

ORDINANCE NO. 2021-41

Sponsor: Woodrum

AN ORDINANCE OF THE LEGISLATIVE AUTHORITY OF THE CITY OF WELLSTON, OHIO ADOPTING CHAPTER 154: HOUSING REGULATIONS OF THE CODIFIED ORDINANCES OF THE CITY OF WELLSTON, JACKSON COUNTY, OHIO

WHEREAS, The Council for the City of Wellston has determined the need to establish rules and regulations to regulate rental dwellings; and

WHEREAS, the Planning Committee has recommended regulations for consideration and passage as Chapter 154: Housing Regulations (attached hereto as Exhibit A); and

WHEREAS, Council deems it acceptable and appropriate to repeal adopt Chapter 154: Housing Regulations of the Codified Ordinances of the City of Wellston, Jackson County, Ohio in its entirety.

NOW, THEREFORE, BE IT ORDAINED BY COUNCIL OF THE CITY OF WELLSTON, JACKSON COUNTY, OHIO:

Section One. That Chapter 154: Housing Regulations, as written in attached Exhibit A, shall be adopted, established and incorporated in the Wellston Codified Ordinances.

Section Two. That it is found and determined that all formal actions of this Council concerning and relating to the passage 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 actions were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.


PASSED AND ADOPTED by the legislative authority of the City of Wellston this 2nd day of September, 2021.


Council President

ATTEST:


Clerk of Council

Approved this 2nd day of September, 2021.


Mayor

Published in accordance with the law on _____ and _____ and posted 9/14/21
through 10/14/21 at The Store, Wellston City Hall, Wellston Senior Citizens' Center, the
Wellston Public Library and the Wellston Post Office.

MBEishangle
Clerk of Council

Prepared by: Randy H. Dupree, Law Director, City of Wellston

Title 154 - Housing Regulations

Chapter 154.01. - Housing Code; General

154.01.01. - Title.

These regulations shall be known as the Housing Code of the City of Wellston, Ohio, hereinafter referred to as "the housing code" or "this code."

154.01.02. - Scope.

This code is to protect the public health, safety and welfare in all residential premises as hereinafter provided by:

- (A) Establishing minimum maintenance standards for all residential 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 residential premises;
- (B) Fixing the responsibilities of, owners, operators and occupants of all residential premises; and
- (C) Providing for administration, enforcement and penalties.

154.01.03. - Intent.

This code shall be construed liberally and justly to ensure public health, safety and welfare insofar as they are affected by the maintenance of residential premises.

154.01.04. - Other regulations.

The provision in this code shall not be construed to prevent the enforcement of other ordinances or regulations which prescribe standards other than are provided herein.

154.01.05. - Application of building code.

Any repairs or alterations to a structure, or changes of use herein, 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.

154.01.06. - 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 and unsanitary.

154.01.07. - 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.

154.01.08. - Saving clause.

Violations under this code which were not violations under the previous code, with the exception of conditions which affect the health and safety of the occupant, including but not limited to, faulty or inadequate wiring, defective or inadequate plumbing, inoperable, defective or inadequate fire protection

equipment or hazardous mechanical equipment which could contribute to the spread of disease, noxious odors and other such unsuitable and/or life-threatening conditions, are deemed to be nonconforming, pre-existing conditions that are excepted from this code.

154.01.09. - Existing structures.

As provided in Chapter 154.01, 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.

Chapter 154.02. - Division of Housing Inspection

154.02.01. - Code enforcement office: Composition.

The code enforcement office shall consist of the director of code enforcement and such other employees as may be necessary to enforce this code and as may be provided by council.

154.02.02. - Rules and regulations.

The director of code enforcement is hereby authorized to make and adopt rules and regulations for the internal administration of his or her office, provided that such rules and regulations shall not be in conflict with provisions or intent of this ordinance or rules and regulations and provisions of law enforced by the Wellston City and the Jackson County Health Department of the State of Ohio.

- (A) All rules and regulations adopted by the director of code enforcement shall have the same force and effect as the provisions of this code.
- (B) The director of code enforcement shall develop and adopt a plan for the periodic inspection of rental dwellings and rooming houses subject to the provisions governing the issuance of a permit for the operation of such rental dwelling or rooming house. Such plan for periodic inspection shall include a provision which will give tenants or occupants a minimum of 24 hours' notice prior to an inspection, however, the 24-hour notice may be waived by the tenant or occupant.
- (C) All rules and regulations and plan for inspections shall be filed with the Service-Safety Director of the City of Wellston and shall be made public upon request.

154.02.03. - Responsibilities.

The director of code enforcement or code inspectors shall make inspections of rental dwellings and rooming houses pursuant to an inspection plan as authorized by this code, or in response to a complaint that an alleged violation of the provisions of this code or of rules and regulations adopted pursuant thereto has been committed, or when the code inspector has a valid reason to believe that a violation of the provisions of the code, or any rules and regulations adopted pursuant thereto, exists. If, upon inspection, a structure, building or dwelling/rooming unit is found in "violation of this code, the director of code enforcement or his/her authorized agent shall issue to the owner of said structure, building or dwelling/rooming unit or his authorized agent a list of noted violations to be known as a "Notice of Violation." The owner or his or her authorized agent and/or the occupant(s), as appropriate, shall have 30 days from the issuance of a notice of violation to correct such noted violations as have been noted or to take the matter to the housing appeals board. If, after 30 days from the issuance of a notice of violation, such noted violations of this code have not been begun in good faith, nearly corrected or corrected, and not taken to the housing appeals board, the director of code enforcement or his or her authorized agent shall issue an "order to comply." This order to comply shall list the violations initially found and not begun in good faith, nearly corrected or corrected, as evidenced by sufficient documentation, in the notice of violation. The owner or his authorized agent shall have 15 days from the issuance of an order to comply to correct such violations. If, after 30 days from the issuance of an order to comply, such violations are not corrected, the director of code enforcement or his or her authorized agent shall institute appropriate proceedings under Chapter 154.09 herein.

- (A) The director of code enforcement shall be responsible for keeping a written record of the findings of all inspections. These records shall be available to the public at cost upon request.
- (B) Information not related to the enforcement of the housing code which may be discovered in the course of an inspection shall be considered privileged. Such information shall not be made public without the written consent of the owner and of the occupant of the dwelling unit inspected. If any information pertaining to criminal activity is discovered pursuant to a housing inspection, such information is not privileged under this code.
- (C) All records pertaining to the identification of a complainant shall be kept separate and confidential from the public record of inspection and notice of violation in regard to and structure. All other information regarding application, biennial inspections and notices of violations pertaining to any premises shall be public record and available upon request.
- (D) All information pertaining to the renewal or new issuance of rental dwelling permits and rooming house permits and all notices of change of ownership of rental dwellings and rooming houses shall be forwarded to the city auditor for tax record purposes.
- (E) The director of code enforcement shall not accept or act upon anonymous complaints. If the code enforcement office, upon inspection, finds the complaint to be malicious or made in bad faith, they may assess the complainant an inspection fee to be determined by ordinance, and the name of the complainant may not be considered privileged.
- (F) Pursuant to implementation of Section 154.02.02(B), any owner, occupant or person having care of property where a periodic or nonperiodic inspection has been scheduled shall be assessed a fee established by separate ordinance if this inspection is missed or not cancelled at least 24 hours prior to the scheduled inspection.

154.02.04. - Nonperiodic inspection.

Upon presentation of proper credentials and following 24 hours' notice as specified in Section 154.02.02(B) herein, the director of code enforcement or his or her authorized agent may enter, during daylight hours and with the consent of the occupant, any building or dwelling/rooming unit in the City of Wellston to enforce the housing code.

- (A) A dwelling may be inspected upon written and signed complaints by at least three persons in separate households located in the neighborhood where the subject owner-occupied dwelling situated or if the director of code enforcement has probable cause to suspect that violations exist.
- (B) The occupants shall be informed of their right to refuse entry. If any person in charge of a dwelling refuses to permit free access to the dwelling for the purpose of inspections as provided in this ordinance, the director of code enforcement or his or her authorized agent may, upon a showing of probable cause exists for inspection, obtain from the court of competent jurisdiction an order directing compliance with the inspection requirements of the housing code.

