall not be delinquent in payment of income taxes to St. Bernard or the State of Ohio; and

(2) Any Notices of Violations issued for the Institutional Structure or a residential rental unit, with acceptable documentation to include but not be limited to, as appropriate, certificates of correction, inspection reports, or documentation from contractors that demonstrates and certifies that the object of the Notice of Violation was resolved.

(3) That Institutional Structure or a residential rental unit parcel shall not be delinquent in fines and/or fees owed to St. Bernard, including but not limited to those related to nuisance abatement.

(4) That Institutional Structure or residential rental unit parcel shall not be delinquent regarding payment of their property tax balance and shall demonstrate good standing on a County payment plan in the case of a property tax delinquency.

(h) Money collected under this section shall be used exclusively for residential rental unit registration and associated Institutional structure and residential rental unit mandatory inspection purposes.

#### **1335.24 TRANSFER OF REGISTRATION.**

A registration certificate shall not be transferred to the purchaser of an Institutional structure or premises with a residential rental unit and shall be void upon the completion of transfer of title to the premises.

#### **1335.25 MANDATORY INSPECTION OF INSTITUTIONAL STRUCTURES AND RENTAL UNITS**

(a) The owner or operator of an Institutional structure or premise with a residential rental unit shall have the interior and exterior of the premises, its structures and its residential rental units inspected by St. Bernard upon registering the property in accordance with Section 1335.23 and bi-annually thereafter, to determine compliance with the Health, Safety and Sanitation Code, Nuisance Code, Housing Code, Property Maintenance Code and Zoning Code, and the Fire Prevention Code, under the following circumstances:

(1) If two or more notices and orders to comply have been issued to the owner or operator pursuant to Section 1335.06 or Section 1335.07 of this Chapter, within any two year period,

concerning the same premises, and have not been complied within the time provided in the notices and orders to comply, the premises that was the subject of the notices and orders to comply shall be subject to semi-annual mandatory inspections for a minimum of two years to a maximum of four years as determined by the Department of Building Planning and Development in consultation with the Fire Chief or their designee.

(2) If the owner or operator has been convicted of a violation of this Chapter, all Institutional structures, premises and structures with a residential rental unit that the owner owns or that the operator operates shall be subject to semi-annual mandatory inspections for a minimum of two years to a maximum of four years as determined by the Department of Building Planning and Development in consultation with the Fire Chief or their designee.

(3) If the owner or operator has had a premises ordered razed by the Housing Appeals Board pursuant to Section 1335.11 of this Chapter, all that owner's or operator's Institutional structures and premises and structures containing a residential rental unit shall be subject to semi-annual mandatory inspections for a minimum of two years to a maximum of four years as determined by the Department of Building Planning and Development in consultation with the Fire Chief or their designee.

(b) A notice and order to comply that is outstanding on or after January 1, 2011, or that is issued subsequent to April 30, 2011 may constitute an uncomplied notice and order to comply for purposes of enforcement of the semi-annual mandatory inspections for a minimum of four years required by subsection (a)(1) hereof.

(c) A conviction that was obtained on or after January 1, 2011, shall constitute a conviction for purposes of enforcement of the semi-annual mandatory inspections required by subsection (a) (2) hereof.

(d) No owner or operator of an Institutional structures or premises with a residential rental unit shall fail to obtain a mandatory inspection from the Department of Building Planning and Development when the provisions of this section require a mandatory inspection.

(e) Money collected under this section shall be used exclusively for the purpose of funding Institutional structure and residential rental unit mandatory inspections by St. Bernard.

## **ENVIRONMENTAL REQUIREMENTS**

### **1335.31 GENERAL.**

(a) Scope. The provisions of this article shall govern the minimum conditions for maintenance of exterior property, premises and structures and premises shall comply with the conditions herein prescribed insofar as they are applicable.

(b) Responsibility. The owner of the premises shall maintain such structures and premises in compliance with these requirements. A person shall not occupy as owner-occupant, let, or otherwise make available to another for occupancy or use premises which do not comply with the following requirements of this Section and Sections 1335.32 to 1335.34.

(c) Vacant Structures and Land. All vacant structures and premises thereof or vacant land shall be maintained in a clean, safe, secure, and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety.

### **1335.32 PREMISES CONDITIONS.**

(a) Sanitation. All exterior property areas and premises shall be maintained in a clean, safe and sanitary condition free from any accumulation of rubbish or garbage.

(b) Containers. The operator of every establishment producing garbage, vegetable wastes, or other putrescible materials shall provide and at all times cause to be used, leakproof approved containers, provided with close fitting covers for the storage of such materials until removed from the premises for disposal.

(c) Grading and Drainage. All premises shall be graded and maintained so as to prevent the accumulation of stagnant water thereon, or within any structure located thereon.

(d) Loading Areas. All loading areas, automobile service stations and drive-in food establishments shall be paved with bituminous, concrete or equivalent surfacing and shall be free from dirt and other litter and kept in good repair. When lighted for nighttime use, lights shall not be permitted to cast directly upon dwellings nearby.

(e) Insect and Rodent Control. An owner of a structure or property shall be responsible for the extermination of insects, rodents, vermin, or other pests in all exterior areas of the premises, except that the occupant shall be responsible for such extermination in the exterior areas of the premises of a single-family dwelling. Whenever infestation exists in the shared or public parts of the premises of other than a single-family dwelling, extermination shall be the responsibility of the owner.

(f) Public Areas. All sidewalks, steps, driveways, parking spaces and similar paved areas for public use shall be kept in a proper state of repair and free of all snow, ice, mud and other debris. If any sidewalk or driveway or portion thereof by virtue of its state of repair shall constitute a danger to public health and safety, the sidewalk or driveway or portion thereof shall be replaced.

(g) Noxious Weeds. All areas shall be kept free from weeds or plant growth in accordance with Chapter 905 of the Codified Ordinances.

(h) Storage Areas. All open salvage yards and open storage areas shall be completely obscured from surrounding property by a solid screen not less than six feet in height.

(i) Exhaust Vents. A person shall not construct, maintain, or operate pipes, ducts, conductors, fans, or blowers discharging gases, steam, vapor, hot air, grease, smoke, odors or other gaseous or particulate wastes so as to discharge directly upon abutting or adjacent public and private property or that of another tenant.

