

VILLAGE OF FAIRFAX

MINIMUM PROPERTY

MAINTENANCE

CODE AND

STANDARDS

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CHAPTER 1 ADMINISTRATION

SECTION 101 - GENERAL

101.1 Title. These regulations shall be known as the Village of Fairfax Minimum Property Maintenance Code and Standards, hereinafter referred to as “This Code.”

101.2 Scope. This Code sets forth minimum requirements and standards for structures and premises within the Village as to light, ventilation, space, heating, sanitation, protection from the elements, life safety, safety from fire and other hazards, safe and sanitary maintenance, and such similar items of public interest as are included from time-to-time.

101.3 Intent. This Code shall be construed to ensure the public health, safety and welfare as affected by the maintenance of structures and premises.

101.4 Severability. If any provision of This Code is, for any reason, held to be unconstitutional or otherwise unlawful, such decision shall not affect the validity of the remaining provisions of This Code.

SECTION 102 - APPLICABILITY

102.1 General. If more than one section of This Code specifies competing or inconsistent requirements for the same structure or premises, the most restrictive requirement shall govern. If This Code specifies competing or inconsistent requirements from other Village ordinances, codes, or regulations, the most restrictive requirement shall govern. This Code does not supersede any other Village ordinances, codes, or regulations, which remain in full effect.

102.2 Maintenance. Equipment, systems, devices, and safeguards required by This Code or a prior code or regulation under which a structure or premises was constructed, altered, or repaired shall be maintained in good working order. This Code does not provide the basis for removal or abrogation of equipment, systems, devices, and safeguards in existing structures.

102.3 Application of other codes. Repairs, additions, or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the applicable building, plumbing and mechanical codes and NFPA 70, as amended and supplemented.

102.4 Existing Remedies. This Code shall not be construed to abolish or impair existing remedies of the Village or any other jurisdiction or agency as to the repair, removal, demolition, or other remedial measure for any structure or premises which is dangerous, unsafe, or unsanitary, or otherwise subject to regulation.

102.5 Workmanship. All work required by or on account of This Code shall be performed in a workmanlike manner and in accordance with any manufacturer’s instructions.

102.6 Historic Structures and Premises. The Code Official may except any structure or premises from the operation of any provision of This Code if the structure or

premises is designated by an appropriate authority for historic preservation, if such structure or premises is safe and if its condition does not threaten the public health, safety, and welfare.

102.7 Referenced Codes and Standards. The Ohio Building Code, the Ohio Mechanical Code, the Ohio Plumbing Code, the Ohio Elevator Code, the Ohio Residential Code, and the Ohio Fire Code, as amended and supplemented, are incorporated by reference into This Code as applicable to any specific regulation, structure, or premises; provided, however, that in the event of lawfully competing or inconsistent provisions, This Code shall govern.

102.8 Requirements Not Covered by Code. Any requirements necessary for the strength, stability, or proper operation of an existing structure or equipment, or for the public safety, health, and general welfare, if not specifically covered by This Code, shall be determined by the Code Official to the extent allowed by law.

102.9 Responsible Persons. The owner(s) of any property subject to This Code shall be responsible for compliance with This Code, regardless of whether such person occupies the property or caused any violation of This Code. The owner(s) shall be responsible for complying or ensuring compliance with all notices and orders issued by the Code Official, and shall further be responsible for all violations and penalties, and all tax liens or other cost recovery to which the Village is entitled. Additionally, any person who leases, rents, sublets, or otherwise occupies property with the permission of the owner(s) shall be a "responsible person" under This Code who is subject to all remedies and penalties for any violation of This Code caused by such person.

SECTION 103 - DEPARTMENT OF PROPERTY MAINTENANCE

103.1 General. This Code shall be enforced by the Village of Fairfax Department of Property Maintenance. The Village Building Official shall also serve as the Village Code Official. The Code Official shall be the head of the Department of Property Maintenance. Council may authorize other personnel to serve in the Department of Property Maintenance under the Code Official.

103.2 Restriction of Employees. No official or employee responsible for the enforcement of This Code, except one whose only connection is that of a member of the Board of Appeals established under Section 111, shall be engaged in any way in the business of furnishing labor, materials or appliances for the construction, alteration, or maintenance of any building, or the preparation of construction documents therefor, unless that person is the owner of the building; nor shall such official or employee engage in any work that conflicts with his or her official duties.

103.3 Liability. The Code Official and all officials and employees of the Department of Property Maintenance shall be immune from liability to the full extent allowed by law.

SECTION 104 - DUTIES AND POWERS OF THE CODE OFFICIAL

104.1 General. The Code Official shall be the primary enforcement officer for This Code. Where This Code authorizes action by the Code Official, the Code Official may designate responsibility for such action to another official or employee of the Department of Property Maintenance or to another appropriate Village official or employee. Such officials and employees shall have the powers and responsibilities of the Code Official as set forth in This Code.

104.2 Rule Making Authority. The Code Official shall have the authority as necessary in the interest of the public health, safety, and general welfare to adopt and implement rules and procedures useful in the implementation of This Code.

104.3 Inspections. The Code Official shall make all inspections as required, or may accept reports of inspections by other governmental agencies or appropriately certified individuals. All reports shall be in writing and be certified by the responsible individual. The Code Official is authorized to engage such expert opinions as deemed necessary to report upon technical issues that arise.

104.4 Right of Entry. The Code Official is authorized in the performance of his duties to request entry into all Village premises and structures, as otherwise permitted by law, at reasonable times. If entry is refused or not obtained, the Code Official is authorized to pursue recourse for entry as provided by law. The Code Official may also enter premises or structures in an emergency to the extent allowed by law.

104.5 Identification. The Code Official shall carry identification during inspections and the performance of his duties.

104.6 Notices and Orders. The Code Official may issue orders and notices to ensure compliance with This Code.

104.7 Department Records. The Code Official shall keep appropriate records of the activities of the Department of Property Maintenance, subject to Ohio Public Records Law and any retention schedule adopted by the Village.

SECTION 105 - APPROVAL

105.1 Modifications. The Code Official has authority to allow minor variances from This Code of an insubstantial nature, as applied to individual circumstances, provided the Code Official shall first specifically find, in writing, that the strict application of This Code is unreasonably costly or impractical, or would present a safety or health hazard. All modifications shall comply with the intent of This Code, and none shall lessen health, life and fire safety requirements. The exercise of the Code Official's discretion to allow minor variances may not be arbitrary, capricious, or discriminatory, and may not exceed that which is necessary to address the reason for the variance.