154.02.05. - Owner's right of entry.

Every occupant of a dwelling, multi-family dwelling, dwelling unit, rooming house or rooming unit shall give the owner operator thereof, or his or her agent or employee, access to any part of such dwelling or its premises at reasonable hours for the purpose of making such inspections, maintenance, repair or alterations as are necessary to comply with the provisions of this code subject to notification as required by state law, except in emergency situations.

154.02.06. - Emergency orders.

Upon application of the director of code enforcement, supported by affidavit, the court of competent jurisdiction is authorized to issue an appropriate ex parte order dealing with the emergency situation.

154.02.07. - Intragovernmental cooperation.

The director of code enforcement may request the assistance and cooperation of any or all city agencies necessary to enforce this code.

154.02.08. - Restriction on employees.

No officer or employee of the city who is charged with the duty of conducting housing inspections shall be financially interested in the furnishing of labor, material or appliances for the construction or alteration, or in the making of plans or specifications for or the renting of dwelling units within the City of Wellston, unless he is the owner-occupant of the same.

Chapter 154.03. - Rental Dwelling and Housing Permit

154.03.01. - Rental permit required.

All residential property within the City of Wellston owned for rental purposes or occupied by a party other than the owner for a period of more than six months during any single calendar year, shall require a rental dwelling or rooming house permit from the office of code enforcement. Traditional motels and hotels are excluded from the necessity of obtaining a rental dwelling or rooming house permit. Nontraditional (long-term) rentals in hotels and motels are not excluded.

154.03.02. - Application.

To obtain a rental dwelling or rooming house permit, the owner of a rental dwelling or rooming house, as defined in this code, shall apply to the Code Enforcement Office of the City of Wellston. A rental dwelling or rooming house permit shall be issued by the director of code enforcement if, upon inspection of the rental dwelling or rooming house, it is determined that the rental dwelling or rooming house meets the requirements of this code. Such an inspection shall be made within 30 days after said application has been made. Upon application for a permit, the owner of a rental dwelling or rooming house may rent or lease the premises at his or her own risk, subject to the subsequent approval of the permit by the director of code enforcement. The director of code enforcement shall deny the issuance of a permanent permit to any owner or operator whose structure does not, within 30 days, comply with this code. Any permit granted or issued under the terms of this code to an owner or operator may be suspended or revoked at any time by the director of code enforcement upon satisfactory proof of violation of any provision pursuant to this code or which could have been grounds for failure to issue an original permit. Any person who feels aggrieved by such denial may pursue the remedies as outlined in Chapter 154.07 of this code (housing appeals board). If a permit is suspended or revoked after a hearing as provided in Chapter 154.07, said permit shall be surrendered to the code enforcement office within five days of notification of such suspension or revocation.

154.03.03. - Zoning certification required.

Any person applying for a rental dwelling or rooming house permit shall include zoning compliance verification.

154.03.04. - Maximum occupancy.

The rental dwelling or rooming house permit shall state the maximum number of persons who may occupy the rental dwelling or rooming house as determined by this code and other ordinances of the City of Wellston.

154.03.05. - Authorized agent.

No rental dwelling or rooming house permit shall be issued or received unless the applicant designates, in addition to himself, an agent for the receipt of process pursuant to this code. Said agent must be designated in writing on the application for said permit. Such agent must reside within Jackson County.

154.03.06. - Notice of change of ownership.

Any person selling or otherwise relinquishing ownership or control of a rental dwelling or rooming house for which a rental dwelling or rooming house permit has been issued shall notify the code enforcement office of said change in ownership within five days of the effective date of the transfer. Such notice shall be in writing and shall include:

- (A) The name and address of the new owner;
- (B) The name and address of the previous owner; and
- (C) The agent for the new owner as required under the provisions of Section 23.03.05 herein.

154.03.07. - Expirations and renewals.

Every rental dwelling and rooming house permit shall be renewed annually on January 2. A flat fee, established by ordinance, will be assessed for each dwelling/rooming house permit fee unpaid on March 1.

154.03.08. - Fees.

- (A) The annual fee for a rental dwelling or rooming house permit shall be established by ordinance. Nothing herein contained shall prohibit the owner of a dwelling used for rental purposes from treating all the required inspection fees as a normal business expense incidental to the renting of property and, therefore, an appropriate consideration in the determination of debt. A permit issued after July 1 shall pay half of the annual fee for that year.
- (B) Failure to pay a rental permit fee within one year after the date of its mailing, shall result in the cancellation of the rental permit.
- (C) **Said rental permit shall be reinstated upon payment of all past due amounts, plus interest, along with a reinstatement fee of \$100.00 per unit.**

154.03.08.1. - City of Wellston Occupancy Permit and Compliance Form.

Effective, January 1, 2022, it is the responsibility of the owner to place the City of Wellston Occupancy Permit and Compliance Form on the back of the main entrance door of each rental unit, or on the wall next to the entrance door.

For all rentals, the names, addresses, and telephone numbers of both the property owner and the agent, along with the address of the rental property, must be provided with the payment of the rental fee.

- (A) This information will be placed on the City of Wellston Occupancy Permit and Compliance Form by the code enforcement office, along with the maximum permitted occupancy and expiration date.
- (B) **The office of code enforcement will provide one copy of the form for each rental unit. A fee of \$5.00 will be charged for additional or replacement copies.**

154.03.09. - Display of occupancy permit and compliance form.

It shall be the responsibility of the owner or agent of a rental dwelling or rooming house to post the City of Wellston Occupancy Permit and Compliance Form. This posted form is part of the rental inspection requirements. Failure to post said form is a minor misdemeanor punishable by a fine of up to \$150.00.

154.03.10. - Suspension and reinstatement.

- (A) At the end of the time allowed for correction of violations cited, the code inspector, lacking sufficient documentary evidence of compliance, shall reinspect the rental dwelling or rooming house. If he

determines that such conditions have not been corrected, he may issue an order suspending the operating permit.

Any person whose permit to operate a rental dwelling or rooming house has been suspended shall be entitled to a reconsideration of the order by the Zoning Board in the manner herein provided. If no request for reconsideration or appeals reaches the Zoning Board within 14 days following receipt of an order of suspension, the permit shall be revoked, except that prior to revocation any person whose permit has been suspended may request reinspection, upon a showing that the violation or violations cited in the notice have been corrected.

- (B) When the owner or agent has been ordered by the code inspector to correct violations that may exist in a dwelling, as noted in the procedure in Section 154.02.03, the inspector shall reinspect the property to verify compliance with the original order. If additional inspections are required, due to noncompliance, a fee to be established by ordinance shall be assessed to the owner for each additional inspection. A reinstatement fee shall be established by ordinance.

Chapter 154.04. - Condemnation

154.04.01. - Condemnation.

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, and a proper affidavit prepared by the code enforcement office, and such action shall be recorded in the county recorder's office and cross-referenced to the deed to the property. It shall not be reoccupied without approval of the code official. Unsafe equipment shall be placarded and placed out of service.

154.04.02. - Vacation of unsafe structure.

Whenever an occupied structure is declared unsafe or unfit for human habitation, the tenants shall be removed within 48 hours. If the condition is the result of the owner, he or she shall be responsible for providing accommodation mutually agreed upon by the landlord or agent and tenants at his or her expense until repairs are made and the code officer releases the unit for occupancy. If the condition is the fault of the tenant(s) (e.g., sanitation) neither the owner nor the city will be held responsible for the cost of temporary lodging.

154.04.03. - 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. 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 against such real estate.

154.04.04. - Re-occupancy of the building.

No structure which has been condemned and placarded as unfit for human habitation or use shall again be used until written approval has been secured from the code enforcement office. The code official shall then remove the placard whenever the defects resulting in the posting of the placard have been eliminated and shall also file an affidavit with the county recorder's office to that effect.

Chapter 154.05. - Placarding

154.05.01. - Placarding of structure.