(j) Accessory Structures. All accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in compliance with Sections [1335.33](#) and [1335.34](#).

(k) Motor Vehicles. Motor vehicles shall be subject to the following requirements of this subsection.

(1) Residential areas.

(A) Only one commercial vehicle, driven by the occupant of the dwelling in the course and scope of their employment, may be parked on any property in a residential area. Parking a commercial vehicle on the street near the property is precluded. Other commercial vehicles must be parked in a municipal parking lot.

(B) Except as provided in other regulations, not more than one currently unregistered and/or uninspected motor vehicle shall be parked on any property in a residential district, and said vehicle shall not at any time be in a state of major disassembly, disrepair or shall it be in the process of being stripped or dismantled. A vehicle of any type shall not at any time undergo major overhaul, including body work, in a residential district.

(2) Nonresidential areas. Except as provided in other regulations and approved by the code official, not more than two currently unregistered and/or uninspected motor vehicles shall be permitted on any property in a nonresidential district, and any vehicle shall not at any time be in a state of major disassembly, disrepair or shall it be in the process of being stripped or dismantled.

### **1335.33 EXTERIOR STRUCTURE.**

(a) General. The exterior of a structure shall be maintained structurally sound and sanitary so as not to pose a threat to the health and safety of the occupants and so as to protect the occupants from the environment.

(b) Structural Members. All supporting structural members of all structures shall be kept structurally sound, free of deterioration and maintained capable of safely bearing the dead and live loads imposed upon them.

(c) Exterior Surfaces (Foundations, Walls and Roof). Every foundation, exterior wall, roof, and all other exterior surfaces shall be maintained in a workmanlike state of maintenance and repair and shall be kept in such condition as to exclude rodents.

(1) Foundation walls. All foundation walls shall be maintained so as to carry the safe design and operating dead and live loads and shall be maintained plumb and free from open cracks and breaks, so as not to be detrimental to public safety and welfare.

(2) Exterior walls. Every exterior wall shall be free of holes, breaks, loose or rotting boards or timbers, and any other conditions which might admit rain or dampness to the interior portions of the walls or to the occupied spaces of the building. All exterior surface material, including wood, composition, or metal siding, shall be maintained weatherproof and shall be properly surface coated when required to prevent deterioration.

(3) Roofs. The roof shall be structurally sound, tight and not have defects which might admit rain, and roof drainage shall be adequate to prevent rain water from causing dampness in the walls or interior portion of the building.

(4) Decorative features. All cornices, entablatures, 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.

(5) Signs, marquees, and awnings. 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. They shall be protected from the elements and against decay and rust by the periodic application of a weather-coating material such as paint or other protective treatment.

(6) Chimneys. All chimneys, cooling towers, smoke stacks, and similar appurtenances shall be maintained structurally safe, 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 application of weather-coating material such as paint or similar surface treatment.

(7) Stairs and porches. Every stair, porch, balcony, and all appurtenances attached thereto shall be so constructed as to be safe to use and capable of supporting the loads to which it is subjected and shall be kept in sound condition and good repair.

(d) Window and Door Frames. Every window, door, and frame shall be constructed and maintained in such relation to the adjacent wall construction so as to exclude rain as completely as possible, and to substantially exclude wind from entering the dwelling or structure.

(1) Weather tight. Every window and exterior door shall be fitted reasonably in its frame and be weather right and weather stripping shall be used to exclude wind or rain from entering the dwelling or structure and they shall be kept in sound condition and good repair.

(2) Glazing. Every required window sash shall be fully supplied with approved glazing materials which are without open cracks or holes.

(3) Openable windows. Every window, other than a fixed window, shall be capable of being easily opened and shall be held in position by window hardware.

(4) Insect screens. Every door and window or other outside opening used for ventilation purposes shall be supplied with approved screening, and every swinging screen door shall have a self-closing device in good working condition, except that such screens shall not be required for areas on a floor above the fifth floor and screen doors shall not be required on nonresidential structures or structures where the doors are required to swing out as required in the building code.

(5) Door hardware. Every exterior door, door hinge, and door latch shall be maintained in good condition. Door locks in dwelling units shall be in good repair and capable of tightly securing the door.

(6) Basement hatchways. Every basement or cellar hatchway shall be so constructed and maintained as to prevent the entrance of rodents, rain, and surface drainage water into the structure.

(7) Guards for basement windows. Every basement or cellar window which is openable shall be supplied with rodent-proof shields or storm windows or other material affording protection against the entry of rodents.

(Ord. 41-1980. Passed 9-4-80.)

#### **1335.34 INTERIOR STRUCTURE.**

(a) General. The interior of a structure and its equipment shall be maintained structurally sound and in a sanitary condition so as not to pose a threat to the health and safety of the occupants and protect the occupant from the environment.

(b) Structural Members. The supporting structural members of every building shall be maintained structurally sound, not showing any evidence of deterioration which would render them incapable of carrying the imposed loads.

In every existing building used for business, industrial, mercantile or storage occupancy, in which heavy loads or concentrations occur or in which machinery is introduced, the owner or occupant shall cause the weight that each floor will safely sustain to be calculated by a registered architect or engineer and filed with the building official, and after such acceptance by the building official, posted on each floor in a conspicuous place.

(c) Interior Surfaces. Floors, walls, including windows and doors, ceilings, and other interior surfaces shall be maintained in good, clean, and sanitary condition. Peeling paint, cracked or loose plaster, decayed wood, and other defective surface conditions shall be eliminated.

(1) Lead based paint. Lead-based paint with a lead content of more than five-tenths of one percent (0.5%) shall not be applied to any interior or exterior surface of a dwelling, dwelling unit or child care facility, including fences and outbuildings at these locations. Existing interior and exterior painted surfaces of dwelling units and child care facilities that contain an excess of five-tenths of one percent (0.5%) lead shall be removed or covered with paneling or other suitable covering approved by the code official.

(2) Bathroom and kitchen floors. Every toilet, bathroom and kitchen floor surface shall be constructed and maintained so as to be substantially impervious to water and so as to permit such floor to be easily kept in a clean and sanitary condition.