105.2 Alternative Materials, Methods and Equipment. This Code is not intended to prevent the installation of any material or to prohibit any method of construction not specifically prescribed by This Code, provided that any such alternative has been approved by the Code Official. An alternative material or method of construction shall be approved where the Code Official finds that the proposed design is workmanlike,

sounds, and consistent with the intent of This Code as expressed in Section 101.3, and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in This Code in quality, strength, effectiveness, fire resistance, durability and safety.

105.3 Required Testing. Whenever there is insufficient evidence of compliance with the provisions of This Code, or evidence that a material or method does not conform to the requirements of This Code, or in order to substantiate claims for alternative materials or methods, the Code Official shall have the authority to require tests as evidence of compliance to be made at no expense to the Village.

105.3.1 Test methods. Test methods shall be as specified in This Code or by other recognized test standards in the applicable industry. In the absence of recognized and accepted test methods, the Code Official shall consider the proposed testing procedures and approve them, if reliable.

105.3.2 Testing agency. All tests shall be performed by an approved agency.

105.4 Material and Equipment Reuse. Materials, equipment and devices shall not be reused unless such elements have been reconditioned and tested when necessary, placed in good and proper working condition and approved.

SECTION 106 - NOTICES AND ORDERS

106.1 Notice to Owner or to Person or Persons Responsible. Whenever the Code Official determines that a violation of This Code has occurred, he shall notify the owner and/or other responsible person in the manner prescribed by This Code.

106.2 Form of Notice. All notices shall:

1. Be in writing;
2. Include a description of the structure or premises sufficient for identification;
3. Include a statement of the violation sufficient to explain why the notice is being issued;
4. Include a correction order allowing a reasonable time under the circumstances to correct the violation, which may be extended by the Code Official upon evidence of reasonable progress or other circumstances justifying additional time; and
5. Provide information concerning the right to appeal a correction order under This Code.

Failure to comply with these requirements shall not invalidate a notice or any order contained in the notice, shall not relieve any owner or responsible person from the obligation to comply with the notice or with This Code, and shall not relieve any owner or responsible person from any penalties or other relief afforded by This Code or otherwise by law or in equity.

106.3 Method of Service. Notice shall be deemed to be properly served if a copy thereof is (a) delivered personally to the owner and/or other responsible person, or (b)

sent by certified mail, return receipt requested, to the last known address of the owner and/or other responsible person. If the notice is returned without successful delivery, delivery shall be completed by placing a copy of the notice in a conspicuous place in or about the subject premises or structure. Moreover, notice is also deemed properly served under subsections (a) and (b) above if delivered or sent in the manner specified to any managing agent for the subject property or any other person designated to receive notice by the owner and/or other responsible person.

106.4 Transfer of Ownership. It shall be unlawful for the owner of any premises 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 the subject property to another until the provisions of the compliance order or notice of violation have been complied with, or until such owners 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.

SECTION 107 - UNSAFE STRUCTURES AND EQUIPMENT

107.1 General. When a structure or equipment is found by the Code Official to be unsafe, unfit, or unlawful as provided by law or This Code as set forth below, the structure or equipment may be condemned or vacated in accordance with law and This Code.

107.1.1 Unsafe Structures. An unsafe structure includes one that is found to be a serious hazard, dangerous to the life, health, property or safety of the public or the occupants of the structure by not providing minimum safeguards to protect or warn occupants in the event of an emergency or fire or because the structure contains unsafe equipment or is damaged, decayed, dilapidated, structurally unsafe, or is of such construction, or condition, or has unstable structural elements such that partial or complete collapse is possible.

107.1.2 Unsafe Equipment. 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 such equipment is a hazard to life, health, property or safety of the public or occupants of the premises or structure.

107.1.3 Structure Unfit for Occupancy. A structure is unfit for human occupancy whenever the Code Official finds that such structure is unsafe, unlawful or, poses a substantial risk to health, safety, or welfare because of the degree to which the structure is in disrepair or lacks maintenance, is unsanitary, is infested by vermin (including but not limited to insects and rats or other rodents) or animals, contains filth or contamination, lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by This Code, or

because the location of the structure constitutes a hazard to the occupants of the structure or to the public.

107.1.4 Unlawful Structure or Occupancy. 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.

107.2 Closing of Vacant Structures. If a structure is vacant and unfit for human habitation and occupancy, but is not in danger of structural collapse, the Code Official is authorized to post a placard of condemnation on the premises and order the structure closed as not to be an attractive nuisance. Upon failure of the owner or other responsible person to adequately close the premises within the time specified in the order, the Code Official may cause the premises 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.

107.3 Notice. Whenever the Code Official has condemned a structure or equipment under the provisions of This Code, notice shall be posted in a conspicuous place in or about the structure or equipment and served on the owner or persons responsible for the structure or equipment in accordance with Section 106.3. If the notice pertains to equipment, it shall also be placed on the condemned equipment. The notice shall be in the form prescribed in Section 106.2.

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

107.5 Prohibiting Occupancy. Any person who occupies a placarded premises or operates placarded equipment, and any owner or any responsible person who allows anyone to occupy a placarded premises or operate placarded equipment shall be liable for the penalties provided by This Code.

107.6 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.

SECTION 108 – REMEDIAL MEASURES

108.1 Imminent Danger. When the Code Official determines that there is imminent danger of failure or collapse of a structure or part of a structure which endangers life or safety, when any structure or part of a structure has fallen and life or safety is endangered by the occupation of the structure, or when there is an imminent threat to life or safety caused by any dangerous condition in any structure or on any premises, including but not limited to explosives, explosive or toxic gases, fumes, vapors, or the operation of defective or dangerous equipment, the Code Official is hereby authorized to order the occupants to vacate the structure and appurtenant premises immediately or

within another specified time. The Code Official shall cause to be posted at each entrance to such structure (or premises) a notice substantially reading as follows: "This Structure (or Premises) is Unsafe and Its Occupancy Has Been Prohibited by the Code Official of the Village of Fairfax." It shall be unlawful for any person to enter such structure (or premises) except for the purpose of securing the structure (or premises), making the required repairs, removing the hazardous condition or demolishing the same.

