

Consideration	<u>5-0</u>
First Reading	<u>5-0</u>
Second Reading	<u>7-0</u>
Third Reading	<u>7-0</u>
Suspend Rules	
Passage	<u>7-0</u>

ORDINANCE NO. 47 2022

**AN ORDINANCE TO ADOPT A NEW CHAPTER 1321 OF THE CODIFIED ORDINANCES OF THE CITY OF EAST LIVERPOOL, OHIO.**

**WHEREAS**, it is in the best interest of the City of East Liverpool, Ohio to make revisions and adopt a new to Chapter 1321 of the Codified Ordinances of the City of East Liverpool, Ohio. A copy of the new Chapter 1321 is attached hereto as Exhibit A and made a part hereof.

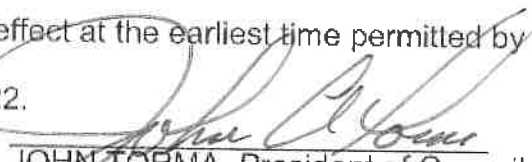
NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF EAST LIVERPOOL, COLUMBIANA COUNTY, AND STATE OF OHIO:

SECTION 1: A new Chapter 1321 of the Codified Ordinances of East Liverpool is hereby revised and adopted as set forth in Exhibit A attached hereto.

SECTION 2: The existing Chapter 1321 of the Codified Ordinances of East Liverpool, Ohio is hereby repealed.

SECTION 2: This Ordinance shall take effect at the earliest time permitted by law.

Passed this 1 day of <sup>Aug</sup>~~July~~, 2022.

  
 JOHN TORMA, President of Council

APPROVED AS TO FORM:  
 Charles L. Payne  
 Law Director

Attest: 

PATRICK SCAFIDE, Clerk of Council

Approved by the Mayor this 2<sup>nd</sup> day of <sup>August</sup>~~July~~, 2022.

  
 GREGORY T. BRICKER, Mayor

Requested By: Councilman John Mercer  
 Sponsored By: Licensing and Economic Development Committee  
 Prepared By: Charles L. Payne, Law Director

**1321.01 TITLE.**

This Housing Code shall be known as the Housing Code of 1967.

**1321.02 PURPOSE.**

The purpose of this Housing Code is to provide basic and uniform standards in terms of performance objectives implemented by specific requirements, governing the condition, occupancy and maintenance of residential premises and establishing reasonable safeguards for the safety, health and welfare of the occupants and users thereof.

**1321.03 SCOPE.**

(a) This Housing Code shall apply to residential premises as follows:

(1) Lots, plots or parcels of land on which residential buildings, buildings of mixed occupancy or accessory structures are located.

(2) Residential buildings, including one and two-family dwellings and multiple dwellings, except as specifically excluded in subsection (b) hereof.

(3) Residential occupancies in buildings of mixed occupancy use.

(4) Accessory structures, accessory to residential occupancies.

(b) This Housing Code shall not apply to mobile homes and mobile home courts or to transient type occupancies and uses including, but not limited to, nursing and convalescent homes, hotels, motels, tourist camps, farm labor camps, travel trailers and trailer parks and other forms of temporary housing.

**1321.04 APPLICATION.**

(a) The provisions of this Housing Code shall supersede local laws, ordinances, codes or regulations to the extent that such laws, ordinances, codes or regulations are inconsistent with the provisions of this Housing Code, provided that nothing herein contained shall be construed to prevent the adoption and enforcement of a law, ordinance, code or regulation which is more restrictive or establishes a higher standard than those provided in this Housing Code, and such more restrictive requirement or higher standard shall govern during the period in which it is in effect.

(b) Where a provision of this Housing Code is found to be in conflict with a provision of a zoning, building, electrical, plumbing, fire, safety, health, water supply or sewage disposal law or ordinance, or regulation adopted pursuant thereto, or other local law, ordinance, code or regulation, the provision or requirement which is the more restrictive or which establishes the higher standard shall prevail.

**1321.05 PARTIAL INVALIDITY.**

If a term, part, provision, section subdivision or paragraph of this Housing Code shall be held unconstitutional, invalid or ineffective, in whole or in part, such determination shall not be deemed to invalidate the remaining terms, parts, provisions, sections, subdivisions and paragraphs.