(d) Free From Dampness. In every building, cellars, basements and crawl spaces shall be maintained reasonably free from dampness to prevent conditions conducive to decay or deterioration of the structure.

(e) Sanitation. The interior of every structure shall be maintained in a clean and sanitary condition free from any accumulation of rubbish, refuse or garbage. Rubbish, garbage, and other refuse shall be properly kept inside temporary storage facilities as required under Section [1335.32](#).

(1) Storage. Garbage or refuse shall not be allowed to accumulate or be stored in public halls or stairways.

(f) Insect and Rodent Harborage. All structures shall be kept free from insect and rodent infestation, and where insects or rodents are found, they shall be promptly exterminated by acceptable processes which will not be injurious to human health. After extermination, proper precautions shall be taken to prevent reinfestation.

(g) Exit Doors. Every door available as an exit shall be capable of being opened easily from the inside and without the use of a key.

(h) Stairs, Porches and Railings. Stairs and other exit facilities shall be adequate for safety as provided in the Building Code.

(1) Exit facilities. All interior stairs and railings and other exit facilities of every structure shall be maintained in sound condition and good repair by replacing treads and risers that evidence excessive

wear or are broken, warped or loose. Every inside stair shall be so constructed and maintained as to be safe to use and capable of supporting the anticipated loads.

(2) Handrails. Every flight of stairs, which is more than three risers high, shall have handrails which shall be located as required by the Building Code, and every open portion of a stair, porch landing and balcony which is more than thirty inches above the floor or grade below shall have guardrails. Every handrail and guardrail shall be firmly fastened and capable of bearing normally imposed loads and shall be maintained in good condition.

(Ord. 41-1980. Passed 9-4-80.)

## **LIGHT, VENTILATION AND SPACE REQUIREMENTS**

### **1335.41 GENERAL.**

(a) Scope. The provisions of this section and Sections [1335.42](#) to [1335.45](#) shall govern the minimum conditions and standards for the light, ventilation and space for the occupancy of a structure. All light, ventilation and space conditions shall comply with the requirements herein prescribed insofar as they are applicable.

(b) Responsibility. The owner of the structure shall provide and maintain such light and ventilation and space conditions in compliance with these requirements. A person shall not occupy as owner-occupant or let to another for occupancy or use any premises which does not comply with the following requirements of Sections [1335.41](#) to [1335.45](#).

(c) Access to Public Property. All structures shall be provided access to public property. Such access means shall be maintained unobstructed.

(d) Open Space. An open space when used for the origin of light and ventilation shall be maintained unobstructed.

(Ord. 41-1980. Passed 9-4-80.)

### **1335.42 LIGHT.**

(a) General. All spaces or rooms shall be provided sufficient light so as not to endanger health and safety.

(b) Habitable Rooms. Every habitable room 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 room shall be eight percent (8%) of the floor area of such room, except in kitchens when artificial light may be provided in accordance with the provisions of the Building Code. Whenever walls or other portions of a structure face a window of any room and such obstructions are located less than three feet from the window and extend to a level above that of the ceiling of the room, such a 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.

(c) Common Halls and Stairways. Every common hall and stairway in every building other than one-family dwellings, shall be adequately lighted at all times with an illumination of at least a sixty watt light bulb. Such illumination shall be provided throughout the normally traveled stairs and passageways.

(d) Other Spaces. All other spaces shall be provided with natural or artificial light of sufficient intensity and so distributed as to permit the maintenance of sanitary conditions, and the safe use of the space and the appliances, equipment and fixtures.

(Ord. 41-1980. Passed 9-4-80.)

#### **1335.43 VENTILATION.**

(a) General. All spaces or rooms shall be provided sufficient natural or mechanical ventilation so as not to endanger health and safety. Where mechanical ventilation is provided in lieu of the natural ventilation, such mechanical ventilating system shall be maintained in operation during the occupancy of any structure or portion thereof.

(b) Habitable Rooms. Every habitable room shall have at least one window which can be easily opened or such other device as will adequately ventilate the room. The total openable window area in every room shall be equal to at least forty-five percent (45%) of the minimum window area size required in Section [1335.42](#) (b).

(c) Toilet Rooms. Every bathroom and water closet compartment shall comply with the light and ventilation requirements for habitable rooms as required by Section [1335.42](#) (b) except that a window shall not be required in bathrooms or water closet compartments equipped with an approved mechanical ventilation system.

(d) Cooking Facilities. Cooking shall not be permitted in any sleeping room or dormitory unit, and a cooking facility or appliance shall not be permitted to be present in a sleeping room or dormitory unit.

(e) Process Ventilation. Where any process permits and where injurious, toxic, irritating or noxious fumes, gases, dusts, or mists are generated by said process, a local exhaust ventilation shall be provided to remove the contaminating agent at the source so that it is not allowed to permeate the general atmosphere of the workroom.

(Ord. 41-1980. Passed 9-4-80.)

#### **1335.44 DWELLING UNIT LIMITATIONS.**

(a) Separation of Units. Dwelling units shall be separate and apart from each other. Sleeping rooms shall not be used as the only means of access to other sleeping rooms or habitable spaces.

(1) Privacy. Hotel units, lodging units, and dormitory units shall be designed to provide privacy, and be separate from other adjoining spaces.

(b) Common Access. A habitable room, bathroom, or water closet compartment which is accessory to a dwelling unit shall not open directly into or be used in conjunction with a food store, barber or beauty shop, doctor's or dentist's examination or treatment room, or similar room used for public purposes.

(c) Basement Rooms. Basement rooms partially below grade shall not be used for living purposes unless:

(1) Floors and walls are watertight and so insulated as to prevent entry of moisture;

(2) Total window area, total openable area and ceiling height are in accordance with this code, and;

(3) Required minimum window area of every habitable room is entirely above the grade of the ground adjoining such window area.

(Ord. 41-1980. Passed 9-4-80.)

**1335.45 SPACE REQUIREMENTS.**

(a) Dwelling Units. Every dwelling unit shall contain a minimum gross floor area of not less than 150 square feet for the first occupant, and 100 square feet for each additional occupant. The floor area shall be calculated on the basis of the total area of all habitable rooms.