108.2 Emergency Remedial Measures. If the Code Official determines that a structure or premises is in imminent danger as described in Section 108.1 above, he may order all work necessary to render such structure or premises at least temporarily safe notwithstanding any other procedure prescribed by This Code. Any person ordered to take emergency measures shall comply with such order. If such owner or responsible person fails to comply within the time specified, or if the Code Official determines that the work must be done immediately, the Code Official may have the Village perform, or otherwise employ the necessary expertise, labor, and materials to perform, the required work, the cost of which may be paid by the Village and recovered from the owner or other responsible person by tax lien on the affected property or otherwise through legal action.

108.3 Non-Emergency Remedial Measures As to any notice or order not subject to Sections 108.1 and 108.2 above, if any owner or responsible person fails to comply with a notice or order issued by the Code Official, and has not appealed the notice or order within the time specified by, and otherwise in compliance with, This Code, the Code Official may ask the Village Council to approve performance of the specified work by or on behalf of the Village. If Council approves performance of the work, the Village may perform or otherwise pay the cost of the work. In that event, the Village may recover the cost of the work from the owner or other responsible person by tax lien on the affected property or otherwise through legal action. The remedial measures provided by this Section shall also apply to any notice or order which is timely and appropriately appealed, but which is sustained or modified on appeal.

108.4 Notice of Ordinance Seeking Tax Lien or Other Recovery of Costs The Village shall provide at least seven calendar days prior notice to the owner or other responsible person as to any vote of Council on an ordinance to seek recovery of costs for work performed as set forth in Sections 108.2 or 108.3 above. Such notice shall be delivered in the manner set forth in Section 106.3 above. The owner or other responsible person shall be permitted to attend the meeting at which the vote is to take place and, prior to the vote being taken, address Council to contest all or part of the ordinance on the grounds that some or all of the work did not need to be performed to comply with This Code, that the cost of performing such work was unreasonable under then-prevailing market conditions, that the Village did not otherwise comply with This Code in having the work performed, and/or that the wrong person or property is being assessed. The decision of Council as to the passage of any such ordinance shall be final.

108.5 Closing of Streets. When necessary for the public safety, the Code Official in cooperation with other Village departments, may temporarily close structures and adjacent areas, sidewalks, streets and public ways as necessary to prohibit these areas from use.

SECTION 109 - DEMOLITION

109.1 General. If any structure is or becomes so old, dilapidated, or out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human habitation or occupancy, and if it is unreasonable or impractical to repair the structure, the Code Official may order that the structure be demolished and removed. Additionally, where there has been a cessation of normal construction of any structure for a period of more than two years, the Code Official may order that the unfinished structure be demolished and removed.

109.2 Notices and Orders. All demolition orders shall be accompanied by a notice in the manner prescribed by This Code.

109.3 Failure to Comply. If the owner of a structure fails to comply with a demolition order within ten calendar days, the Code Official may cause the structure to be demolished and removed. The Village may recover some or all of its demolition costs as set forth in Section 109.4 below. If such amount is insufficient to recover all of the Village's costs, it may recover the remainder by placing a lien on the surviving premises or otherwise through legal action.

109.4 Salvage Materials. When the Village has caused the demolition of any structure, the Code Official is authorized to sell the salvaged materials in accordance with applicable law. The Code Official shall prepare or obtain a full accounting of the proceeds of sale. The net proceeds of such sale, if any, shall be remitted to the property owner after deducting the Village's demolition costs.

SECTION 110 - APPEAL

110.1 Application for Appeal. Any owner or responsible person whose property is subject to a decision, notice, or order by the Code Official shall have the right to appeal the Code Official's decision, notice, or order to the Property Maintenance Board of Appeals if a written application for the appeal is filed with the Code Official or Village Administrator within 10 calendar days from the receipt of the notice of decision.

110.2 Board Membership. The Property Maintenance Board of Appeals shall consist of three members who, in the Village's sole discretion, are qualified by experience or training to hear matters pertaining to property maintenance and who are not employees of the Village. The members of the Board shall be appointed by the Mayor and confirmed by the Village Council for two (2) year terms.

110.2.1 Alternate Board Members. The Mayor may appoint alternate qualified members to the Board to serve in the absence or disqualification of a regular member.

110.2.2 Chairperson. The Board shall annually elect one of its members to serve as Chairperson.

110.2.3 Disqualification of Member. A member shall not hear an appeal in which that member has a personal, professional or financial interest, and shall otherwise be subject to the ethics requirements of Ohio law.

110.2.4 Clerk. The Mayor shall designate a qualified person, who may or may not be a member of the Board, to serve as Clerk to the Board to keep records of all activities and proceedings. A copy of these records shall be filed in the office of the Clerk-Treasurer of the Village for public review.

110.2.5 Compensation of Members. Members shall serve without compensation.

110.3 Notice of Hearing. The Clerk shall process an application for appeal within 10 business days of receipt of the application and notify the appellant, as applicable, of the time and place of the hearing, that further information is required before proceeding with the appeal, or that the application is untimely or otherwise not in compliance with This Code. If the appeal is timely and otherwise in compliance with This Code, then unless waived by the applicant, the Board shall hold a hearing within 30 days of issuance of the notice of hearing, or within 60 days of the initial notice if additional time is necessary to obtain information necessary for the hearing.

110.4 Open Hearing. All hearings shall be public and held in accordance with Ohio Revised Code Section 121.

110.5 Postponed Hearing. When the full Board is not present to hear an appeal, the appellant shall have the right to request a postponement of the hearing.

110.6 Board Decision. The Board may modify or reverse the decision of the Code Official only by a majority vote of a quorum of the Board.

110.6.1 Records and copies. Copies of the Board's decision shall be furnished to the appellant and to the Code Official.

110.6.2 Administration. The Code Official shall comply with the decision of the Board.

110.7 Court Review. Application for judicial review of the Board of Appeals' decision shall be in the manner and time required by law.

110.8 Stays of Enforcement. Except as to work ordered or performed under Sections 108.1 and/or 108.2 above, appeals of any decision, notice, or order shall stay enforcement until the appeal is decided.