After the condemnation notice required under the provisions of this code has resulted in an order of virtue of failure to comply within the time given, the code official may post on the premises, structure or parts thereof, or on defective equipment, a placard bearing the words:

WARNING

This property has been determined by the code enforcement office to be unfit for human habitation and in violation of the Wellston City Housing Code. It shall be unlawful for this building to be rented, leased or occupied from the date of this notice or until all repairs required by the Code have been made in a manner satisfactory to and approved in writing by the code enforcement office, subject to occupants being given a reasonable time thereafter to vacate. Mutilation or unauthorized removal or defacing of this placard shall be an offense punishable under Section 154.09 of the Wellston City Code.

154.05.02. - Prohibited use.

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

154.05.03. - 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.

Chapter 154.06. - Demolition of Buildings

154.06.01. - General.

The director of code enforcement or service-safety director may order the owner of premises upon which is located any structure or part thereof which, in the code official's 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.

154.06.02. - Unreasonable repairs.

- (A) Any nonconforming building properly condemned and placarded under Chapters 154.04 and 154.05 herein shall conform to the requirements set forth in the Wellston Zoning Code.

154.06.03. - Order.

The order shall specify a time not to exceed 60 days in which the owner shall comply therewith and specify repairs, if any. It shall be served on the owner of record or an 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 cannot 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.

154.06.04. - Permits.

No person, firm or corporation shall move, relocate, remove or demolish any structure without a valid demolition permit. A separate permit is required for each structure. Applicants for a demolition permit shall pay to the City of Wellston a fee to be established by ordinance for each story to be demolished, excluding cellars.

154.06.05. - Insurance.

No demolition permit shall be issued until the applicant has furnished the service-safety director or his or her designate and the city law director with proof of effective liability insurance in the amount of \$300,000.00/\$1,000,000.00 (CSL). No proof of insurance is needed for demolition of a one-story accessory building less than 576 square feet in area.

154.06.06. - Restraining actions.

Anyone affected by an order of demolition may, within ten working 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; if found not reasonable, the court shall continue the restraining order or modify it as the circumstances may require.

154.06.07. - 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 a lien shall be placed against such real estate.

154.06.08. - Penalties.

See Chapter 154.09 herein.

Chapter 154.07. - Zoning Board

154.07.01. - Appointment.

There is hereby created a housing appeals board, hereinafter referred to as "the board." The board shall be appointed by the Mayor then approved by city council and shall consist of five members appointed to three over-lapping terms.

- (A) In the event that a vacancy shall occur during the term of any member, his or her successor shall be appointed for the unexpired portion of such term in the same manner as the original appointment. Appointments made to replace vacancies at the end of full terms shall be for the term of three years. The city council may appoint, for a term of three years, two alternate members of the board, in addition to the five members provided for, who shall act with full power only when a regular member is absent from a meeting or is unable to vote because of interest in the matter.
- (B) When possible, at least three members of the board shall be representative of the following or similar areas: insurance, urban planning, law, architecture or engineering; one member shall be a current landlord of residential rental property in the City of Wellston; and one member shall be a current tenant. The remaining members must cross-sectionally represent the community at large.
- (C) To be eligible for appointment to the board, a person shall be a citizen of the United States and an elector of the City of Wellston, Ohio.
- (D) The board shall elect one of its members as chair and one as vice-chair. The city council may appoint, for a term of three years, two alternate members of the board, in addition to the five members above provided for, who shall act with full power, only when a regular member is absent

from a meeting or is unable to vote because of interest in the matter. The board shall maintain a secretary to keep a record of its proceedings.

- (E) Members of the board shall be removable for nonperformance of duty, misconduct in office or other cause by the city council, upon written charges having been filed with the city council and after a public hearing has been held regarding such charges, a copy of the charges having been served upon the member so charged at least ten days prior to the hearing, either personally or by registered mail, or by the same at his or her usual place of residence. The member may be represented by a private attorney and shall be given an opportunity to be heard and to answer such charges.
- (F) Members shall serve without compensation.

154.07.02. - Meetings.

The board shall hold regular meetings at least once a year, or more often if business requires, at which meetings all appeals on file shall be considered and acted upon by the board. A quorum shall consist of three members, and no official business shall be conducted unless a quorum is present at roll call. The director of code enforcement or his or her representative shall attend all meetings of the board and shall provide such information, services and assistance as it may require. A member who misses three consecutive meetings, without excuse, shall automatically cease to be a member and his/her seat shall become vacant.

154.07.03. - Duties.

The duties of the Zoning Board shall be:

- (A) To consider and determine appeals whenever it is claimed that true intent and meaning of this code or any of the regulations thereunder have been misconstrued or wrongly interpreted.
- (B) To permit, in appropriate cases where the application of the requirements of this code in the allowance of the stated time for the performance of any action required hereunder would appear to cause undue hardship on the owner and/or occupant(s), a reasonable extension of time from the date of notice of decision by the board. No appeals shall be considered where an appeal case was previously decided involving the same premises and the same action or determination from which the appeal was taken.
- (C) To hear and authorize upon appeal, a variance from an order by the code official when, in its opinion, the enforcement thereof should manifest injustice and would be contrary to the spirit and purpose of this code; or, when by reason of an extraordinary situation or condition of the premises in question, the strict application of the terms of the order would result in peculiar and exceptional difficulties or undue hardship upon the owner and/or occupant(s) thereof. Providing, however, that no variance shall be granted by the board which will cause substantial detriment to the public good or which will substantially impair the intent and purpose of this code; and provided further, that no variance shall be granted unless the board finds that the following conditions exist:
 - (1) That granting of a variance will not unduly impair an adequate supply of light and air to adjacent property;
 - (2) That granting of a variance will not unduly increase the danger of a fire or impair the public health, safety or welfare;
 - (3) That granting of a variance will not unduly increase congestion in the public streets or unreasonably diminish or impair the health, safety or welfare of the general public.

154.07.04. - Procedure.

The Zoning Board shall establish its own procedures for hearing appeals and the actions taken thereon. A copy of the board's procedures shall be filed with the clerk of council. All meetings, records, procedures and minutes shall be open to the public.

154.07.05. - Decisions.

All decisions of the board to vary the application of any provision of this code or to modify an order of the code official shall specify in what manner such variance or modification is made, time to comply, other conditions upon which it is made and the reasons therefor. Every decision shall be in writing and shall indicate the vote on the decision. A copy of all decisions shall be promptly filed in the code enforcement office and shall be open to public inspection. the board shall send the appellant a written notice of a final action of the board within seven working days.

Chapter 154.08. - Notices and Orders

154.08.01. - Notice to owner or to person(s) 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 the code official has condemned any structure or equipment under the provisions of Chapter 154.04 herein, notice shall be given to the owner or person or persons responsible therefor in the manner prescribed below. If the code official has condemned the property or part thereof, the code official shall give notice to the owner and to the occupants of the intent to placard and to vacate the property or to order equipment out of service.

154.08.02. - Form.

Such notice prescribed in Section 154.08.01 shall:

- (A) Be in writing;
- (B) Include a description of the real estate sufficient for identification;
- (C) Include a statement of the reason or reasons why it is being issued;
- (D) 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
- (E) Include an explanation of the owner's right to seek modification or withdrawal of the notice by petition to the housing appeals board.

154.08.03. - Service.

Such service shall be deemed to be properly served upon such owner if a copy thereof is delivered to the owner 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 regular mail and if that is returned, then by certified or registered mail addressed to the owner at the last known address with return receipt requested; or if the certified or registered 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, and at least one publication of such notice in a local newspaper of general circulation at least once a week for three consecutive weeks.

154.08.04. - Condemnation 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 noncompliance shall be stated. Occupants must vacate at the time set for correction of defects if there is failure of compliance.

154.08.05. - Appeals.

Any person receiving notice from the code officer or his or her agent of the alleged deficiencies in his or her property under this code, known as an "Order to Comply," may within 15 days following the date of such notice. The appellant must state the variance or modifications requested, the reasons thereof and

the hardship or conditions upon which the appeal is made. The filing fee for an appeal shall be set by separate ordinance.

154.08.06. - Penalties.

Penalties for noncompliance with orders and notices shall be subject to the penalties set forth in Chapter 154.09 herein.

154.08.07. - 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.

Chapter 154.09. - Penalties

154.09.01. - Failure to comply.