(b) Area for Sleeping Purposes. Every room occupied for sleeping purposes by one occupant shall contain at least seventy square feet of floor area, and every room occupied for sleeping purposes by more than one person shall contain at least fifty square feet of floor area for each occupant thereof.

(c) Overcrowding. If any room used for residential purposes is overcrowded, the code official may order the number of persons sleeping or living in said room to be reduced so that there shall be not less than the total area required in the following table entitled "Minimum Occupancy Area Requirements".

Minimum Occupancy Area Requirements			
Minimum occupancy area in square feet			
Space	1-2 occupants	3-5 occupants	6 or more
Living room <sup>(1)</sup>	No requirements	120	150
Dining room <sup>(1)</sup>	No requirements	80	100
Kitchen	50	50	60
Bedrooms <sup>(2)</sup>	Must comply with Section <a href="#">1335.45</a> (b)		

Note (1) - Combined living room-dining room spaces will be construed as meeting the requirements of this table if the total area is equal to that required for separate rooms and if the space is so located that it may function as a combination living room-dining room.

Note (2) - Every room used as a bedroom shall have access to at least one (1) water closet without passing through another room used as a bedroom.

Every room used as a bedroom shall have access to at least one (1) water closet located on the same floor as the bedroom, except that this requirement shall not apply to the only bedroom on a floor.

(d) Prohibited Use. It shall be prohibited to use for sleeping purposes any kitchen, nonhabitable space or public space.

(e) Minimum Ceiling Heights. Habitable rooms shall have a clear ceiling height over the minimum area required by this code at not less than seven and one-third feet, except that in attics or top half-stories the ceiling height shall be not less than seven feet over not less than one-third of the minimum area required by this code when used for sleeping, study or similar activity. In calculating the floor area of such rooms, only those portions of the floor area of the room having a clear ceiling height of five feet or more may be included.

(f) Correctional Institutional Occupancies. It is not intended that this code regulate the space requirements of correctional institutions.

(Ord. 41-1980. Passed 9-4-80.)

## **PLUMBING FACILITIES AND FIXTURE REQUIREMENTS**

### **1335.51 GENERAL.**

(a) Scope. The provisions of Sections [1335.51](#) through [1335.57](#) shall govern the minimum plumbing facilities and fixtures to be provided. All plumbing facilities and fixtures shall comply with the requirements herein prescribed insofar as they are applicable.

(b) Responsibility. The owner of the structure shall provide and maintain such plumbing facilities and fixtures in compliance with these requirements. A person shall not occupy as owner-occupant or let to another for occupancy or use any structure or portion thereof or premise which does not comply with the following requirements of Section [1335.51](#) through [1335.57a](#)

(Ord. 41-1980. Passed 9-4-80.)

### **1335.52 REQUIRED FACILITIES.**

(a) Dwelling Units. Every dwelling unit shall include its own plumbing facilities which are in proper operating condition, can be used in privacy, and are adequate for personal cleanliness and the disposal of human waste. The following minimum plumbing facilities set forth in this section shall be supplied and maintained in a sanitary, safe working condition.

(1) Water closet and lavatory. Every dwelling unit shall contain within its walls, a room separate from habitable rooms, which affords privacy and a water closet supplied with cold running water. The lavatory may be placed in the same room as the water closet, or, if located in another room, the lavatory shall be located in close proximity to the door leading directly into the room in which said water closet is located. The lavatory shall be supplied with hot and cold running water.

(2) Bathtub or shower. Every dwelling unit shall contain a room which affords privacy to a person in said room and which is equipped with a bathtub or shower supplied with hot and cold running water.

(3) Kitchen sink. Every dwelling unit shall contain a kitchen sink apart from the lavatory required under subsection (a)(1) hereof and shall be supplied with hot and cold running water.

(b) Rooming Houses. At least one water closet, lavatory basin and bathtub or shower properly connected to an approved water and sewer system and in good working condition shall be supplied for

each four rooms within a rooming house wherever said facilities are shared. Every lavatory basin and bathtub or shower shall be supplied with hot and cold water at all times.

(c) Hotels. Where private water closets, lavatories, and baths are not provided, one water closet, one lavatory and one bathtub accessible from a public hallway shall be provided on each floor. Each lavatory, bathtub or shower shall be supplied with hot and cold water at all times.

(d) Other Structures. In nonresidential structures the requirements for sanitary facilities shall comply with the minimum requirements of the Plumbing Code or other nationally recognized standards for each facilities for such use and occupancy.

(Ord. 41-1980. Passed 9-4-80.)

#### **1335.53 TOILET ROOMS.**

(a) Privacy. Toilet rooms and bathrooms shall be designed and arranged to provide privacy.

(b) Direct Access. Toilet rooms and bathrooms shall not be used as a passageway to a hall or other space, or to the exterior. A toilet room or bathroom in a dwelling unit shall be accessible from any sleeping room without passing through another sleeping room.

(c) Same Story. Toilet rooms and bathrooms serving hotel units, lodging units, or dormitory units, unless located within such respective units, or directly connected thereto, shall be provided on the same story with such units, and be accessible only from a common hall or passageway.

(d) Employee Facilities. Toilet rooms for employees shall be readily accessible to such employees, and shall not open directly into any public kitchen or other public space used for the cooking or preparation of food.

(e) Floors. Bathrooms and toilet rooms shall be provided with floors of moisture resistant material.

(f) Partitions. Every nonresidential structure that requires or supplies a water closet shall provide within the toilet room partitions, enclosures or compartments for privacy and shall comply with fixtures clearance requirements of the plumbing code or nationally recognized standards for such installations.

(Ord. 41-1980. Passed 9-4-80.)

#### **1335.54 PLUMBING FIXTURES.**

(a) General. All plumbing fixtures shall be maintained in a safe and useable condition. All plumbing fixtures shall be of approved nonabsorbent material.

(b) Connections. Water supply lines, plumbing fixtures, vents and drains shall be properly installed, connected and maintained in working order and shall be kept free from obstructions, leaks and defects and capable of performing the function for which they are designed. All repairs and installations shall be made in accordance with the provisions of the Building Code or Plumbing Code.