**1321.06 DEFINITIONS.**

The following definitions shall apply in the interpretation and enforcement of this Housing Code:

(1) "Accessory use" means a use, occupancy, or tenancy customarily incidental to the principal use or occupancy of a residential building. Such accessory uses may include, among others the following:

(a) Offices for the building management.

(b) Dining rooms, banquet rooms, public kitchens, and ballrooms.

(c) Recreation and playrooms.

(d) Laundries for the use of tenants and occupants, and in connection with the management and operation of a residential building.



- (c) Maintenance and workshops, storage rooms for linen, bedding, furniture, supplies and tenants' equipment and effects.
- (f) Rooms or spaces for the incidental sale or display of merchandise to occupants and tenants, such as newspaper, candy and cigar stands.
- (g) Garages within a residential building or on the premises thereof used primarily for the storage of passenger-type motor vehicles.
- (2) *"Approved manner or approved by" as used in this chapter means a manner which is in accordance with existing minimum standards of Part Thirteen - Building Code of the Codified Ordinances of the City or those adopted by the City Board of Health.*
- (3) "Basement" means a portion of the building partly underground but having less than half its clear height below the average grade of the adjoining ground.
- (4) "Bathroom" means that enclosed space containing one or more bathtubs or showers, or both, and which may also contain water closets, lavatories, or fixtures serving similar purposes. See definition of "toilet room."
- (5) "Board" means the City Board of Health as created by provisions of Ohio R.C. 3709.05.
- (6) "Building" means a structure wholly or partially enclosed within exterior walls, or within exterior or party walls, and a roof, affording shelter to persons, animals or property.
- (7) "Cellar" means the portion of the building partly underground, having half or more than half of its clear height below the average grade of the adjoining ground.
- (8) "Dwellings".
- A. "One-family dwelling" means a building containing one dwelling unit with not more than five lodgers or boarders.
- B. "Two-family dwelling" means a building containing two dwelling units with not more than five lodgers or boarders per family but not more than twenty individuals.
- C. "Multi-family-apartment house" means a building containing more than two dwelling units.
- D. "Boarding house, lodging house, tourist house" means a building arranged or used for lodging with or without meals, for compensation, for more than five and not more than twenty individuals.
- E. "Dormitory" means a building arranged or used for lodging six but not more than twenty individuals and having common toilet and bathroom facilities.
- F. "Hotel" means a building arranged or used for sheltering, sleeping or feeding, for compensation, of more than twenty individuals.
- (9) "Dwelling unit" means one or more rooms arranged for the use of one or more individuals living together as a single housekeeping unit, with cooking, living, sanitary and sleeping facilities.
- (10) "Exit" means a way of departure from the interior of a building or structure to the exterior at street or grade, including doorways, passageways, hallways, corridors, stairways, ramps, fire escapes and all other elements necessary for egress or escape.
- (11) "Extermination" means the control and elimination of insects, rodents or other pests by eliminating their harborage places, by removing or making inaccessible materials that may serve as their food, by poisoning, spraying, fumigating or trapping, by blocking their access to a dwelling, or by any other recognized and legal pest elimination methods.
- (12) "Family" means a household constituting a single housekeeping unit occupied by one or more persons.

(13) "Habitable space" means 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 communicating corridors, closets and storage spaces.

(14) "Housing Code" means Title Five of this Part Thirteen - Building Code, and consists of Chapters 1321 through 1343.

(15) "Kitchen" means that space, sixty square feet or more in floor area, with a minimum width of five feet, used for cooking or preparation of food.

(16) "Kitchenette" means that space, less than sixty square feet in floor area, used for cooking or preparation of food.

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

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

(19) "Mixed occupancy" means occupancy of a building in part for residential use and in part for some other use not accessory thereto.

(20) "Non habitable space" means that space used as kitchenettes, pantries, bath, toilet, laundry, rest, dressing, locker, storage, utility, heater and boiler rooms, closets and other spaces for service and maintenance of the building, and those spaces used for access and vertical travel between stories. See definitions of "habitable space", "public space" and "exit."

(21) "Occupant" means a person living, sleeping, cooking, or eating in or having possession or use of a dwelling unit or rooming unit.

(22) "Operator" means a legally responsible person who has charge, care or control of a building or part thereof in which dwelling units or rooming units are leased or let.

(23) "Owner" means a legally responsible person who, alone or jointly or severally with others:

A. Shall have legal title to any dwelling with or without actual possession thereof; or

B. Shall have charge, care, or control of any dwelling as owner or agent of the owner, or as executor, executrix, administrator, administratrix, trustee or guardian of the estate of the owner. Any such person thus representing the owner shall be bound to comply with the provisions of this Housing Code to the same extent as if he were the owner.