SECTION 111 - VIOLATIONS

111.1 Unlawful Acts. It shall be unlawful for any person to violate any provision of This Code.

111.2 Notice of Violation. The Code Official shall serve a notice of any violation of This Code in accordance with Section 106.

111.3 Remedies. Upon the recipient's failure to fully comply with the terms of a notice of violation, the Code Official, Village Solicitor, or other appropriate Village official may institute proceedings at law or in equity to restrain, correct or abate such violation, and/or for such other relief as provided by law or in equity. The Village may obtain such

relief notwithstanding the imposition of any penalty under Section 112 or any other relief.

SECTION 112 - PENALTY

Any person who violates This Code shall be subject to a fine of not more than \$100 for each offense. Each day that a violation persists shall be deemed a separate offense.

CHAPTER 2 DEFINITIONS

SECTION 201 - GENERAL

201.1 Scope. Unless otherwise expressly stated, the following terms shall have the meanings set forth in this chapter.

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

201.3 Terms Defined in Other Codes. Where terms are not defined in This Code and are defined in the building, fire prevention, zoning, plumbing or mechanical codes, ASME A17.1, or NFPA 70, such terms shall have the meaning ascribed to them as in those codes.

201.4 Terms not Defined. Where terms are not defined, they shall have their ordinarily accepted meaning in context.

201.5 Parts. Whenever the words “structure,” “dwelling unit,” “dwelling,” “premises,” “building,” “rooming house,” “rooming unit,” or “story” are used in This Code, they shall be construed as though they were followed by the words “or any part thereof”.

SECTION 202 - GENERAL DEFINITIONS

APPROVED - Approved by the Code Official.

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

BATHROOM - A room containing plumbing fixtures including a bathtub or shower.

BEDROOM - Any room or space used or intended to be used for sleeping purposes.

CONDEMN - To determine unfit for occupancy.

DWELLING UNIT - A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

EXTERIOR PROPERTY - The open, non-interior space on a premises and/or on adjoining property under the control of owners or operators of such premises, including but not limited to a porch, deck, patio, driveway, walkway, roof, overhang, field, or yard.

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

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

HABITABLE SPACE - Space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces, and similar areas are not considered habitable spaces.

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

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

LABELED - Devices, equipment, appliances, or materials to which has been affixed a label, seal, symbol or other identifying mark of a nationally recognized testing laboratory, inspection agency or other organization concerned with product evaluation that maintains periodic inspection of the production of the above labeled items and by whose label the manufacturer attests to compliance with applicable nationally recognized standards.

LET FOR OCCUPANCY OR LET - To permit, provide or offer possession or occupancy of a dwelling, dwelling unit, rooming unit, building, premise or structure by a person who is or is not the legal owner of record thereof, pursuant to a written or unwritten lease, agreement or license, or pursuant to a recorded or unrecorded agreement of contract for the sale of land.

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

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

OPENABLE AREA - That part of a window, skylight or door which is available for unobstructed ventilation and which opens directly to the outdoors.

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

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

PERSON – Any natural person or entity recognized at law.

PREMISES - A lot, plot or parcel of land including any structures thereon.

ROOMING HOUSE - A building arranged or occupied for lodging, with or without meals, for compensation and not occupied as a one or two family dwelling.

ROOMING UNIT - Any room or group of rooms forming a single habitable unit occupied or intended to be occupied for sleeping or living, but not for cooking purposes.

RUBBISH - Combustible and noncombustible waste materials, except garbage; the term shall 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.

STRUCTURE - That which is built or constructed or a portion thereof.

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

TOILET ROOM - A room containing a water closet or urinal but not a bathtub or shower.

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

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

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

CHAPTER 3 GENERAL REQUIREMENTS

SECTION 301 - GENERAL

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

301.2 Responsibility. The owner of the premises shall maintain the structures and exterior property in compliance with these requirements, except as otherwise provided in Sections 305 and 306. A person shall not occupy as owner-occupant or permit another person to occupy premises which are not in a sanitary and safe condition and which do not comply with the requirements of this chapter. Occupants of a dwelling unit are responsible for keeping in a clean, sanitary and safe condition that part of the dwelling unit or premises which they occupy and control.

301.3 Vacant Structures and Land. All vacant structures shall be secured from unauthorized use. Vacant structures and land shall be maintained in a secure, clean, safe and sanitary condition in accordance with This Code and shall not cause any deteriorating or blighting conditions or adversely affect the public health, safety or welfare. All vacant land shall be covered with approved hard surfaces or live plant ground cover.

SECTION 302 - EXTERIOR PROPERTY AREAS

302.1 Sanitation. All exterior property and premises shall be maintained in a clean, safe and sanitary condition.

302.1.1 Storage of Appliances and Furniture. Household appliances and furniture made for indoor use, including but not limited to upholstered furniture, shall not be kept, displayed, or stored in any exterior property area except within an enclosed appurtenant structure. No appliance, furniture, or other object, whether made for interior or exterior use, may block or substantially restrict ingress or egress from a structure or pose a substantial impediment to safe ingress or egress.

302.1.2 Storage of Additional Items. The following items may not be regularly stored or kept in any exterior property area of a residential premises if within the readily accessible view of the public: recreational vehicles; refuse or waste containers; garbage; rubbish; debris; yard waste; building materials; salvage materials; tools; heavy equipment or machinery; gardening equipment or supplies; home maintenance equipment or supplies. Notwithstanding the foregoing, equipment and materials incident to ongoing, active, and uninterrupted construction or repair may be kept in an exterior area for the duration of the project.

302.2 Grading and Drainage. All premises shall be graded, covered and maintained with approved hard surfaces or live plant materials to prevent the erosion of soil, to prevent accumulation of stagnant water, and to maintain the direction of storm water to approved locations, storm sewers and outfalls, without redirecting storm water onto

adjacent properties. Approved retention and detention basins shall be installed and maintained as required.

302.3 Sidewalks and Driveways. All sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in good repair, and maintained free from hazardous conditions, provided, however, that This Code does not apply to sidewalks and sidewalk areas subject to Ordinance No. 34-1997, as amended. Stairs shall comply with the requirements of Sections 303.10 and 702.9.

302.4 Weeds. All premises and exterior property areas shall be maintained free from plant growths in excess of 8 inches. including natural plant growth of non-nursery cultivated plantings, growth which is not in character with the surrounding properties, and all grasses, including weeds.