In case any person refuses to comply with an order issued pursuant to the above provisions, in addition to the penalties provided by this code, the City of Wellston may institute civil proceedings to enforce compliance with the order.

154.09.02. - Penalties.

Any person violating a provision of this chapter on a first offense shall be deemed guilty of a minor misdemeanor and fined not more than \$100.00; a second offense within a two-year period shall be deemed a misdemeanor of the fourth degree, punishable by not more than 30 days in jail and a fine of not more than \$250.00; a third offense within a two-year period shall be deemed a misdemeanor of the third degree, punishable by not more than 60 days in jail and a fine of not more than \$500.00; and a fourth offense within a two-year period shall be deemed a misdemeanor of the second degree, punishable by not more than 90 days in jail and a fine of not more than \$750.00. Each calendar day such violation continues shall constitute a separate and complete offense.

Chapter 154.10. - Optional Dwelling Unit Certificate and Special Reports

154.10.01. - Application.

To obtain a Dwelling Unit Inspection Certificate or Special Report, the owner of any dwelling unit not otherwise required to be inspected under the provisions of this code may apply to the office of code enforcement. If, upon inspection, it is determined that the dwelling unit meets the requirements of this code, a Dwelling Unit Inspection Certificate shall be issued.

154.10.02. - Fee.

In each case of application for a Dwelling Unit Inspection Certificate, the fee shall be established by ordinance. If, in addition to an inspection, a special report (as may be required by banks, FHA, VA or similar institution or regulatory agency) is to be completed and certified by the code enforcement office, there will be an additional fee to be determined by ordinance.

Chapter 154.11. - Environmental Requirements: General

154.11.01. - Scope.

The provisions of this section shall govern the minimum conditions for maintenance of exterior property, premises and structures. Premises shall comply with the conditions herein prescribed insofar as they are applicable.

154.11.02. - 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 or let to another for occupancy or use premises which do not comply with the following requirements of this chapter.

154.11.03. - 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.

Chapter 154.12. - Premises Conditions

154.12.01. - Sanitary requirements.

- (A) All exterior property areas and premises shall be maintained in a clean, safe and sanitary condition free from any accumulation of rubbish or garbage including broken trash bags, loose garbage, overflowing containers or an accumulation of excessive waste in a trash storage area. No owner or operator of any premises shall maintain or permit to be maintained at or on the exterior property areas of such premises any condition which deteriorates or debases the appearance of the neighborhood, adversely alters the appearance and general character of the neighborhood, creates a fire, safety, or health hazard, or is a public nuisance, including, but not limited to (1) broken or dilapidated fences, walls, or other structures, (2) out of use or unusable appliances or automobile parts, and (3) rugs, rags, or other materials hung on lines or in other places upon such premises, which materials are not being used for general household or housekeeping purposes, (4) broken, dilapidated or unusable furniture; mattresses; or paints, miscellaneous coverings and/or any other material placed at or near the premises that contributes to neighborhood blight; (5) graffiti.
- (B) The interior of every residential premises covered herein 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 in Chapter 154.37 herein. Garbage or refuse shall not be allowed to accumulate or be stored in public halls or stairways.
- (C) Rubbish containers. See Chapter 5.02, Wellston City Code.

154.12.02. - Citation.

Code enforcement officers, sanitarian, litter control officer and others assigned by the service-safety director shall be supplied with citation tags that include the name, if available, address, and level of offense for the purpose of notice to persons violating litter regulations in Sections 5.02.03, 13.07.06 and 154.12.01(A), (B) or (C). The notice may be given by delivering such tag to the violator or by affixing it to the dwelling unit housing said violator. The citation tags shall direct the violator to properly dispose of the garbage, refuse, or solid waste and/or properly store it. The penalty for violating Sections 154.12.01(A), (B) or (C) shall be a fine of \$50.00 for the first offense, \$75.00 for the second offense, \$100.00 for the third offense, \$125.00 for the fourth offense and \$150.00 for the fifth and subsequent offenses. The fine shall be charged to the resident's utility bill. The ticket/citation will be documented by a digital picture of each offense to be filed and maintained by the citing officer. The ticket/citation tag shall state:

The violator has a right to appeal the ticket prior to the fine being placed on the violator's utility bill. To appeal, the violator must file a written request for an appeal with the utility department, 8 East Washington Street, Wellston, Ohio, 45701, either in person or by mail within three business days of

receipt of the notice. If an appeal is not requested within three business days of receipt of the notice, the fine shall be placed on the violator's utility bill.

154.12.03. - 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.

154.12.04. - Loading and parking.

See Chapter 23.10 of the Wellston City Code.

Chapter 154.13. - Structure

154.13.01. - General.

The exterior and interior of every residential structure and its equipment shall be maintained in a structurally sound and sanitary condition 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.

154.13.02. - Structural members.

All supporting structural members of every residential structure shall be kept structurally sound, free of deterioration and capable of safely bearing the dead and live loads imposed upon them.

154.13.03. - Exterior surfaces.

Every foundation, exterior wall, roof and all other exterior surfaces shall be maintained to prevent neighborhood blight.

- (A) 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.
- (B) 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. Exterior wood and ferrous metal surfaces shall be protected from the elements by paint or other protective covering. Surfaces shall be maintained as to be kept clean and free from excessively flaking, loose, or peeling paint.
- (C) Roofs: The roof shall be structurally sound, tight and not have defects which might admit rain, and roof drainage shall be adequate to prevent rainwater from causing dampness in the walls or interior portion of the building.
- (D) 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.
- (E) 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 conditions.
- (F) Chimneys: All chimneys, cooling towers, smokestacks and similar appurtenances shall be maintained structurally safe and sound and in good repair.
- (G) 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.

154.13.04. - Windows, doors and their frames.

Every window, door and frame shall be constructed and maintained in such relation to the adjacent wall construction so as to exclude rain and to exclude wind from entering the dwelling or structure.

- (A) Operable windows: Every window, other than fixed windows, shall be capable of being easily opened and shall be securable from the interior of the structure.
- (B) Insect screens: Every door, operable window or other outside opening used for ventilation purposes as defined in Chapter 154.16 shall be supplied with approved screening, and every swinging screen door shall have a self-closing device in good working condition, except that such screen shall not be required for areas on a floor above the fifth floor; provided, further, that no screens will be required where the structure is equipped with air conditioning.
- (C) Door hardware: Every 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.
- (D) Basement hatchways: Every basement or cellar hatchway shall be so constructed and maintained as to prevent the entrance of vermin, rain and surface drainage water into the structure.

154.13.05. - Interior surfaces.

Floors, walls, including windows and doors, ceilings and other interior surfaces, shall be maintained in good, clean and sanitary condition.

- (A) Existing interior and exterior painted surfaces of dwelling units that contain in excess of five-tenths percent lead shall be removed or covered with paneling or other covering approved by the code official.
- (B) Bathroom and kitchen floors: Every toilet, bathroom and kitchen floor 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.

154.13.06. - Freedom 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 or detriment to the occupant.

154.13.07. - 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.

154.13.08. - Stairs, porches, railings.

Stairs and other exit facilities shall be adequate for safety as provided in the building code.

- (A) All interior and exterior stairs and railings and other exit facilities of every structure shall be maintained in sound condition, good repair, safe to use, and capable of supporting anticipated loads. Worn, broken, warped, or loose treads, risers, or railings shall be repaired or replaced.
- (B) Except where stairs, porches and railings are part of the structure erected prior to 1975 and represent an architectural feature that would be compromised if required to meet current requirements, all interior and exterior flights of stairs with five or more risers and all open portions of porches, landing, ramps, and balconies which are greater than 30 inches above the adjacent surface shall have guardrails on all open sides and a handrail on at least one side as required by the building code. The height of the handrails in all use groups shall be no less than 34 inches and no greater than 42 inches and the height of the guardrails shall be no less than 36 inches on one- and two-family dwellings and 42 inches in all other use groups.

- (C) Every handrail and guardrail shall be firmly fastened and capable of bearing normally imposed loads and shall be maintained in good condition.

154.13.09. - Access to habitable rooms.

Sleeping rooms shall not be used as the only means of access to other sleeping rooms or habitable rooms.

Chapter 154.14. - Light, Ventilation and Space Requirements: General

154.14.01. - Scope.