(24) "Plumbing" means all of the following supplied facilities and equipment: water pipes, mechanical garbage disposal units, waste pipes, water closets, sinks, installed dishwashers and clothes washing machines, lavatories, bathtubs, shower baths, catch basins, drains, vents and any other similar supplied fixtures, including all connections to water or sewer lines.

(25) "Potable water" means water which is approved for drinking, culinary and domestic purposes.

(26) "Public space" means that space within a residential building for public use, such as lobbies, lounges, reception hall, meeting, lecture and recreation rooms, banquet and dining rooms and their kitchens and swimming pools.

(27) "Burnable rubbish" means combustible waste material, except garbage, but including paper, rags, cartons and boxes, wood, excelsior, rubber, leather, tree branches and yard trimmings.

(28) "Nonburnable rubbish" means all noncombustible waste materials such as ashes, glass, tin cans, metals, mineral matter, ceramics, and junk.

(29) "Sewage" means liquid waste containing animal or vegetable matter in suspension or solution and which may include industrial wastes and liquids containing chemicals.

(30) "Structure" means an assembly of materials forming a construction framed of component structural parts for occupancy or use, including buildings.

(31) "Toilet room" means that enclosed space, containing one or more water closets, which may also contain one or more lavatories, urinals and other plumbing fixtures. See definition of "bathroom".

(32) "Ventilation" means the supply and removal of air to and from a space by natural or mechanical means.

(33) Meaning of certain words. Whenever the words "dwelling unit" [*"rental property license", "rental housing permit"*], "lodging unit" or "premises" are used in this Housing Code, they shall be construed to include the plural of these words and be so interpreted as if they were followed by the words "or any part thereof."

(Ord. 59, 1969.)

**(34) BULKY WASTE.**

*"Bulky waste" includes, but is not limited to, stoves, refrigerators, water tanks, drying and washing machines, furniture and other waste materials other than construction debris, dead animals, hazardous waste or stable matter.*

**(35) CONSTRUCTION DEBRIS.**

*"Construction debris" means waste building materials resulting from construction, remodeling, repair or demolition operations.*

**(36) EMERGENCY.**

*"Emergency" means any existing combination of circumstances and/or conditions which presently or imminently calls for immediate action to protect the residents of the City Health District from any condition dangerous to health, life, safety, morals or the general welfare.*

**(37) HAZARDOUS WASTE.**

*"Hazardous waste" means any chemical, compound, mixture, substance or article which is designated by the United States Environmental Protection Agency or appropriate agency of the State to be "hazardous" as that term is defined by or pursuant to federal or State law.*

**(38) HEALTH OFFICER or HEALTH OFFICIAL.**

*"Health Officer" or "Health Official" means the Health Commissioner of the City Health Department, or their authorized representative as approved by Board of Health resolution.*

**(39) HOUSING INSPECTOR.**

*"Housing Inspector" means the Health Commissioner of the City Health Department or their authorized representative as approved by Board of Health resolution.*

**(40) INFESTATION.**

*"Infestation" means the presence, within or around a dwelling, dwelling unit, rooming house, rooming units, structure or outbuilding, of any insects, rodents, or other pests.*

**(41) PERSON.**

"Person" means an individual, partnership, association, syndicate, company, firm, trust, corporation, government corporation, department, bureau, agency or any entity recognized by law.

**(42) RUBBISH.**

"Rubbish" includes, but not limited to, all waste wood, wood products, tree trimmings, grass cuttings, dead plants, weeds, leaves, dead trees or branches thereof, chips, shavings, sawdust, printed matter, paper pasteboard, rags, straw, used and discarded mattresses, used and discarded clothing, used and discarded shoes and boots, combustible waste pulp and other products such as are used for packaging or wrapping crockery and glass, ashes, cinders, floor sweepings, glass, mineral or metallic substances, and any and all other waste materials not included in the definitions of bulky waste, construction debris, hazardous waste, or stable matter.

**(43) STABLE MATTER.**

"Stable matter" means all manure and other waste matter normally accumulated in or about a stable, or any animal, livestock or poultry enclosure and resulting from the keeping of animals, poultry or livestock.

**(44) VACANT.**

"Vacant" means empty or unoccupied by human occupants.