302.4.1 Growth Obstructing Roadway. Plant growth may not obstruct or otherwise pose a safety hazard to any street, road, or other public thoroughfare. Plant growth shall be prima facie compliant with This Code if cut or grown to a height of not more than two and one half feet within ten feet of any street, road, or other public thoroughfare or within twenty five feet of any intersection thereof.

302.5 Rodent Harborage. All structures and exterior property shall be kept free from rodent harborage and infestation. Where rodents are found, they shall be promptly exterminated by approved processes which will not be injurious to human health. After extermination, proper precautions shall be taken to eliminate rodent harborage and prevent reinfestation.

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

302.7 Accessory Structures. All accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in good repair. All such structures shall also be maintained as provided in Section 303.2 or otherwise in This Code.

302.7.1 Gates which are required to be self closing and self latching in accordance with the Building Code shall be maintained such that the gate will positively close and latch when released from a still position of 6 inches (152mm) from the gatepost.

302.8 Motor Vehicles and Trailers.

A. For the purpose of this section, a junk vehicle is defined as any motor vehicle that is abandoned, unusable, dismantled, partly dismantled, or unlicensed.

B. For the purpose of this section, a junk trailer is defined as any apparatus ordinarily pulled by a motor vehicle and used to transport equipment, materials, and/or supplies, that is abandoned, unusable, dismantled, partly dismantled, or unlicensed.

C. No junk vehicle or junk trailer shall be parked, kept, or stored on any premises to which This Code applies, except that a vehicle or trailer of any type is permitted to undergo major overhaul, including body work, on such premises provided that such work is performed inside a structure or similarly enclosed area designed and approved for such purposes.

D. The penalties provided in Section 112 of This Code for a violation of this Section shall be in addition to the enforcement provisions set forth in Section 90.49 of the General Code.

302.9 Parking Motor Vehicles. Motor vehicles may only be driven and parked on approved hard surfaces/pavement of asphalt or concrete. Parked motor vehicles shall have a lawfully displayed and current license or otherwise be parked inside a garage or enclosed trailer.

302.10 Defacement of Property. In addition to all criminal prohibitions on such conduct, no person shall willfully or wantonly damage, mutilate or deface any exterior surface of any structure or building on any private or public property by placing thereon any marking, carving or graffiti. It shall be the responsibility of the owner to restore a defaced surface to an approved state of maintenance and repair.

302.11 Tree Trimming Near Right-of-Way. Trees located on any lot or parcel fronting or adjacent to any sidewalk, street, or other public right-of-way shall be trimmed to have a clear height of ten feet above the surface of the sidewalk and twelve feet above the surface of the street or other right-of-way unless the Code Official determines that a greater height is necessary to avoid: (a) a public nuisance; or (b) an unsafe condition constituting a danger or hazard to life, health, or property. All trees on any lot or parcel adjoining or in the vicinity of public lamps shall be trimmed to avoid obstruction of the free passage of light from such lamps to the intended sidewalk, street, or other public right-of-way.

302.12 Trees in Right-of-Way. No tree or any portion thereof shall occupy or encroach onto any portion of a Village sidewalk, street, or other public right-of-way. The Village Administrator or Code Official are authorized, without notice, to remove any tree or portion thereof within the limits of any Village sidewalk, street, or other right-of-way, including any overhanging limbs, branches, leaves, or other growth which constitute an unsafe condition or which are not otherwise in compliance with Section 302.11 of This Code.

302.13 Other Unsafe Trees. Notwithstanding Sections 302.11 and 302.12 of This Code, every tree, whether located on a vacant lot or parcel or on a lot or parcel improved with any building, structure, or other facility, shall be maintained in a safe condition to avoid danger or hazard to life, health, or property. When a tree or any portion thereof presents an unsafe condition by constituting a danger or hazard to life, health, or property, the Code Official may order the tree or the unsafe portion thereof taken down and removed from the premises. Dead trees, or portions thereof, shall be prima facie evidence of an unsafe condition constituting a danger or hazard to life, health, or property. To determine whether an unsafe condition exists, the Code Official may, but is not required to, utilize the services of an arborist or other professional with relevant expertise.

302.14 Enforcement. If the Code Official determines that a tree or any portion thereof presents an unsafe condition as described in Section 302.13, the Code Official may order and/or implement emergency remedial measures as specified in Section 108.2 or non-emergency remedial measures as specified in Section 108.3. In that event, all procedures and recovery or relief specified in those sections shall be available to the Village.

SECTION 303 - EXTERIOR STRUCTURE

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

303.2 Protective Treatment. All exterior surfaces of any kind of structure, including but not limited to walls, doors, door and window frames, cornices, porches and trim, shall be maintained in good condition. Exterior wood surfaces, other than decay resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking, stained, chipped, or otherwise damaged paint shall be eliminated and surfaces repainted or protected with other protective covering or treatment. All siding and masonry joints as well as those between the building envelope and the perimeter of windows, doors, and skylights shall be maintained weather resistant and water tight.

303.3 Street Numbers. Each structure to which a street number has been assigned shall have such number displayed in a position easily observed and readable from the public way. All numbers shall be in Arabic numerals at least 3 inches (76mm) high and 1/2 inch (13mm) stroke.

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

303.5 Foundation Walls. All foundation walls shall be maintained plumb and free from open cracks and breaks and shall be kept in such condition so as to prevent the entry of rodents.

303.6 Exterior Walls. All exterior walls shall be free from holes, breaks, loose or rotting materials, and shall be weatherproofed and properly surface coated where necessary to prevent deterioration.

303.7 Roofs and Drainage. The roof and flashing shall be sound tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and down spouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.

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

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

303.10 Stair and Walking Surfaces. Every stair, ramp, balcony, porch, deck or other walking surface shall comply with the provision of Section 702.8.

303.11 Stairways, Decks, Porches and Balconies. Every exterior stairway, deck, porch and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads.

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

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

303.14 Window, Skylight and Door Frames. Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight.

303.14.1 Glazing. All glazing materials shall be maintained free from cracks and holes.

303.14.2 Openable Windows. Every window, other than a fixed window, shall be easily openable and capable of being held in position by window hardware.