The provisions of this section shall govern the minimum conditions and standards for the light, ventilation and space for the occupancy of residential premises covered herein. All light, ventilation and space conditions shall comply with the requirements herein prescribed insofar as they are applicable.

154.14.02. - Responsibility.

The owner of residential premises covered herein shall provide and maintain such light, 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 this section.

154.14.03. - Open space.

An open space, when used for the origin of light and ventilation, shall be maintained and unobstructed.

154.14.04. - Alternative devices.

In place of the means for natural light and ventilation herein prescribed, alternative arrangement of windows, louvers or other methods and devices which provide the equivalent minimum performance requirements shall be permitted if in conformance with the building code.

Chapter 154.15. - Light

154.15.01. - General.

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

154.15.02. - 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 glazed window area for every habitable room shall be eight percent 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 of total window area for the room.

154.15.03. - Common halls and stairways.

Shared halls and stairways in multi-family residential premises shall be adequately lighted at all times.

154.15.04. - Emergency escape.

- (A) Every sleeping room below the fourth story shall have at least one operable window or exterior door approved for emergency use or rescue. The units and any bars, grills, or screens placed over them shall be openable from the inside without the use of special knowledge, separate tools, or force greater than that which is required for normal operation of the window or door.
- (B) Where windows are provided for emergency use or escape, the minimum clear opening shall be no less than 24 inches in height, 20 inches in width, no greater than 44 inches above the adjacent floor.

Chapter 154.16. - Ventilation

154.16.01. - 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 natural ventilation, such mechanical ventilating system shall be maintained in operation during the occupancy of any residential premises covered herein or portion thereof.

154.16.02. - 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 operable window area in every room shall be equal to at least 45 percent of the minimum window area size required in Section 154.16.01 herein.

154.16.03. - Toilet rooms.

Every bathroom and toilet room shall comply with the light and ventilation requirements for habitable rooms as required by Section 154.14. herein, except that a window shall not be required in bathrooms or toilet rooms equipped with an approved mechanical ventilation system.

154.16.04. - Cooking facilities.

Cooking devices other than microwaves, shall not be permitted in any sleeping room in residential premises covered herein.

Chapter 154.17. - Space Requirements

154.17.01. - Dwelling units.

Every dwelling unit shall contain a minimum gross floor area of not less than 140 square feet for the first occupant and 70 square feet for each additional occupant. The floor area shall be calculated on the basis of the total area of all habitable rooms.

154.17.02. - Sleeping area.

Every room occupied for sleeping purposes by one occupant shall contain at least 70 square feet of floor area, and every room occupied for sleeping purposes by more than one person shall contain at least 50 square feet of floor area for each additional occupant thereof. Every sleeping room shall have a minimum room width of seven feet.

154.17.03. - 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 not be less than the total area required as follows in Table 154.19.03 (See Appendix - Tables, Charts & Figures, Title 154).

154.17.04. - Prohibited use.

It shall be prohibited to use for sleeping purposes any kitchen, uninhabitable space or common space.

154.17.05. - Minimum ceiling heights.

Habitable rooms shall have a clear ceiling height over the minimum area required by this code of not less than seven feet, except that in attics or top half-stories, the ceiling height shall not be 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.

154.17.06. - Exclusions.

It is not intended that this code regulate the space requirements of correctional institutions, hotels, motels or dormitories.

Chapter 154.18. - Plumbing Facilities and Fixture Requirements

154.18.01. - Scope.

The provisions of this section 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.

154.18.02. - 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 premises which does not comply with the following requirements of this chapter.

Chapter 154.19. - Required Facilities

154.19.01. - 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 shall be supplied and maintained in sanitary, safe working conditions:

- (A) Toilet and lavatory: Every dwelling unit shall contain within its walls a room separate from habitable rooms which affords privacy and a toilet supplied with cold running water. The lavatory may be placed in the same room as the toilet, 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 toilet is located. The lavatory shall be supplied with hot and cold running water.
- (B) 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.
- (C) Kitchen sink: Every dwelling unit shall contain a kitchen sink apart from the lavatory required in Paragraph (A) above which shall be supplied with hot and cold running water.

154.19.02. - Rooming Houses.

At least one toilet, 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 six persons or fraction thereof

residing 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.

154.19.03. - Minimum Occupancy Area Requirements.

* Combined living-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-dining room.

** Every room used as a bedroom shall have access to at least one water closet without passing through another room used as a bedroom.

Chapter 154.20. - Toilet Rooms

154.20.01. - Privacy.

Toilet rooms and bathrooms shall be designed and arranged to provide privacy.

154.20.02. - Access.

Toilet rooms and bathrooms shall not be used as passageways to a hall or other space, or to the exterior. All sleeping rooms shall have access to a toilet room or bathroom without passing through another sleeping room.

154.20.03. - Location.

Toilet rooms and bathrooms serving hotel, lodging 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.

154.20.04. - Floors.

Bathrooms and toilet rooms shall be provided with floors of moisture-resistant material.

154.20.05. - Partitions.

Every residential premises covered herein that requires or supplies more than one toilet within one toilet room shall provide within the toilet room partitions, enclosures or compartments for privacy and shall comply with fixture clearance requirements of the plumbing code for such installations.

Chapter 154.21. - Plumbing Fixtures

154.21.01. - General.

All plumbing fixtures shall be maintained in a safe and useable condition in accordance with the plumbing code adopted by council.

154.21.02. - 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.

154.21.03. - Cleanliness.

All plumbing facilities shall be kept in a clean and sanitary condition by the occupant so as not to breed insects or vermin or produce dangerous or offensive gases or odors.

154.21.04. - Access.

Plumbing fixtures shall be installed so as to permit easy access for cleaning both the fixture and the area about it.

154.21.05. - 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.

Chapter 154.22. - Water System

154.22.01. - General.

Every sink, lavatory, bathtub or shower, drinking fountain, toilet 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.

154.22.02. - 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.

154.22.03. - 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.

154.22.04. - Water heating facilities.

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 110 degrees F., giving appropriate consideration for a reasonable amount of time to reheat the water during peak periods of use. Water heaters shall be installed in accordance with manufacturer's instructions.

Chapter 154.23. - Sewage System

154.23.01. - General.

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

154.23.02. - 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.

Chapter 154.24. - Storm Drainage

154.24.01. - Requirements.

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.

Chapter 154.25. - Mechanical and Electrical Requirements: General

154.25.01. - Scope.

All mechanical and electrical facilities and equipment shall comply with the requirements herein prescribed insofar as they are applicable.

154.25.02. - 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 does not comply with the following requirements of this chapter.

154.25.03. - Kitchen.

Every dwelling unit shall have a room or portion of a room in which food may be prepared and/or cooked.

- (A) Every kitchen shall have a sink in good working condition, properly connected to a public water and sewer system or to a water and sewer system approved by the code official, and which is capable of providing a reasonable amount of heated and unheated potable water, giving appropriate consideration for a reasonable amount of time to reheat the water during peak periods of time.
- (B) Every kitchen shall be equipped with cabinets and/or shelves for the storage of eating, drinking and cooking equipment; containers for food (which food does not, under ordinary summer conditions, require refrigeration for safekeeping); and a counter or table for food preparation. Said cabinet and/or shelves shall provide a minimum of 36 square feet of sanitary storage space, and said counter or table shall provide a minimum of six square feet of sanitary food preparation area and shall be of sound construction, furnished with surfaces that are easily cleanable and that will not impart any toxic or deleterious effect on food.
- (C) Except as provided below, the kitchen of every dwelling unit shall be equipped with a stove or similar device for cooking food, and a refrigerator for the safe storage of food at temperatures less than 50°F., but more than 32°F., which are properly installed and with all necessary connections for safe and efficient operation. Provided, however, that it is the responsibility of the occupant to properly maintain the refrigerator so that its function of cooling is not adversely impaired.
- (D) Such stove, refrigerator and/or devices need not be installed when a dwelling unit is not occupied, or when the occupant is to provide same upon occupancy, and sufficient space and adequate connections for the safe and efficient installation and operation of said stove, refrigerator and/or similar devices are provided.

Chapter 154.26. - Heating Facilities

154.26.01. - General.