**(45) USE OF ADJECTIVES.**

All adjectives and adverbs such as "adequate", "approved", "clean", "convenient", "effectively", "good", "sanitary", "satisfactory", "sufficient", "safe", or "suitable", used in this Housing Code to qualify a person, utensils, equipment, or structure, shall be determined by the Health Official/Housing Inspector/Health Official.

**(46) SIGNIFICANT or SIGNIFICANTLY.**

"Significant or Significantly" should be interpreted as large enough to be noticed or have an effect on, including, but not limited to, use, habitability, or protection from the elements.

**(47) BOARD.**

"Board" means Board of Health.

### **1321.07 EFFECTIVE DATE.**

This Housing Code shall take effect and be in force from and after September 1, 1967.

### **1331.03 Buildings and Structures**

#### **SPECIFIC MAINTENANCE REQUIREMENTS (This shows the most recent revision, Ord 52,2019)**

- a. **Exterior Building Maintenance**
  1. **Street Numbers.**

Each structure to which a street number has been assigned shall have such number displayed in a position easily observed and readable from the public right-of-way. All numbers must be at least two (2) inches wide by five (5) inches high.
  2. **Structural members.**

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

All foundation walls shall be maintained plumb and free from open cracks and breaks and shall be kept in such condition so as to prevent the entry of vermin.
  4. **Exterior Walls.**

All exterior *surfaces* shall be free from holes, breaks, loose, or rotting materials, and shall be weatherproofed and properly surface coated where required to prevent deterioration. The exterior of every building and structure shall be free of obsolete hardware and fixtures. Any exterior painted surfaces which are altered by repairs or structural alterations shall be repainted in a manner identical or compatible with the surrounded surfaces. Exterior surfaces shall be painted with compatible colors.
  5. **Decorative Features.**

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

All awnings, stairways, fire escapes, standpipes, exhaust ducts and similar overhanging extensions shall be maintained in good repair and be properly

anchored so as to be kept in a safe and sound condition. When required, all exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather coating materials, such as paint or similar surface treatment.

7. **Chimneys and towers.**

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

8. **Handrails and guardrails.**

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

9. **Windows.**

Exterior windows, whether transparent, translucent, or opaque, shall be kept in good repair, clean, free of marks and cracks. Windows shall be secured in a tight-fitting and weatherproof manner, shall be easily operable and capable of being held in position by window hardware. No exterior windows shall be permanently removed or enclosed, covered, or boarded up, unless treated as an integral part of the facade using materials and detailing compatible with the building facade and style in general. Where required under the City Preservation and Design Review regulations, such window alterations shall be approved in advance by the Design Review Board.

10. **Insect screens.**

During the period from May 1 to October 1, every door, window, and other outside opening utilized or required for ventilation purposes, serving any structure containing habitable rooms shall be supplied with approved tightly fitting screens of not less than sixteen mesh per inch.

11. **Basement hatchways.**

Every basement hatchway shall be maintained so as to prevent the entrance of vermin, rain and surface drainage water.

12. **Guards for basement windows.**



Every basement window that is openable shall be supplied with vent in proof shields, storm windows or other approved protection against entry of vermin,

13. **Poster and graffiti.**

The exterior of all buildings and structures shall be free from all posters, handbills, and graffiti.

14. **Scaffolds.**

Exterior painting scaffolds or other temporary equipment used from construction, repair or maintenance, shall be maintained in good repair and shall be removed when the project is suspended for fourteen days or more and immediately upon completion of the project.

b. **Roofs and Drainage**

1. Roofs shall be maintained in good repair and free of trash, debris and other materials which are not a permanent part of the building or functional element. Roofs shall be completable with the surrounding roofs in architectural style and color.

2. Any false roof, mansard, or like roof element, or other auxiliary structure on the roof, shall be maintained in good repair and finished in a manner compatible with the exterior of the building.

3. The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls of interior portion of the structure. Roof water shall not be discharged in a manner that created a public nuisance.

**1337.01 OFFICE OF HOUSING INSPECTION.**

(a) There is hereby created the Office of Housing Inspection under the supervision of the Housing Inspector who shall be designated and appointed to exercise the powers and duties prescribed in the Housing Code and who shall have supervisory powers over the Assistant Housing Inspector(s) and any office support staff.