303.15 Insect Screens. Every door, window or other outside opening shall be screened if necessary to prevent the entry of insects. Screens shall be securely mounted and shall prevent accidental openings. Screen doors shall be equipped with a closer. Screens are not required on doors with air curtains or other approved devices.

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

303.17 Basement Hatches. Every basement hatchway shall be maintained to prevent the entrance of rodents, rain and surface drainage water.

303.18 Guards for Basement Windows. Every basement window that is openable shall be supplied with rodent shields, storm windows or other approved protection against the entry of rodents.

SECTION 304 - INTERIOR STRUCTURE

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

304.2 Structural Members. All structural members shall be maintained structurally sound, and be capable of supporting the imposed loads.

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

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

304.5 Stairs and Walking Surfaces. Every stair, ramp, balcony, porch, deck or other walking surface shall comply with the provisions of Section 702.9.

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

304.7 Interior Doors. Every interior door shall fit reasonably well within its frame and shall be capable of being opened and closed by being properly and securely attached to jambs, headers or tracks as intended by the manufacturer of the attachment hardware.

SECTION 305 - RUBBISH AND GARBAGE

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

305.2 Disposal of Rubbish. Every occupant of a structure shall dispose of all rubbish in a clean and sanitary manner by placing such rubbish in approved containers.

305.2.1 Rubbish Storage Facilities. The owner of every occupied premises shall supply approved covered containers for rubbish, and the owner of the premises shall be responsible for the removal of rubbish.

305.3 Disposal of Garbage. Every occupant of a structure shall dispose of garbage in a clean and sanitary manner by placing such garbage in an approved garbage disposal facility or approved garbage containers.

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

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

SECTION 306 - EXTERMINATION

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

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

306.3 Single Occupant. The occupant of a one family dwelling or of a single tenant nonresidential structure shall be responsible for extermination on the premises.

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

306.5 Occupant. The occupant of any structure shall be responsible for the continued rodent and pest free condition of the structure.

Exception: Where the infestations are caused by defects in the structure, the owner shall be responsible for extermination.

CHAPTER 4

LIGHT, VENTILATION AND OCCUPANCY LIMITATIONS

SECTION 401 - GENERAL

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

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

401.3 Alternative Devices. In lieu of the means for providing natural light and ventilation as described in This Code, artificial or mechanical light and ventilation may be substituted for commercial business buildings only as required in the Building Code. Residential occupancies shall be provided with natural light and ventilation.

SECTION 402 - LIGHT

402.1 Habitable Spaces. Every habitable space shall have at least one window of approved size facing directly to the outdoors or to a court. The minimum total glazed area for every habitable space shall be 8 percent of the floor area of such room. Wherever walls or other portions of a structure face a window of any room and such obstructions are located less than 3 feet (914mm) from the window and extend to a level above that of the ceiling of the room, such window shall not be deemed to face directly to the outdoors nor to a court and shall not be included as contributing to the required minimum total window area of the room.

Exception: Where natural light for rooms or spaces without exterior glazing areas is provided through an adjoining room, the obstructed opening to the adjoining room shall be at least 8 percent of the floor area of the interior room or space, but not less than 25 square feet (2.33m²). The exterior glazing area shall be based on the total floor area being served.

402.2 Common Halls and Stairways. Every common hall and stairway, other than in one and two family dwellings, shall be lighted at all times with at least a 60 watt standard incandescent light bulb or equivalent for each 200 square feet (19m²) of floor area, provided that the spacing between lights shall not be greater than 30 feet (9144 mm). Every exterior means of egress stairway, other than in one and two family dwellings, shall be illuminated with a minimum of 1 footcandle (11lux) at floors, landings and treads.

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

SECTION 403 - VENTILATION

403.1 Habitable Spaces. Every habitable space shall have at least one operable window. The total operable area of the window in each room shall be not less than 50 percent of the minimum glazed area required for light in Section 402.1.

Exception: Where rooms and spaces without openings to the outdoors are ventilated through an adjoining room, the unobstructed opening to the adjoining room shall be at least 8 percent of the floor area of the interior room or space, but not less than 25 square feet (2.33m²). The ventilation openings to the outdoors shall be based on a total floor area being ventilated.

403.2 Bathroom and Toilet Rooms. Every bathroom and toilet room shall comply with the ventilation requirements for habitable spaces as required by Section 403.1, except that window shall not be required in such spaces equipped with a mechanical ventilation system. Air exhausted by a mechanical ventilation system from a bathroom or toilet room shall discharge to the outdoors and shall not be recirculated.

403.3 Cooking Facilities. Unless approved through the certificate of occupancy or otherwise approved in writing by the Code Official, cooking shall not be permitted in any rooming unit or dormitory unit, and a cooking facility or appliance shall not be permitted in a rooming unit or dormitory unit. The Code Official shall approve any such request if consistent with the purpose of This Code and not otherwise a threat to public safety or health.

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

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

SECTION 404 - OCCUPANCY LIMITATIONS

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

404.2 Minimum Room Widths. A habitable room, other than a kitchen shall not be less than 7 feet (2134 mm) in any plan dimension. Kitchens shall have a clear passageway of not less than 3 feet (914 mm) between counter fronts and appliances or counter fronts and walls.

404.3 Minimum Ceiling Heights. Habitable rooms shall have minimum ceiling heights as required by the Building Code for that occupancy.

404.4 Bedroom Requirements. Every bedroom shall comply with the requirements of Sections 404.4.1 through 404.4.5.

404.4.1 Area for Sleeping Purposes. Every bedroom occupied by one person shall contain at least 70 square feet (6.5m²) of floor area, and every bedroom occupied by more than one person shall contain at least 50 square feet (4.6m²) of floor area for each occupant thereof.

404.4.2 Access from Bedrooms. Bedrooms shall not constitute the only means of access to other bedrooms or habitable spaces and shall not serve as the only means of egress from other habitable spaces.

Exception: Units that contain fewer than two bedrooms.

404.4.3 Water Closet Accessibility. Every bedroom shall have access to at least one water closet and one lavatory without passing through another bedroom. Every bedroom in a dwelling unit shall have access to at least one water closet and lavatory located in the same story as the bedroom or an adjacent story.