(c) Maintained Clean and Sanitary. All plumbing facilities shall be maintained in a clean and sanitary condition by the occupant so as not to breed insects and rodents or produce dangerous or offensive gases or odors.



(d) Access for Cleaning. Plumbing fixtures shall be installed as to permit easy access for cleaning both this fixture and the area about it.

(e) Water Conservation. Plumbing fixtures which are replaced shall be of water saving construction and use as may be required by local Energy and Plumbing Codes.

(Ord. 41-1980. Passed 9-4-80.)

#### **1335.55 WATER SYSTEM.**

(a) General. Every sink, lavatory, bathtub or shower, drinking fountain, water closet or other facility shall be properly connected to either a public water system or to an approved private water system. All sinks, lavatories, bathtubs and showers shall be supplied with hot and cold running water.

(b) Contamination. The water supply shall be maintained free from contamination and all water inlets for plumbing fixtures shall be located above the overflow rim of the fixture.

(c) Supply. The water supply systems shall be installed and maintained to provide at all times a supply of water to plumbing fixtures, devices, and appurtenances in sufficient volume and at pressures adequate to enable them to function satisfactorily.

(d) Water Heating Facilities. Where hot water is provided, water heating facilities shall be installed in an approved manner, properly maintained, and properly connected with hot water lines to the fixtures required to be supplied with the hot water. Water heating facilities shall be capable of heating water to such a temperature as to permit an adequate amount of water to be drawn at every required kitchen sink, lavatory basin, bathtub, shower, and laundry facility or other similar units, at a temperature of not less than 120 degrees Fahrenheit.

(Ord. 41-1980. Passed 9-4-80.)

#### **1335.56 SEWAGE SYSTEM.**

(a) General. Every sink, lavatory, bathtub or shower, drinking fountain, water closet or other facility shall be properly connected to either a public sewer system or to an approved private sewage disposal system.

(b) Maintenance. Every plumbing stack, waste and sewer line shall be so installed and maintained as to function properly and shall be kept free from obstructions, leaks and defects to prevent structural deterioration or health hazards. All repairs and installations shall be made in accordance with the provisions of the Building Code or Plumbing Code.

(Ord. 41-1980. Passed 9-4-80.)

#### **1335.57 STORM DRAINAGE.**

An approved system of storm water disposal shall be provided and maintained for the safe and efficient drainage of roofs and paved areas, yards and courts, and other open areas on the premises. (Ord. 41-1980. Passed 9-4-80.)

### **MECHANICAL AND ELECTRICAL REQUIREMENTS**

### **1335.61 GENERAL.**

(a) Scope. The provisions of Sections [1335.61](#) through [1335.64](#) shall govern the minimum mechanical and electrical facilities and equipment to be provided. All mechanical and electrical facilities and equipment shall comply with the requirements herein prescribed insofar as they are applicable.

(b) Responsibility. The owner of the structure shall provide and maintain such mechanical and electrical facilities and equipment in compliance with these requirements. A person shall not occupy as owner/occupant or let to another for occupancy or use any premises which do not comply with the following requirements of Sections [1335.61](#) through [1335.64](#).

(Ord. 41-1980. Passed 9-4-80.)

### **1335.62 HEATING FACILITIES.**

(a) Residential Buildings. Every dwelling unit and guest room shall be provided with heating facilities capable of maintaining a room temperature of sixty-five degrees Fahrenheit, at a point three feet above the floor and three feet from an exterior wall in the habitable rooms, bathrooms and toilet rooms.

(b) Other Structures. In all other structures where heating facilities are supplied or available for use, they shall be capable of adequately and safely heating areas of the structure to a reasonable temperature for work conditions.

(c) 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, and kept functioning properly so as to be free from fire, health, and accident hazards. All installations and repairs shall be made in accordance with the provisions of the Building Code, or other laws or ordinances applicable thereto. Portable cooking equipment employing flame is prohibited, except for approved residential type food trays or salvers which are heated by a candle or alcohol lamp.

(d) Installation. All mechanical equipment shall be properly installed and safely maintained in good working condition, and be capable of performing the function for which it was designed and intended.

(1) Flue. All fuel-burning equipment shall be connected to an approved chimney, flue or vent.

(2) Clearances. All required clearances to combustible materials shall be maintained.

(3) Safety controls. All safety controls for fuel-burning equipment shall be maintained in effective operation.

(4) Combustion air. A supply of air for complete combustion of the fuel and for ventilation of the space shall be provided the fuel burning equipment.

(e) Fireplaces. Fireplaces, and other construction and devices intended for use similar to a fireplace, shall be stable and structurally safe and connected to approved chimneys.

(f) Climate control. When facilities for interior climate control (heating, cooling, and/or humidity) are integral functions of structures used as dwelling units or other occupancies, such facilities shall be maintained and operated in a continuous manner in accordance with the designed capacity.

(Ord. 41-1980. Passed 9-4-80.)

### **1335.63 ELECTRICAL FACILITIES.**

(a) Outlets Required. Where there is electric service available to a structure, every habitable room of a dwelling unit, and every guest room, shall contain at least two separate and remote outlets, one of which may be a ceiling or wall type electric light fixture. In a kitchen, three separate and remote wall type electric convenience outlets or two such convenience outlets and one ceiling or wall type electric light fixture shall be provided. Every public hall, water closet compartment, bathroom, laundry room or furnace room shall contain at least one electric light fixture. In addition to the electric light fixture in every bathroom and laundry room, there shall be provided at least one electric outlet.

(b) Installation. All electrical equipment, wiring, and appliances shall be installed and maintained in a safe manner in accordance with all applicable laws. All electrical equipment shall be of an approved type.

(c) Defective System. Where it is found, in the opinion of the code official, that the electrical system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, improper fusing, insufficient outlets, improper wiring or installation, deterioration or damage, or for similar reasons, he shall require the defects to be corrected to eliminate the hazard.  
(Ord. 41-1980. Passed 9-4-80.)

### **1335.64 ELEVATORS, ESCALATORS AND DUMBWAITERS.**

Elevators, dumbwaiters, and escalators shall be maintained to safely sustain the loads to which they are subject to operate properly, and to be free of physical and fire hazards.