(b) There is hereby created the position of Assistant Housing Inspector whose number shall be determined by and who shall be appointed by the *[Board of Health]*. The Assistant Housing Inspector shall work under terms and conditions set forth by ordinance of Council. The Assistant Housing Inspector(s) shall work under the direction of the Housing Inspector and shall be designated and appointed to exercise the powers and duties prescribed in the Housing Code.

(c) There is hereby created the position of clerk for the purpose of housing inspection who shall be appointed by the Housing Inspector with the approval of the *[Board of Health]* and who shall work at the direction of the Housing Inspector. The clerk shall work under terms and conditions set forth by ordinance of Council.

#### **1337.02 HOUSING INSPECTOR.**

The Housing Inspector shall be appointed by the *[Board of Health.]*

#### **1337.03 ORGANIZATION.**

(a) The Housing Inspector shall direct the activities of the Office of Housing Inspection and shall be supplied with such assistance as may be necessary to administer and secure compliance with the provisions of the Housing Code.

(b) All personnel of the Office of Housing Inspection shall be qualified and appointed as prescribed by the regulations of this Municipality and shall be furnished with official badges and identification cards.

(c) No officer, agent or employee of the City shall render himself personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of their duties under this Housing Code. Any suit brought against any officer, agent or employee of the City as a result of any act required or permitted in the discharge of their duties under this Housing Code shall be defended by the Law Director or Assistant Law Director until the final determination of the proceedings therein.

#### **1337.04 POWERS AND DUTIES OF OFFICE OF HOUSING INSPECTION.**

(a) The Office of Housing Inspection shall be charged with the duty of administering the applicable housing standards and securing compliance therewith and shall be empowered to adopt rules and regulations necessary for securing such compliance and for its own organization and internal management, provided that such rules and regulations shall not be in conflict with the applicable housing standards.

(b) The Office of Housing Inspection shall be authorized to conduct surveys of housing in any area of this Municipality to determine the condition of premises, the extent of deterioration, the lack of facilities, inadequate maintenance, unsafe and insanitary conditions, the extent of overcrowding, land use and other relevant factors.

(c) It shall be the duty of the Housing Inspector to:

(1) Cause periodic inspections to be made not less than once every *[two years]*, of all premises within the scope of applicable housing standards;

(2) Cause an investigation of all complaints of alleged housing violations or other unsafe or insanitary conditions;

(3) Order in writing the remedying of all conditions found to exist in or on any premises in violation of provisions of the housing standards or of rules and regulations, adopted by the Office of Housing Inspection, to state in the violation order a reasonable time limit for compliance therewith, and where necessary, order the vacation of premises found unfit for human habitation.

(4) Request the Law Director, to take appropriate legal action in the name of the Office of Housing Inspection upon failure of the responsible party to comply with such violation order within the time specified therein.

(5) Cause a search of the Office of Housing Inspection records of housing violations existing on any premises and issue a certified statement thereof upon receipt of written request and payment of any fees required by local law or ordinance;

(6) Study housing conditions in this Municipality;

(7) Cooperate with other municipal, governmental, and private agencies engaged in the study and improvement of housing conditions; and

(8) Publish an annual report of housing conditions in the Municipality, accomplishments of the Office of Housing Inspection and recommendations for the future.

(d) Where violations of the housing standards exist and pose an immediate hazard or danger to the health, safety or welfare of building occupants or of the public, the Housing Inspector may issue an order citing the violation and directing such action by such municipal agency as is necessary to remove or abate the immediate hazard or danger. *[This includes but is not limited to, Part Thirteen- Building Code violations, Chapter 505-Animals and Fowl violations, Chapter 521-Health, Safety, and Sanitation violations, and Chapter 547-Weeds violations.]*

**See highlighted amendments to the following sections.**

#### **521.08 LITTERING AND DEPOSIT OF GARBAGE, RUBBISH, JUNK, ETC.**

(a) No person, regardless of intent, shall deposit litter or cause litter to be deposited on any public property, on private property not owned by the person, or in or on waters of the State, or Municipality, unless one of the following applies:

(1) The person is directed to do so by a public official as part of a litter collection drive;

(2) Except as provided in subsection (b) hereof, the person deposits the litter in a litter receptacle in a manner that prevents its being carried away by the elements;

(3) The person is issued a permit or license covering the litter pursuant to Ohio R. C. Chapter 3734 or 6111.