404.4.4 Prohibited Occupancy. Kitchens and nonhabitable spaces shall not be used for sleeping purposes.

404.4.5 Other Requirements. Bedrooms shall comply with the applicable provisions of This Code including, but not limited to, the light, ventilation, room area, ceiling height and room width requirements of this chapter; the plumbing facilities and water heating facilities requirements of Chapter 5; the heating facilities and electrical receptacle requirements of Chapter 6; and the smoke detector and emergency escape requirements of Chapter 7.

404.5 Overcrowding. Dwelling units shall not be occupied by more occupants than permitted by the minimum area requirements of Table 404.5.

**TABLE 404.5
MINIMUM AREA REQUIREMENTS**

Space	Minimum Area in Square Feet		
	1-2 Occupants	3-5 Occupants	6 or More Occupants
Living Room ^{a.b.}	No requirements	120	150
Dining Room ^{a.b.}	No requirements	80	100
Kitchen ^{b.}	50	50	60
Bedrooms	Shall comply with Section 404.4		

For SI: 1 SQUARE FOOT = 0.093m²

- a. See Section 404.5.2 for combined living room/dining room spaces.
- b. See Section 404.5.1 for limitations on determining the minimum occupancy area for sleeping purposes.

404.5.1 Sleeping Area. The minimum occupancy area required by Table 404.5 shall not be included as a sleeping area in determining the minimum occupancy area for sleeping purposes. All sleeping areas shall comply with Section 404.4.

404.5.2 Combined Spaces. Combined living room and dining room spaces shall comply with the requirements of Table 404.5 if the total area is equal to that required for separate rooms and if the space is located so as to function as a combination living room/dining room.

404.6 Efficiency Unit. Nothing in this section shall prohibit an efficiency living unit from meeting the following requirements:

1. A unit occupied by not more than two occupants shall have a clear floor area of not less than 220 square feet (20.4m²). A unit occupied by three occupants shall have a clear floor area of not less than 320 square feet (29.7m²). These required areas shall be exclusive of the areas required by Items 2 and 3.
2. The unit shall be provided with a kitchen sink, cooking appliance and refrigeration facilities, each having a clear working space of not less than 30 inches (762 mm) in front. Light and ventilation conforming to This Code shall be provided.
3. The unit shall be provided with a separate bathroom containing a water closet, lavatory, and bathtub or shower.
4. The maximum number of occupants shall be three.

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

CHAPTER 5 PLUMBING FACILITIES AND FIXTURE REQUIREMENTS

SECTION 501 - GENERAL

501.1 Scope. The provisions of this chapter shall govern the minimum plumbing systems, facilities and plumbing fixtures to be provided.

501.2 Responsibility. The owner of the structure shall provide and maintain such plumbing facilities and plumbing fixtures in compliance with these requirements. A person shall not occupy as owner occupant or permit another person to occupy any structure or premises which does not comply with the requirements of this chapter.

SECTION 502 - REQUIRED FACILITIES

502.1 Dwelling Units. Every dwelling unit shall contain its own bathtub or shower, lavatory, water closet and kitchen sink which shall be maintained in a sanitary, safe working condition. The lavatory shall be placed in the same room as the water closet or located in close proximity to the door leading directly into the room in which such water closet is located. A kitchen sink shall not be used as a substitute for the required lavatory.

502.2 Rooming Houses. At least one water closet, lavatory and bathtub or shower shall be supplied for each four rooming units.

502.3 Hotels. Where private water closets, lavatories, and baths are not provided, one water closet, one lavatory and one bathtub or shower having access from a public hallway shall be provided for each ten occupants.

502.4 Employees' Facilities. A minimum of one water closet, one lavatory and one drinking facility shall be available to employees.

502.4.1 Drinking Facilities. Drinking facilities shall be a drinking fountain, water cooler, bottled water cooler, or disposable cups next to a sink or water dispenser. Drinking facilities shall not be located in toilet rooms or bathrooms.

SECTION 503 - TOILET ROOMS

503.1 Privacy. Toilet rooms and bathrooms shall provide privacy and shall not constitute the only passageway to a hall or other space, or to the exterior. A door and interior locking device shall be provided for all common or shared bathrooms and toilet rooms in a multiple dwelling.

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

503.3 Location of Employee Toilet Facilities. Toilet facilities shall have access from within the employees' regular working area. The required toilet facilities shall be

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

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

SECTION 504 - PLUMBING SYSTEMS AND FIXTURES

504.1 General. All plumbing fixtures and supporting systems shall be properly installed and maintained in accordance with This Code and the Ohio Plumbing Code and shall be maintained in working order, free from obstruction, leaks and defects and shall be capable of performing the function for which they are designed. All plumbing fixtures shall be maintained in a sanitary condition.

504.2 Fixture Clearances. Fixtures shall be installed as required in the Plumbing and Building Codes.

504.3 Plumbing System Hazards. Where it is found that a plumbing system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, inadequate venting, cross connection, back siphonage, improper installation, deterioration or damage or for similar reasons, the Code Official shall require the defects to be corrected to eliminate the hazard.

SECTION 505 - WATER SYSTEM

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

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

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

505.4 Water Heating Facilities. Water heating facilities shall be properly installed, maintained and capable of providing an adequate amount of water to be drawn at every required sink, lavatory, bathtub, shower and laundry facility at a temperature of not less

than 1200 Fahrenheit (49 0 Celsius). A gas burning water heater shall not be located in any bathroom, toilet room, bedroom or other occupied room normally kept closed, unless adequate combustion air is provided. An approved combination temperature and pressure relief valve and relief valve discharge pipe shall be properly installed and maintained on water heaters.

SECTION 506 - SANITARY DRAINAGE SYSTEM

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

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

SECTION 507 - STORM DRAINAGE

507.1 General. Drainage of roofs, paved areas, courts, yards and open areas shall be to approved storm sewers and approved outfall locations. Storm drainage shall not create a nuisance.

CHAPTER 6 MECHANICAL AND ELECTRICAL REQUIREMENTS

SECTION 601 - GENERAL

601.1 Scope. The provisions of this chapter shall govern the minimum mechanical and electrical facilities and equipment to be provided.

601.2 Responsibility. The owner of the structure shall provide and maintain mechanical and electrical facilities and equipment in compliance with these requirements. A person shall not occupy as owner occupant or permit another person to occupy any premises which does not comply with the requirements of this chapter.