In all 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.

154.26.02. - 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, or outdoor cooking equipment used outdoors.

154.26.03. - 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 is designed and intended.

- (A) Fuel: All fuel-burning equipment shall be connected to an approved chimney, flue or vent.
- (B) Clearance: All required clearances to combustible materials shall be maintained.
- (C) Safety controls: All safety controls shall be maintained in effective operation.
- (D) Combustion air: A supply of air for complete combustion of the fuel and for ventilation of the space shall comply with the applicable section of the building code.

154.26.04. - 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.

154.26.05. - 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. Every dwelling unit and guest room shall be provided with heating facilities which will permit the occupant(s) to maintain a room temperature of 68. at all points at least three feet above the floor and at least three feet from the exterior wall of all habitable rooms, bathrooms, and toilet rooms. Every room provided with cooling facilities shall permit the occupant(s) to maintain a room temperature no higher than 78. at all points at least three feet above the floor and at least three feet from the exterior wall.

154.26.07. - Space heaters.

When a dwelling or rooming unit is heated by space heaters, they must meet the approval of the code inspector and the following requirements:

- (A) Every space heater located close to a wall shall be equipped with insulation sufficient to prevent overheating of the wall;
- (B) Every space heater smoke pipe shall be equipped with guards made of metal or other nonflammable material at the point where such pipe goes through the wall, ceiling or partition;
- (C) Unvented space heaters shall be prohibited, unless approved by the code office;
- (D) All space heaters must have a clearance of at least 12 inches for the rear and sides, and at least 24 inches for the top and front except where designated to be wall mounted.

Chapter 154.27. - Electrical Facilities

154.27.01. - Outlets required.

Where there is electric service connected to a structure, every habitable room of a dwelling unit, and every guest room, shall contain at least three separate and remote outlets at least six feet apart, on at least two separate walls. In a kitchen, three separate and remote wall-type GFCI protected electric convenience outlets or two such convenience outlets and one ceiling or wall-type electric light fixture shall

be provided. Every public hall, toilet 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 GFCI protected outlet. All electric fixtures and outlets shall be maintained according to the building code. Receptacles for the connection of laundry appliances, refrigerators, and all receptacles exposed to the outdoors shall be properly grounded.

154.27.02. - Installation.

All electrical equipment, wiring and appliances shall be installed and maintained in a safe manner in accordance with the building code. All electrical equipment shall be of an U.L. approved type.

154.27.03. - Defects in system.

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.

154.27.04. - Provision of service.

All dwellings not already connected to a source of electric power which are within 300 feet of available power lines must be connected to such power lines. Every such dwelling shall be supplied with at least 100 ampere service. All such connections to the outside source of power must be in a manner prescribed by the building code.

154.27.05. - Multiple converter plugs.

Multiple converter plugs permitting two or more appliances to be plugged into the same outlet shall not be used as permanent wiring.

154.27.06. - Electrical safety.

Neither the owner, where appropriate, nor the occupant, where appropriate, shall permit violations of the following provisions:

- (A) All electrical wires shall be adequately installed and in good condition;
- (B) All electric outlets, as well as lighting fixtures, shall be properly fastened and maintained in good repair;
- (C) Extension cords shall not be allowed where the current draw exceeds the cord's capacity, or in lieu of permanent approved wiring. Further, extension cords shall not pass through open doors, windows or under floor coverings. These shall not be used where traffic must pass over or under them, possibly damaging the cord or insulation;
- (D) Maximum fuse size must be conspicuously posted on all fuse boxes. Fuses in excess of the posted sizes are not permitted;
- (E) No short circuit shall exist in any electrical circuit;
- (F) No electrical circuit shall be overloaded as a result of connecting appliances which operate at high wattages to outlets supplied with wire of inadequate size;
- (G) No obvious shock hazard shall exist; all circuits must be properly labeled and conspicuously posted in the service panel(s) or on the fuse box(es).

Chapter 154.28. - Elevators, Escalators and Dumbwaiters

154.28.01. - Requirements.

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

Chapter 154.154. - Fire Safety Requirements, General

154.154.01. - Scope.

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 prescribed insofar as they are applicable.

154.154.02. - 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 the provisions of Chapters 154.30 through 154.33, inclusive.

Chapter 154.30. - Means of Egress

154.30.01. - General.

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

154.30.02. - Direct exit.

Every dwelling unit shall have access directly to the outside or to a public corridor.

154.30.03. - Locked doors.

All doors in the required means of egress shall be readily operable from the inner side without the use of keys. Exits from dwelling units shall not lead through other such units or through toilet rooms or bathrooms.

154.30.04. - Fire escapes.

All required fire escapes shall be maintained in working condition and structurally sound.

154.30.05. - Exit signs.

All exit signs shall be maintained, illuminated and visible.

Chapter 154.31. - Accumulations and Storage

154.31.01. - Accumulations.

Solid waste shall not be allowed to accumulate in stairways, passageways, doors, windows, fire escapes or other means of egress.

154.31.02. - Flammable matter.

Combustible, flammable or explosive matter, shall not be accumulated or stored on residential premises, except in reasonable quantities consistent with normal household usage.

154.31.03. - Residential units.

A dwelling or rooming unit shall not be located within a structure containing an establishment for the handling, dispensing or storing flammable liquids with a flash point of 110°F. (43.33°C.) or lower, except as provided for in the building code.

154.31.04. - Non-residential structures.

Non-residential 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.

Chapter 154.32. - Fire-Resistance Ratings

154.32.01. - 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.

Chapter 154.33. - Fire Protection Systems

154.33.01. - General.

All fire protection systems and equipment shall be provided by the owner maintained in proper operating condition at all times.

154.33.02. - Fire alarms, smoke detectors, and carbon monoxide detectors.

All fire alarms and detecting systems shall be maintained and be suitable for their respective purposes.

154.33.03. - Fire suppression systems.

Fire suppression systems shall be maintained in good condition, free from mechanical defect. Sprinkler heads shall be maintained in a clean condition, free of corrosion and paint and not bent or damaged.

154.33.04. - Standpipe systems.

Hose stations shall be identified and accessible; and the hose shall be in proper position, ready for operation, dry and free of deterioration.

154.33.05. - Fire extinguishers.

All portable fire extinguishers shall be visible and accessible and maintained in an efficient and safe operating condition.

154.33.06. - Multi-family dwellings.

- (A) *Fire extinguishers:* All multi-family dwellings and rooming houses shall be equipped with fire extinguishers of a minimum classification and number in common hallways as designated by the National Fire Protection Association. At least one fire extinguisher shall be provided on each floor at the stairway landing and in the corridor at each elevator or bank of elevators.
- (B) *Smoke detectors:* All multi-family dwellings and rooming houses shall be equipped with audible approved A.C. smoke devices installed and interconnected in their common hallways and areas, including basements, in compliance with the appropriate NFPA pamphlet no later than September 1, 2003. Further, each individual unit shall be equipped as described in [subsection] 20.33.07(B) below.

(C) *Carbon monoxide detectors*: All multi-family dwellings and rooming houses shall be equipped with a carbon monoxide detector. The carbon monoxide detector shall be "UL" listed and adhere to the UL2034 standard. The following carbon monoxide detectors shall be permitted: AC powered unit with battery backup; ten-year non-rechargeable, non-replacement primary batteries that are capable of operating the detector for at least ten years; and a combination carbon monoxide/smoke detector, permitting they are manufactured to meet the aforementioned guidelines. Carbon monoxide detectors shall be replaced every five years, or per manufacturer's recommendation. The owner or his or her agent shall be responsible for checking each carbon monoxide detector with each new lease. Thereafter, the occupant(s) shall be responsible for maintaining the carbon monoxide detector in proper operating condition.

(1) In all dwelling units used for rental purposes at least one carbon monoxide (CO) detector shall be installed in the immediate vicinity of the sleeping area (same level hallways). A sleeping area is defined as the area or areas of the family living unit in which the bedrooms or sleeping rooms are located. Where bedrooms or room(s) ordinarily used for sleeping are separated by other use areas, such as kitchens or living rooms, but not bathrooms or closets, they shall be considered as separate sleeping areas for the purposes of this section.