(b) No person, without privilege to do so, shall knowingly deposit litter, or cause it to be deposited, in a litter receptacle located on any public property or on any private property not owned by the person, unless one of the following applies:

(1) The litter was generated or located on the property on which the litter receptacle is located.

(2) The person is directed to do so by a public official as part of a litter collection drive.

(3) The person is directed to do so by a person whom the person reasonably believes to have the privilege to use the litter receptacle.

(4) The litter consists of any of the following:

A. The contents of a litter bag or container of a type and size customarily carried and used in a motor vehicle;

B. The contents of an ash tray of a type customarily installed or carried and used in a motor vehicle;

C. Beverage containers and food sacks, wrappings and containers of a type and in an amount that reasonably may be expected to be generated during routine commuting or business or recreational travel by a motor vehicle;

D. Beverage containers, food sacks, wrappings, containers and other materials of a type and in an amount that reasonably may be expected to be generated during a routine day by a person and deposited in a litter receptacle by a casual passerby.

(c) (1) As used in subsection (b)(1) hereof, "public property" includes any private property open to the public for the conduct of business, the provision of a service, or upon the payment of a fee but does not include any private property to which the public otherwise does not have a right of access.

(2) As used in subsection (b)(4) hereof, "casual passerby" means a person who does not have depositing litter in a litter receptacle as the person's primary reason for traveling to or by the property on which the litter receptacle is located.

(d) As used in this section:

(1) "Litter" ~~includes, but is not limited to,~~ garbage, trash, waste, rubbish, ashes, cans, bottles, wire, paper, cartons, boxes, automobile parts, furniture, glass or anything else of an unsightly or unsanitary nature.

(2) "Deposit" means to throw, drop, discard or place.

(3) "Litter receptacle" means a dumpster, trash can, trash bin, garbage can or similar container in which litter is deposited for removal.

(ORC 3767.32)

(e) No person shall cause or allow litter to be collected or remain in any place to the damage or prejudice of others or of the public, or unlawfully obstruct, impede, divert, corrupt or render unwholesome or impure, any natural watercourse.

(f) Whoever violates any provision of subsections (a) to (d) hereof, is guilty of a misdemeanor of the third degree. The sentencing court may, in addition to or in lieu of the penalty provided in this subsection require a person who violates subsections (a) to (d) hereof to remove litter from any public or private property, or in or on any waters.

(ORC 3767.99(C))

(g) Whoever violates subsection (e) hereof is guilty of a minor misdemeanor.

**547.01 MAXIMUM PERMISSIBLE HEIGHT OF GRASS.**

*(a) Vegetation, including but not limited to, grass, weeds, and noxious vines growing to a height of eight inches or higher upon any property in the City after the first day of May of each year are hereby declared to be a public nuisance. The failure of any property owner, lessee, agent, or tenant of land to cut such weeds after notice to do so by the Director of Public Service-Safety or the City Health Commissioner shall constitute the commission of a nuisance for which the owner of such property shall be liable.*

*(b) Whoever violates subsection (a) hereof is guilty of a misdemeanor of the fourth degree. (Ord. 30, 1999. Passed 6-7-99.)*

**547.02 CUTTING AND DESTRUCTION; NOTICE; REMEDY.**

*(a) Any person within the City who receives notice from the Director of Public Service-Safety or City Health Commissioner, or their respective designee, that noxious weeds are growing on lands owned by them within the City and are about to spread or mature seeds or have spread and matured seeds shall cause such weeds to be cut and destroyed within five days after service of such notice thereof. If such owner or other person having charge of such lands is a nonresident, such notice shall be sent to their last known address by certified mail; if the address of such owner is unknown, it shall be sufficient to publish such notice in a newspaper of such general circulation in the City.*

*(b) Any police officer, clerk or deputy clerk or Council or the Director of Public Service-Safety or City Health Commissioner or their respective designee may make service or return of the notice provided for in this section. If the owner, lessee, agent or tenant having charge of the lands herein fails to comply with such notice then ]*

(c) Whenever the Housing Inspector determines that there are reasonable grounds to believe that there has been a violation of any provision of this Housing Code, he shall give notice of such alleged violation to the person or persons responsible therefor, as hereinafter provided.