SECTION 602 - HEATING FACILITIES

602.1 Facilities Required. Heating facilities shall be provided in all structures as required in This Code and as required by the Building Codes.

602.2 Dwelling Heating. Dwellings shall be provided with heating facilities capable of maintaining even room temperatures of 68 degrees Fahrenheit in all habitable rooms, bathrooms and toilet rooms based on the winter outdoor temperature listed in ASHRAE and the Building Codes.

602.3 Heat Supply. Every owner and operator of any building who rents, leases or lets any building shall supply and maintain even room temperatures of 68 degrees Fahrenheit in all habitable rooms based on the winter outdoor temperature listing in ASHRAE and the Building Codes.

602.4 Room Temperature Measurement. The required room temperatures shall be measured 3 feet (914 mm) above the floor near the center of the room and 2 feet (610 mm) inward from the center of each exterior wall.

SECTION 603 - MECHANICAL EQUIPMENT

603.1 Mechanical Equipment. All mechanical equipment, fireplaces and solid fuel burning appliances shall be properly installed and maintained in a safe working condition, and shall be capable of performing the intended function.

603.2 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.

603.2.1 Cooking Equipment. Cooking appliances shall not be used to provide space heating to meet the minimum requirements of Section 602.3.

603.3 Removal of Combustion Products. All fuel burning equipment and appliances shall be connected to an approved chimney or vent.

Exception: Fuel burning equipment and appliances which are labeled for unvented operation.

603.4 Clearances. All required clearances to combustible materials shall be maintained.

603.5 Safety Controls. All safety controls for fuel burning equipment shall be maintained in effective operation.

603.6 Combustion Air. A supply of air for complete combustion of the fuel and for ventilation of the space containing the fuel burning equipment shall be provided for the fuel burning equipment.

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

SECTION 604 - ELECTRICAL FACILITIES

604.1 Facilities Required. Every occupied building shall be provided with an electrical system in compliance with the requirements of this Section and Section 605.

604.2 Service. The size and usage of appliances and equipment shall serve as a basis for determining the need for additional facilities in accordance with NFPA 70. Every dwelling shall be served by a main service that is not less than 60 amperes, three wires.

604.3 Electrical System Hazards. Where it is found 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, the Code Official shall require the defects to be corrected to eliminate the hazard.

SECTION 605 - ELECTRICAL EQUIPMENT

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

605.2 Receptacles. Every habitable space in a dwelling shall contain at least two separate and remote receptacle outlets. Every laundry area shall contain at least one grounded type receptacle or a receptacle with a ground fault circuit interrupter. Every bathroom shall contain at least one receptacle. Any new bathroom receptacle outlet shall have ground fault circuit interrupter protection.

605.3 Lighting Fixtures. Every public hall, interior stairway, toilet room, kitchen, bathroom, laundry room, boiler room and furnace room shall contain at least one electric lighting fixture.

SECTION 606 - ELEVATORS, ESCALATORS AND DUMBWAITERS

606.1 General. Elevators, escalators and dumbwaiters shall be installed and maintained in accordance with the Ohio Elevator Code as required to maintain all loads, to operate properly and to be free from physical and fire hazards. The most current certificate of inspection shall be on display at all times.

606.2 Elevators. In buildings equipped with passenger elevators, at least one elevator shall be maintained in operation at all times when the building is occupied.

Exception: Buildings equipped with only one elevator shall be permitted to have the elevator temporarily out of service for testing or servicing.

SECTION 607 - DUCT SYSTEMS

607.1 General. Duct systems shall be maintained free of all obstructions and shall be capable of providing the required function.

CHAPTER 7 FIRE SAFETY REQUIREMENTS

SECTION 701 - GENERAL

701.1 Scope. The provisions of this Section in accordance with the Ohio Fire Code shall govern the minimum conditions and standards for fire safety relating to structures and exterior premises, including the fire safety facilities and equipment to be provided.

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

SECTION 702 - MEANS OF EGRESS

702.1 General. A safe, continuous and unobstructed path of travel shall be provided from any point in a building or structure to the public way.

702.2 Exit Capacity. The capacity of the exits servicing a floor shall be sufficient for the occupant load thereof as determined by the Building Code.

702.3 Number of Exits. The number of exits serving each floor shall be as required by the Building Code.

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

702.5 Exit Signs and Emergency Lighting. Exit signs and emergency lighting shall be installed as required by the Building Code and maintained as required by the Fire Code.

702.6 Corridor Enclosures and Travel Distance. All corridors shall be fire rated and installed as required by the Building Code and maintained as required by the Fire Code. All required travel distances shall be maintained as required by the Building Code.

702.7 Aisles. Aisles and means of egress shall be installed as required by the Building Code and maintained as required by the Fire Code.

702.8 Stairways, Guardrails and Handrails. Stairways, guardrails and handrails shall be installed and maintained as required by the Building Code.

702.9 Locks. All door locks shall be always operable as required by the Building Code.

702.10 Emergency Escape. Sleeping rooms shall have provisions for emergency rescue and escape as required by the Building Code.

702.10.1 Security. Bars, grilles, or screens placed over windows or doors required for emergency rescue and escape shall be removable from the interior side without a key, special knowledge or tool, nor require a force to remove greater than that required to open the window or door.

SECTION 703 - ACCUMULATIONS AND STORAGE

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

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

SECTION 704 - FIRE RESISTANCE RATINGS

704.1 General. The fire resistance rating of floors, walls, ceilings, and other elements and components required by the Building Code shall be maintained.

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

SECTION 705 - FIRE PROTECTION SYSTEMS

705.1 General. All systems, devices and equipment to detect a fire, actuate an alarm, or suppress or control a fire or any combination thereof shall be maintained in an operable condition at all times in accordance with the Fire Prevention Code.

705.2 Fire Suppression System. Fire suppression systems shall be maintained in proper operating condition at all times.

705.3 Stand Pipe Systems. Stand pipe systems shall be maintained in proper operating condition at all times. Hose connections shall be unobstructed.

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

705.5 Smoke Detectors. Smoke detectors shall be installed as required by the Building Code and maintained as required by the Fire Code. All single family residences shall at a minimum be provided with battery powered smoke detectors on all floor levels and in the vicinity of all sleeping rooms.

705.6 Fire Alarm Systems. Fire alarm systems shall be in proper operating condition at all times.