(Ord. 41-1980. Passed 9-4-80.)

## **FIRE SAFETY REQUIREMENTS**

### **1335.71 GENERAL.**

(a) Scope. The provisions of Sections [1335.71](#) through [1335.75](#) shall govern the minimum fire safety facilities and equipment to be provided. All structures shall be constructed and maintained to prevent and avoid fire hazards, and in a manner conducive to fire safety. All fire safety facilities and equipment shall comply with the requirements herein proscribed insofar as they are applicable.

(b) Responsibility. The owner of the structure shall provide and maintain such fire safety facilities and equipment in compliance with these requirements and the fire prevention code. A person shall not occupy as owner-occupant or let to another for occupancy or use any premises which do not comply with the following requirements of Sections [1335.71](#) through [1335.75a](#)

(Ord. 41-1980. Passed 9-4-80.)

### **1335.72 MEANS OF EGRESS.**

(a) General. A safe, continuous and unobstructed means of egress shall be provided from the interior of a structure to the exterior of a street, or to a yard, court, or passageway leading to a public open area at grade.

(b) Direct Exit. Every dwelling unit or guest room shall have access directly to the outside or to a public corridor.

(c) Locked Doors. All doors in the required means of egress shall be readily openable from the inner side without the use of keys. Exits from dwelling units, hotel units, lodging units, and dormitory units shall not lead through other such units, or through toilet rooms or bathrooms.

(d) Fire Escapes. All required fire escapes shall be maintained in working condition and structurally sound.

(e) Exit Signs. All exit signs shall be maintained illuminated and visible.

(Ord. 41-1980. Passed 9-4-80.)

#### **1335.73 ACCUMULATIONS AND STORAGE.**

(a) Accumulations. Waste, refuse, or other materials shall not be allowed to accumulate in stairways, passageways, doors, windows, fire escapes, or other means of egress.

(b) Flammable Matter. Highly flammable or explosive matter, such as paints, volatile oils, and cleaning fluids, or combustible refuse, such as waste paper, boxes, and rags, shall not be accumulated or stored on residential premises except in reasonable quantities consistent with normal usage.

(c) Residential Unit. A dwelling unit or rooming unit shall not be located within a structure containing an establishment handling, dispensing or storing flammable liquids with a flash point of 110 degrees Fahrenheit or lower, except as provided for in the Building Code.

(d) Nonresidential Structures. Nonresidential structures shall be permitted to store combustible or flammable materials provided they are confined to approved storage areas and comply with applicable requirements of the Building and Fire Codes for the appropriate use group classification.

(Ord. 41-1980. Passed 9-4-80.)

#### **1335.74 FIRE RESISTANCE RATINGS.**

Floors, walls, ceilings, and other elements and components required to develop a fire resistance rating shall be maintained so that the respective fire resistance rating of the enclosure, separation, or construction is preserved.

(Ord. 41-1980. Passed 9-4-80.)

#### **1335.75 FIRE PROTECTION SYSTEMS.**

(a) General. All fire protection systems and equipment shall be maintained in proper operating condition at all times.

(b) Fire Alarms. Fire alarms and detecting systems shall be maintained and be suitable for their respective purposes.

(c) Fire Suppression System. Fire suppression systems shall be maintained in good condition, free from mechanical injury. Sprinkler heads shall be maintained clean, free of corrosion and paint, and not bent or damaged.

(d) Standpipe Systems. Hose stations shall be identified and accessible. The hose shall be in proper position, ready for operation, dry, and free of deterioration.

(e) Fire Extinguishers. All portable fire extinguishers shall be visible and accessible, and maintained in an efficient and safe operating condition.

## **FIRE WARNING SYSTEMS**

### **1335.81 GENERAL.**

The provisions of Sections [1335.81](#) through [1335.85](#) shall govern the minimum requirements for the provision of early fire warning systems in specified structures.

### **1335.82 EARLY FIRE WARNING SYSTEM REQUIRED.**

(a) Applicability. A minimum early fire warning system shall be installed and in operation in every family dwelling, apartment, condominium unit, short-term rental unit, dormitory building and places of assembly, businesses, education facilities, factory and industrial facilities, high hazard facilities, institutional structures, mercantile structures, storage facilities, utility and miscellaneous structures which does not have an automatic smoke detection system or sprinkler system in conformity with the rules of the Board of Building Standards adopted pursuant to Ohio RC. 3781.10. The provisions of this Sections [1335.81](#) to [1335.85](#) reflect a consensus of what is necessary to provide an acceptable degree of protection from the hazards addressed in Sections [1335.81](#) to [1335.85](#) at the time Sections [1335.81](#) to [1335.85](#) was issued. Unless otherwise specified, the provisions of Sections [1335.81](#) to [1335.85](#) shall not apply to facilities, equipment, structures, or installations that existed or were approved for construction or installation prior to the effective date of Sections [1335.81](#) to [1335.85](#). Where specified, the provisions of Sections [1335.81](#) to [1335.85](#) shall be retroactive. In those cases where the authority having jurisdiction determines that the existing situation presents an unacceptable degree of risk, the authority having jurisdiction shall be permitted to apply retroactively any portions of Sections [1335.81](#) to [1335.85](#) deemed appropriate. The retroactive requirements of Sections [1335.81](#) to [1335.85](#) shall be permitted to be modified if their application clearly would be impractical in the judgment of the authority having jurisdiction, and only where it is clearly evident that a reasonable degree of safety is provided.

(b) Exception. Buildings which have an automatic smoke alarm system or an automatic sprinkler system in conformance with the Ohio Basic Building Code shall be deemed to conform to the rules of the Board of Building Standards.

(c) Exceeding Minimum Requirements. Nothing in Sections [1335.81](#) through [1335.85](#) is intended to preclude installation of equipment and systems which feature additional life safety or security provisions provided said installations are not less stringent nor in conflict with the intent of the rules contained herein and further provided that plans or schematics for all installations have been approved by the chief enforcement official.

(d) Original Installation. No installation shall result in a system or condition less safe than the original installation.