(1) Such notice shall:

- A. Be in writing;
- B. Include a statement of the reasons why it is being issued;
- C. Allow a reasonable time for the performance of any act it requires;

D. Be served upon the owner or their agent or the occupant, as the case may require. Such notice shall be deemed to be properly served upon such owner or agent, or upon such occupant, if a copy thereof is served upon him personally; or if a copy thereof is sent by registered mail to their last known address; or if a copy thereof is posted in a conspicuous place in or about the dwelling affected by the notice; or if he is served with such notice by any other method authorized or required under the laws of this State.

(2) Such notice may contain an outline of remedial action which, if taken, will effect compliance with the provisions of this Housing Code.

(l) The Office of Housing Inspection shall keep records of all complaints received, inspections made, and violations found regarding premises regulated by the housing standards. Records shall be kept in a manner and form as prescribed by local law and shall be available for public inspection.

### 1337.05 INSPECTION.

(a) The Housing Inspector is hereby authorized and directed to make inspections to determine the condition of dwellings, dwelling units, rooming houses, rooming units and premises located within the City in order that he may perform their duty of safeguarding the health and safety of the occupants of dwellings and of the general public. For the purpose of making such inspections and upon showing appropriate identification the Housing Inspector is hereby authorized to enter, examine and survey at any reasonable hour all dwellings, dwelling units, rooming houses, rooming units and premises. The owner or occupant of every dwelling, dwelling unit, rooming house or rooming unit or the person in charge thereof, shall give the Housing Inspector free access to such dwelling, dwelling unit, rooming house or rooming unit and its premises at any reasonable hour for the purpose of such inspection, examination, and survey.

(b) Every occupant of a dwelling shall give the owner thereof or their agent or employee access to any part of such dwelling or its premises at any reasonable hour for the purpose of making such repairs or alterations as are necessary to effect compliance with the provisions of this Housing Code or any lawful order issued pursuant to the provisions of this Housing Code.

*(c) Except where an emergency as defined in Section 1321.06 exists, the Health Officer, or their duly authorized representative, previous to conducting an inspection of any occupied dwelling, dwelling unit, rooming unit, or premises, shall obtain the consent of an occupant of same or the consent of another individual possessing like authority over, or such other relationship to, the premises or effects sought to be inspected.*

*(d) Except where an emergency as defined in Section 1321.06 exists, the Health Officer, or their duly authorized representative, previous to conducting an inspection of any unoccupied dwelling, dwelling unit, rooming unit or premises, shall obtain the consent of an owner of same or the consent of another individual possessing like authority over, or such other relationship to, the premises or effects sought to be inspected.*

*(e) Where no emergency as defined in Section 1321.06 exists, and where no consent is obtained, the Health Officer, or their duly authorized representative, shall inspect an occupied or unoccupied dwelling, dwelling unit, rooming unit or premises only after obtaining requisite legal authority through search warrant or otherwise.*

### 1337.06 ORDER TO VACATE.

Where a notice of violation and order to comply has been served pursuant to the provisions of this Housing Code and, upon reinspection at the end of the time specified for compliance and if no petition for a hearing has been filed, it is found that the violation or violations have not been remedied, the Housing Inspector may order the dwellings or parts thereof affected by the continued violations or if any dwelling or dwelling unit has been condemned and placarded as "Unfit for Human Habitation", [shall be vacated within the time limit ordered by the Housing Inspector or Health Official] and shall be vacated in accordance with the following procedure:

(a) Dwellings shall be vacated within a reasonable time as established by the Housing Inspector or Health Official.

(b) Vacated dwellings shall have all exterior doors firmly locked and basement, cellar and first story windows barred or boarded to prevent entry.

(c) If a dwelling or part thereof is not vacated within the time specified in such vacation order the Housing Inspector shall seek a court order in a court of competent jurisdiction for the vacation of such dwelling or part thereof.

(d) Reoccupancy Regulations. No dwelling or dwelling unit which has been condemned and placarded as unfit for human habitation shall again be used for habitation until written approval is secured from, and the placard is removed by, the Health Officer. The Health Officer shall remove the placard when the defect or defects upon which the condemnation and placarding action were based have been eliminated.

(e) Removal of Placard. No person shall deface or remove the placard from any dwelling or dwelling unit which has been condemned as unfit for human habitation except as provided in subsection (d) hereof.

(f) Requesting Hearing. Any person affected by any notice of an alleged violation under Title Five, may request a hearing, in writing, and shall be granted a hearing before the Board of Health, provided the request for such hearing is made within the 10 (ten) days of receiving notice.