(2) When bedroom or sleeping areas are not fully enclosed or separated from other living areas within a living or sleeping unit, the carbon monoxide (CO) detector shall be installed nearest the area designated for sleeping.

(3) The carbon monoxide (CO) detector shall be clearly audible in all bedrooms within the dwelling unit(s), when all intervening doors are closed. When more than one sleeping room occurs within a dwelling unit, one detector may serve more than one room, provided the required exits from such sleeping rooms are in a single private corridor within 15 feet of the detector.

The requirements set forth in [subsection] (C) are minimum alarm requirements, and nothing herein shall preclude a property owner from installing additional low level alarm devices.

No person shall, without privilege to do so, knowingly move, deface, damage, destroy or otherwise improperly tamper with a fire extinguisher, smoke detector, or carbon monoxide detector required to be installed pursuant to the provisions of this chapter so as to destroy or diminish its effectiveness or availability for its intended purpose.

(D) *Fire stairs*: All multi-family dwellings and rooming houses having habitable rooms greater than 14 feet above the ground shall be supplied or equipped with fire stairs as a means of egress, when required, and shall be in compliance with the appropriate National Fire Protection Association pamphlet.

154.33.07. - Single dwelling units.

(A) *Fire extinguishers*: Each dwelling unit shall be equipped with a fire extinguisher of a minimum classification as designated by the National Fire Protection Association.

(B) *Smoke detectors*: Each dwelling unit shall be equipped either with audible U.L. approved smoke detectors with nonrechargeable, nonreplacement primary batteries that are capable of operating the detector for at least ten years or with hard wired smoke detectors with battery back-up installed in each sleeping area and/or bedroom, with one additional detector on each level in multi-level units in compliance with the appropriate NFPA pamphlet no later than September 1, 2003. The owner or his or her agent shall be responsible for checking each smoke detector with each new lease or occupant and replacing each permanent nonreplaceable battery operated detector in the ninth year of its operation or sooner if needed. Thereafter, the occupant shall be responsible for maintaining the battery-operated smoke detectors in proper operating condition.

(C) *Carbon monoxide detectors*: Each dwelling unit shall be equipped with a carbon monoxide detector. The carbon monoxide detector shall be "UL" listed and adhere to the UL2034 standard. The following carbon monoxide detectors shall be permitted: AC powered unit with battery backup; ten-year non-rechargeable, nonreplacement primary batteries that are capable of operating the detector for at least ten years; and a combination carbon monoxide/smoke detector, permitting they are manufactured to meet the aforementioned guidelines. Carbon monoxide detectors shall be replaced every five years,

or per manufacturer's recommendation. The owner or his or her agent shall be responsible for checking each carbon monoxide detector with each new lease. Thereafter, the occupant(s) shall be responsible for maintaining the carbon monoxide detector in proper operating condition.

- (1) In all dwelling units used for rental purposes at least one carbon monoxide (CO) detector shall be installed in the immediate vicinity of the sleeping area (same level hallways). A sleeping area is defined as the area or areas of the family living unit in which the bedrooms or sleeping rooms are located. Where bedrooms or room(s) ordinarily used for sleeping are separated by other use areas, such as kitchens or living rooms, but not bathrooms or closets, they shall be considered as separate sleeping areas for the purposes of this section.
- (2) When bedroom or sleeping areas are not fully enclosed or separated from other living areas within a living or sleeping unit, the carbon monoxide (CO) detector shall be installed nearest the area designated for sleeping.
- (3) The carbon monoxide (CO) detector shall be clearly audible in all bedrooms within the dwelling unit(s), when all intervening doors are closed. When more than one sleeping room occurs within a dwelling unit, one detector may serve more than one room, provided the required exits from such sleeping rooms are in a single private corridor within 15 feet of the detector.

The requirements set forth in [subsection] (C) are minimum alarm requirements, and nothing herein shall preclude a property owner from installing additional low level alarm devices.

No person shall, without privilege to do so, knowingly move, deface, damage, destroy or otherwise improperly tamper with a fire extinguisher, smoke detector, or carbon monoxide detector required to be installed pursuant to the provisions of this chapter so as to destroy or diminish its effectiveness or availability for its intended purpose.

154.33.08. - Exceptions.

As it pertains to carbon monoxide detectors, all-electric multifamily dwellings and rooming houses without an attached garage.

154.33.09. - Penalty.

Any person violating a provision of this Code shall be deemed guilty of a minor misdemeanor and fined not more than \$100.00. Each day that a person continues to violate a provision of this Code shall constitute a separate and distinct offense.

Chapter 154.34. - Sanitary Condition

154.34.01. - Cleanliness.

The owner or occupant shall ensure a clean, safe, sanitary structure and premises with each new lease. Every occupant of a structure or part thereof shall keep that part of the structure or premises thereof which that occupant occupies, controls or uses in a clean and sanitary condition. Every owner, or his/her designee of a dwelling containing two or more dwelling units shall maintain in a clean, safe, and sanitary condition the shared or public areas of the dwelling and premises thereof.

154.34.02. - Disposal of solid waste.

Every occupant of a structure or part thereof shall dispose of all solid waste in a clean, safe, and sanitary manner by placing it in containers as defined in Section 5.02.02(B).

154.34.03. - Solid waste storage facilities.

Every dwelling unit shall be supplied with an approved solid waste container as required in Section 154.01.01 et seq. and Section 5.02.1 et seq. Such facilities shall be sufficient to meet the needs of the occupants.

154.34.04. - Citations for failure to properly dispose of solid waste.

The service-safety director shall supply the director of code enforcement, police officers, parking enforcement officers litter control officers, and others assigned by the service-safety director with citation tags for the purpose of giving notice to persons violating Sections 154.34.01 to 154.34.04. The notice may be given by delivering such tag to said violator. The citation tags shall direct the violator to properly store the rubbish and garbage. The penalty for violating Sections 154.34.02 to 154.34.05 shall be a fine of to be established by ordinance.

154.34.05. - 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 when necessary.

154.34.06. - 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.

154.34.07. - 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 obstruction.

Chapter 154.35. - Extermination

154.35.01. - Owner.

The owner of any structure shall be responsible for extermination within the structure prior to the commencement of each new lease.

154.35.02. - Vermin proofing.

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

154.35.03. - Single occupancy.

Every tenant/occupant of a single dwelling unit shall be responsible for the extermination of any insect and pest in the premises as a result of failure to maintain sanitary conditions.

154.35.04. - Multiple occupancy.

Whenever infestation exists in the shared or public areas of premises other than a single-family dwelling, extermination shall be the responsibility of the owner.

154.35.05. - Continued vermin infestation.

Continuing or repeated incidents of vermin infestation determined from the official records, as provided in Section 154.02.03 of this code, shall require the installation of vermin-proof walls. Vermin-proof walls shall be installed in accordance with the building code.

Chapter 154.36. - Prohibited Actions

154.36.01. - Prohibited actions.

No person shall cause any facility, equipment or utility required by this code to be damaged, removed, shut off or discontinued for any occupied dwelling let or occupied by him/her, except for such temporary interruptions as may be necessary while repairs are being made or when shut off or disconnection is the result of nonpayment to an utility provider. All occupants are responsible for damages incurred to such facilities within their dwelling unit when caused by themselves or their guests.

Chapter 154.37. - Definitions

154.37.01. - Definitions.

"Accessory building." A building, the use of which is incidental to that of the main building(s) on the premises, and which is not intended to be used as a dwelling.

"Agent." Any person who has been designated by the owner of a building, or part thereof, in which dwelling units or rooming units are to be let, as the owner's legal representative for the receipt of process pursuant to this ordinance.

"Approved." As applied to a material, device or method of construction, shall mean approved by the code official under the provisions of this ordinance, or approved by other authority designated by law to give approval in the matter in question.

"Basement." The portion of a building which is partly underground and which has one-half or more of its ceiling height above the average finished grade of the ground adjoining the building.

"Bathroom." A nonhabitable room of not less than 30 square feet which affords privacy to a person within said room and which is equipped with a sink, a shower or bathtub and a flush water closet, all of which are in good working condition. Such room shall comply with all standards for lighting, ventilation and electrical outlets.