(Ord. 14-2006. Passed 4-20-06.)

**1335.83 DETECTORS REQUIRED WITHIN PRIVATE AREAS.**

(a) Location. Each dwelling unit, apartment, short term rental, and condominium unit and dormitory building shall have at least one smoke detector installed in the immediate vicinity but outside of all sleeping rooms. Each dwelling unit, apartment, short term rental, and condominium unit shall have at least one smoke detector installed on every level of the dwelling unit, apartment, short term rental, condominium unit, dormitory building. Places of assembly, businesses, education facilities, factory and industrial facilities, high hazard facilities, institutional structures, mercantile structures, storage facilities, utility and miscellaneous structures shall install and maintain as specified in subsection (b) hereof. Alarm signaling devices shall be clearly audible in all bedrooms within the dwelling unit, apartment, short term rental, condominium unit or dormitory building when all intervening doors are closed.

(b) Standard for Installation and Maintenance. For the purpose of installation and maintenance only, the applicable sections of the National Fire Protection Association Standard No.72 Chapter 11, Single- and Multiple-Station Alarms and Household Fire Alarm 74, titled shall be considered accepted engineering practice for family dwelling, apartment, condominium unit, short term rental, dormitory building only. For all other occupancies the fire detection equipment, installation and maintenance shall meet or exceed the National Electric Code Article 760, National Fire Protection Standard 72, ADA Federal Guidelines, UL and FM approval and any and all other local codes set forth by the Authorities Having Jurisdiction. At least one appropriate detection device shall be installed in every unprotected room and/or hallway of every designated unprotected building. More shall be ~~required~~ installed if required by the aforementioned Standard, Guidelines or Codes.

(c) Testing and Certification of Systems. Smoke detectors shall be tested, certified, and labeled to be in compliance with the Underwriters Laboratories, Inc., Standard No.217, titled "Standard for Single and Multiple Station Smoke Detectors".

(d) Maintenance. It shall be the responsibility of the occupant(s) of each dwelling unit, apartment and condominium unit and dormitory building to maintain or have maintained the smoke detector(s) in that unit, whether or not such occupant is the owner. For the purposes of this section, maintain or have maintained means:

(1) In the case of a battery operated device, the replacement of batteries when expired; and

(2) In the event the detector is inoperable due to a malfunction, the owner shall be notified to repair and/or replace the unit; and

(3) In the event the detector is an AC electrically powered system, the building owner shall be notified of the inoperative status of the detector and be responsible for its repair and/or replacement.

(e) Pre-drawing Walk-Thru. A pre-drawing walk-thru shall be conducted with the owners or an owner's representative and by a representative of the St. Bernard Fire Department. At this pre-drawing walk-thru, the parties shall discuss their issues and concerns relating to the implementation of this ordinance. At the conclusion of the pre-drawing walk-thru, the St. Bernard Fire Department shall submit in writing any and all concerns that are raised as a result of this ordinance within five (5) working days. If the implementation of a smoke detection system is being bid by various contractors, all contractors shall be notified of the time and place of the pre-drawing walk-thru and so they may be present.

(f) Drawing Review. All installation and review drawings that are drafted for approval as a result of the requirements of this ordinance, shall be submitted to the St. Bernard Fire Department for their review and inspection. The St. Bernard Fire Department shall either approve or reject the plans or drawings within five (5) working days. After the five (5) working days, the plans and drawings shall be turned over to the Code Enforcement Officer for his rejection or final approval.  
(Ord. 14-2006. Passed 4-20-06.)

#### **1335.84 LOCATION OF DETECTORS WITHIN PUBLIC (NONPRIVATE) AREAS.**

(a) Location. In those portions of a building subject to the provisions of this chapter other than the private dwelling or sleeping areas, smoke detectors shall be installed in conformance with at least one of the following requirements:

(1) Where the building has a central return air system, a detector shall be installed in or near each return air stream in a manner that smoke-laden air originating from any part of the building must pass by a detector before the smoke laden air leaves the floor of origin; or

(2) In buildings with or without central return air systems, detectors shall be installed on each floor on the corridor or lobby side of and within five feet of all stairway and elevator doors. Where horizontal exits are used, detectors shall also be installed on each side of and within fifteen feet of doors serving as horizontal exits through fire walls.

(b) Audibility. Detectors installed in conformity with the provisions of subsection (a) hereof shall be clearly audible in all private or dormitory sleeping areas on that floor.

(c) Standards Testing and Certification. All detectors shall comply with the appropriate Underwriter's Laboratories, Inc. standard for its type and model and shall be tested, labeled and certified to be in compliance therewith.

(d) Accessibility. All detectors shall be readily accessible for servicing and testing.

(e) Maintenance. It shall be the responsibility of the building owner to maintain or have maintained any smoke detectors installed as required by subsection (a) hereof. For the purposes of this subsection, maintain or have maintained means:



- (1) In the case of a battery operated device, the replacement of batteries when expired; and
- (2) In the event the detector is inoperable due to a malfunction, the owner shall be notified to repair and/or replace the unit; and
- (3) In the event the detector is an AC electrically powered system, the building owner shall be notified of the inoperative status of the detector and be responsible for its repair and/or replacement.

(Ord. 14-2006. Passed 4-20-06.)

#### **1335.85 RETROACTIVE REQUIREMENTS.**

(a) A minimum early fire warning system shall be installed and in operation in every family dwelling, apartment, short term rental, condominium unit, and dormitory building. For the purpose of installation and maintenance only, the applicable sections of the National Fire Protection Association Standard No.72 Chapter 11, Single-and Multiple-Station Alarms and Household Fire Alarm Systems shall be considered accepted engineering practice for family dwelling, apartment, short term rental, condominium unit, and dormitory building only. Each dwelling unit, apartment, short term rental, condominium unit and dormitory building shall have at least one smoke detector installed on every level of the dwelling unit, apartment, short term rental, condominium unit, and dormitory building. Each dwelling unit, apartment, short term rental, condominium unit and dormitory building shall have at least one smoke detector installed in the immediate vicinity but outside of all sleeping rooms. Alarm signaling devices shall be clearly audible (minimum of 85 decibels) in all bedrooms within the dwelling unit, apartment, short term rental, condominium unit or dormitory building when all intervening doors are closed.

(b) A minimum early fire warning system shall be installed and in operation in every places of assembly, businesses, education facilities, factory and industrial facilities, high hazard facilities, institutional structures, mercantile structures, storage facilities, utility and miscellaneous structures which does not have an automatic smoke detection system or sprinkler system in conformity with the rules of the Board of Building Standards adopted pursuant to Ohio R.C. 3781.10. For the purpose of installation and maintenance only, the following shall be considered as accepted engineering practice:

(1) Daytime Only Occupied Structures- Occupancies consisting of places of assembly, businesses, education facilities, factory and industrial facilities, high hazard facilities, institutional structures, mercantile structures, storage facilities, utility and miscellaneous structures which do not contain facilities for sleeping, do not have incapacitated or restrained occupants, or persons thereof not able to perform self-rescue, the use of battery powered, stand alone smoke detectors will be considered as acceptable engineering practices. Maintenance and compliance verification shall be documented and accessible to the Authority Having Jurisdiction (AHJ) that at a minimum:

- A. Batteries have been replaced at six (6) month intervals.
- B. Smoke detectors have been tested for operational readiness on a monthly basis.

(2) Day and Night Occupied Structures- Occupancies consisting of places of assembly, businesses, education facilities, factory and industrial facilities, high hazard facilities, institutional structures,

mercantile structures, storage facilities, utility and miscellaneous structures which do contain facilities for sleeping, do have incapacitated or restrained occupants, or persons thereof not able to perform self-rescue, an early warning fire system capable of alerting all occupants shall be considered as acceptable engineering practices. This early fire warning system shall:

A. When one alarm is activated, all alarms shall be activated.

B. Alarm signaling devices shall be clearly audible (minimum of 85 decibels) in all bedrooms within the dwelling unit, apartment, condominium unit or dormitory building when all intervening doors are closed.

(3) Maintenance and compliance verification shall be documented and accessible to the Authority Having Jurisdiction (AHJ) that at a minimum:

A. Batteries have been replaced at six (6) month intervals.

B. Smoke detectors have been tested for operational readiness on a monthly basis.

(Ord. 14-2006. Passed 4-20-06.)

## **RESPONSIBILITIES OF PERSONS**

### **1335.91 GENERAL.**

The provisions of Sections [1335.91](#) through [1335.93](#) shall govern the responsibilities of persons for the maintenance of structures, and the equipment and premises thereof.

(Ord. 41-1980. Passed 9-4-80.)

### **1335.92 SANITARY CONDITIONS.**

(a) Cleanliness. Every occupant of a structure or part thereof shall keep that part of the structure or premises thereof which he occupies, controls, or uses in a clean and sanitary condition. Every owner of dwelling containing two or more dwelling units shall maintain in a clean and sanitary condition the shared or public areas of the dwelling and premises thereof.

(b) Disposal of Rubbish. Every occupant of a structure or part thereof shall dispose of all his rubbish in a clean and sanitary manner by placing it in rubbish containers equipped with tight fitting covers as required by this code.

(c) Disposal of Garbage. Every occupant of a structure or part thereof shall dispose of his garbage in a clean and sanitary manner by placing it in garbage disposal facilities, or if such facilities are not available, by removing all non-burnable matter and securely wrapping such garbage and placing it in tight garbage storage containers as required by this code, or by such other disposal method as may be required by applicable laws or ordinances.

(d) Garbage Storage Facilities. Every dwelling unit shall be supplied with an approved garbage disposal facility, which may be any adequate mechanical garbage disposal unit (mechanical sink grinder), in each dwelling unit or an incinerator unit, to be approved by the building official, in the structure for the use of the occupants of each dwelling unit or an approved outside garbage can or cans as required in Section [1335.32](#) (b). Such facilities shall be sufficient to meet the needs of the occupants.

(e) Rubbish Storage Facilities. Every dwelling unit shall be supplied with approved containers and covers for storage of rubbish, and the owner, operator or agent in control of such dwelling shall be responsible for the removal of such rubbish.

(f) Food Preparation. All spaces used or intended to be used for food preparation 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 where necessary.

(g) Supplied Fixtures and Equipment. The owner or occupant of a structure or part thereof shall keep the supplied equipment and fixtures therein clean and sanitary, and shall be responsible for the exercise of reasonable care in their proper use and operation.

(h) Furnished by Occupant. The equipment and fixtures furnished by the occupant of a structure shall be properly installed, and shall be maintained in good working condition, kept clean and sanitary, and free of defects, leaks or obstructions.

(i) Caretaker. In every multiple dwelling in which the owner does not reside there shall be a responsible person, designated by the owner, residing on the premises, whose duties include maintaining the commonly used parts of the premises.

(Ord. 41-1980. Passed 9-4-80.)

### **1335.93 EXTERMINATION.**

(a) Owner. The owner of any structure shall be responsible for extermination within the structure prior to renting, leasing or selling the structure.

(b) Tenant-Occupant. The tenant-occupant of any structure shall be responsible for the continued rodent-proof condition of the structure, and if the tenant-occupant fails to maintain the rodent-proof condition the cost of extermination shall be the responsibility of the tenant-occupant.

(c) Single Occupancy. The occupant of a structure containing a single dwelling unit or of a single nonresidential structure shall be responsible for the extermination of any insects, rodents or other pests in the structure or on the premises.

(d) Multiple Occupancy. Every owner, agent or operator of two or more dwelling units or multiple occupancies, or nonresidential structures and rooming houses, shall be responsible for the extermination of any insects, rodents or other pests in the public or shared areas of the structure and premises. When infestation is caused by failure of an occupant of a unit of the two or more dwelling units or by an occupant or lessee of a nonresidential structure to prevent such infestation in the area which he occupies, the occupant shall be responsible for such extermination.

(e) Continued Rodent Infestation. Continuing or repeated incidents of rodent infestation determined from the official records as provided in Section [1335.04](#) (c) shall require the installation of rat and vermin proof walls. The rat and vermin proof walls shall be installed in accordance with the Building Code.

(Ord. 41-1980. Passed 9-4-80.)