"Blight." Condition of damage, decay, dilapidation, age, or obsolescence producing inadequate provision for ventilation, light, air, sanitation, or open space, or unsafe and unsanitary conditions, or conditions which endanger lives or properties by fire or other hazards and causes, or conditions conducive to ill health, transmission of disease, or conditions detrimental to the public health, safety, and general welfare, or conditions leading to a significant decrease in property values including, but not limited to graffiti, in adjacent properties, or other identified hazards to health and safety.

"Building code." 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.

"Building official." The official designated by the jurisdiction to enforce building, zoning or similar laws, or a duly authorized representative.

"Cellar." That portion of a building which is partly or completely below grade and having at least one-half its height below grade (see "basement").

"Central heating." 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.

"Certificate of zoning compliance." Written verification from the zoning inspector that the use of the subject property complies with the zoning laws.

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

"Common areas." Those interior areas in a multi-family dwelling or rooming house used by the occupants of two or more dwelling units, including, but not limited to, common hallways, storage areas, lounges or common rooms, and basements.

"Compliance." Conformance with the provisions of this code or lawful orders promulgated therefrom.

"Condemn." To adjudge unfit for use or occupancy.

"Condemnation." The act of judicially condemning.

"Dilapidated building." A structure that is no longer adequate for the purpose or use for which it was originally intended.

"Dwellings." Whenever the words, "Multi-family dwelling," "residence building," "dwelling unit," "rooming house," "rooming unit" or "premises" are used in this code, they shall be construed as though they were followed by the words, "or any part thereof." For specific definitions, see Chapter 23.12 of the Wellston City Code.

"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.

"Egress." A means to travel from the interior of a building to the exterior at ground level.

"Enforcement officer." The official designated herein or otherwise charged with the responsibilities of administering this code, or the official's authorized representative.

"Exterior property areas." The open space on the premises and on adjoining property under the control of owners or operators of such premises.

"Extermination." The control and elimination of insects, rats 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.

"Family." See Chapter 23.12 of the Wellston City Code.

"Garbage." See Chapter 5.02 of Wellston City Code.

"Graffiti." Any unauthorized inscription, word, figure, painting or other defacement that is written, marked, etched, scratched, sprayed, drawn, painted or engraved on or otherwise affixed to any surface of public or private property by any graffiti implement, to the extent that the graffiti was not authorized in advance by the owner or occupant of the property, or, despite advanced authorization, is otherwise deemed a public nuisance.

"Guardrail." A system of components installed in elevated places such as open-sided floors, balconies, platforms, stairways, and ramps, which serve as protective barriers to prevent people and equipment from falling to the adjacent surface.

"Guest." For determining occupancy standards, any person who shares a dwelling unit or rooming unit on a nonpermanent status for not more than 30 days in a single year.

"Habitable room." A room or enclosed floor space used or intended to be used for living, sleeping, cooking or eating purposes, excluding bathrooms, water closet compartments, laundries, pantries, foyers or communication corridors, closets and storage spaces.

"Handrail." A horizontal or sloping rail grasped by the hand for guidance or support or for arresting falls to the adjacent surface.

"Heated water." Water heated to a temperature of not less than 110°. at the outlet, giving appropriate consideration for a reasonable amount of time to reheat the water during peak periods of use.

"Heating device." All furnaces, unit heaters, domestic incinerators, cooking and heating stoves and ranges, and other similar devices.

"Infestation." The presence within a structure of insects, rats, vermin or other pests in a manner that constitutes a potential health hazard.

"Junk vehicle." See Wellston City Code Chapter 7.07.

"Kitchen." Any room used for the storage of foods, preparation of foods and containing the following equipment: sink and one other device for cooking, refrigerator or other device for cold storage of food, cabinets and/or shelves for storage of equipment and utensils, and counter or table for food preparation.

"Let for occupancy or let." 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 of contract for the sale of land.

"Maintenance." Conformance of a building and its facilities to the code under which the building was constructed.

"Occupant." 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.

"Operable area." The part of a window or door which is available for unobstructed ventilation and which opens directly to the outdoors.

"Operator." Any person who has or who has been designated by the owner to have charge, care or control of a building or part thereof in which the dwelling units or rooming units are let. An operator may or may not also be the owner's agent.

"Owner." Any person who alone or jointly or severally with others (1) shall have legal title to any dwelling or dwelling unit with or without accompanying actual possession thereof; or (2) shall have charge, care or control of any dwelling or dwelling unit as owner or agent of the owner or as buyer under land contract, or as executor, executrix, administrator, administratrix, trustee or guardian of the estate of the owner. Any such person thus representing the actual owner shall be bound to comply with the provisions of this ordinance and of the rules and regulations adopted pursuant thereto, to the same extent as if he were the owner.

"Plumbing." The practice, materials and fixtures used in the installation, maintenance, extension and alteration of all piping, fixtures, appliances and appurtenances in connection with any of the following: drainage systems, vent systems, water-supply venting systems within or adjacent to any building, structure or conveyance; also, the practice and materials used in installation, maintenance or alteration of the storm water, liquid waste or drainage and water-supply systems of any premises.

"Plumbing fixture." 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.

"Premises." A lot, plot or parcel of land including the buildings or structures thereon.

"Public nuisance." Includes the following: (1) The physical condition or use of any premises regarded as a public nuisance at common law; or (2) 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 (3) Any premises which have unsanitary sewerage or plumbing facilities; or (4) Any premises designated as unsafe for human habitation or use; or (5) 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 (6) 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 (7) Any premises which are unsanitary, or which are littered with rubbish or garbage, or which have an uncontrolled growth of weeds; or (8) 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, or (9) Graffiti.

"Rain carrier." A drainage device, such as gutters or downspouts, used to remove drainage water from roof surfaces of any building or structure.

"Ratproofing." A form of construction which will prevent the ingress or egress of rats to or from a given space or building, or gaining access to food, water or harborage. This construction of the closing and keeping closed of every opening in foundations, basements, cellars, exterior and interior walls, ground or first floors, sidewalks, gratings, sidewalk openings and other places that may be reached and entered by rats by climbing, burrowing or other methods, by the use of materials impervious to rat gnawing and other methods approved by the code enforcement office.

"Refuse container." A watertight container that is constructed of metal or other durable material impervious to rodents, which is capable of being served without creating unsanitary conditions, or such other containers as have been approved by the code official. Openings into the containers, such as covers and doors, shall be tight fitting.

"Renovation." A building and its facilities made to conform to present-day minimum standards of sanitation, fire and life safety.

"Rooming house." 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 same family. This includes fraternity and sorority houses.

"Rooming unit." 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.

"Rubbish." See Chapter 5.02, Wellston City Code of Ordinances.

"Space heater." A room heater which is a self-contained above-the-floor device for furnishing heated air through openings in its casing directly into the space in which the device is located or immediately adjacent to it. The device may be freestanding or recessed in a wall or partition.

"Structure." See Sec. 23.12.01, Wellston City Code of Ordinances.

"Supplied." Installed, furnished or provided by the owner or operator.

"Toilet room." A nonhabitable room equipped with a flush water closet.

"Total habitable room area." The total floor space of all habitable rooms having a ceiling height of seven feet or more.

"Unsafe structure" 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 condition that it is likely to partially or completely collapse.

"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 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.

"Unfit for human occupancy" 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 rat 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.

"Unlawful structure" 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.

"Ventilation." The process of supplying and removing of air by natural or mechanical means to or from any space. (1) Mechanical: Ventilation by power-driven devices. (2) Natural: Ventilation by opening to outer air through windows, sky-lights, doors, louvers or stacks without wind-driven devices.

"Violation." Any specific conditions which is not in conformance with the provisions of this ordinance.

"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.

"Yard." An open unoccupied space on the same lot with a building extending along the entire length of street or rear or interior lot line.

- (1) Yard, front: A yard extending between side lot lines across the front of a lot and from the front lot line to the front of the principal building.
- (2) Yard, rear: A yard extending between side lot lines across the rear of a lot and from the rear lot line to the rear of the principal building.
- (3) Yard, side: A yard extending from the principal building to the side lot line on both sides of the principal building between the lines establishing the front and rear yards.