The proceedings at such hearing, including the findings and decisions of the Board, are to be summarized, reduced to writing and entered as a matter of public record in the office of the Health Officer. Such record shall also include a copy of every notice or order issued in connection with the matter. Any person aggrieved by the decision of the Board may seek relief therefrom in any court of competent jurisdiction.

**1337.07 DANGEROUS DWELLINGS, DWELLINGS SUBJECT TO CONDEMNATION DEFINED.**

All dwellings or parts thereof which have any of the following defects shall be deemed dangerous dwellings and shall be condemned as unfit for human habitation.

- (a) Those whose interior or exterior bearing walls or other vertical structural members list, lean or buckle to such extent as to weaken the structural support it provides.
- (b) Those which, exclusive of the foundation, show *[significant]* damage or deterioration of the supporting member or members, or *[significant]* damage or deterioration of the non-supporting enclosing or outside walls or covering.
- (c) Those which have improperly distributed loads upon the floors or roofs or in which the same are overloaded, or which have insufficient strength to be reasonably safe for the purpose used.
- (d) Those which have been damaged by fire, wind or other causes so as to no longer provide shelter from the elements and have become dangerous to life, safety, morals or the general health and welfare of the occupants or the people of the City.
- (e) Those which have become or are so dilapidated, decayed, unsafe, unsanitary or vermin infested or which so utterly fail to provide the facilities essential to decent living and are likely to cause sickness or disease, or injury to the health, morals, safety or general welfare of those living therein or of the people at large.
- (f) Those lacking light, air and sanitation facilities as required by this Housing Code to protect the health, morals, safety or general welfare of human beings who live or may live therein.
- (g) Those lacking facilities required by this Housing Code for egress in case of fire or panic or those having insufficient stairways, elevators, fire escapes or other means of communication required herein.
- (h) Those which have parts thereof which are so attached that they may fall and injure occupants or the public or property.



### **1337.08 DECLARATION OF NUISANCE; ISSUANCE OF ORDERS.**

All dangerous dwellings/dwellings subject to condemnation or parts thereof, within the terms of Section 1337.07, are hereby declared to be public nuisances, and shall be vacated or repaired or demolished as hereinafter provided.

(a) If the dwelling is in such condition as to make it dangerous to the health, morals, safety or general welfare of its occupants it shall be ordered to be vacated and repaired or demolished.

(b) In any case where a dangerous dwelling is *[significantly]* damaged or decayed, or deteriorated from its original structure, it shall be ordered to be vacated and demolished, and in all cases where a building cannot be repaired so that it will no longer exist in violation of the terms of this Housing Code, it shall be ordered vacated and demolished.

(c) Dwellings ordered vacated shall be vacated in accordance with the provisions of Section 1337.06.

### **1337.09 PUBLIC NUISANCE; GENERAL.**

*A dwelling, dwelling unit or premises condemned as unfit for human habitation or use, or used in violation of the law, is hereby declared to be a public nuisance and shall be repaired, vacated or demolished as provided in this chapter.*

### **1337.10 ILLEGAL OCCUPANCY OF A PUBLIC NUISANCE.**

*No owner or other person shall occupy or let or permit to be occupied or let by another for occupancy any structure that has been declared to be a public nuisance without first applying for and obtaining the written consent of the Health Commissioner and/or Housing Inspector. Consent shall be given when any injunctions obtained against use or occupancy have been dissolved and when all parties have complied with all applicable requirements of this chapter.*

### **1337.11 SERVICE OF NOTICES.**

Whenever the *[Housing Inspector or Health Official]* determines that a dwelling meets the definition of *[Dangerous Dwelling and/or Public Nuisance]*, as defined in Sections 1337.07 and 1337.09, they shall:

(a) Affix to such dwelling or portion thereof, upon the door or entrance thereto, a placard on which shall be printed a declaration that such dwelling or portion thereof is unfit for human habitation and that it is ordered to be vacated. No person shall deface or remove the placard from any dwelling or part thereof which has been condemned as unfit for human habitation and placarded as such. The Housing Inspector shall remove such placard whenever the defect or defects upon which the condemnation and placarding action were based have been eliminated.

(b) Notify the owner, occupant, lessee, mortgagee and other persons having an interest in such building, as shown by the land records of the Recorder of Deeds of Columbiana County, of any building found by them to be a dangerous dwelling/public nuisance within the standards set forth in Sections 1337.07 and 1337.09 that:

(1) The owner must vacate and repair or demolish such building in accordance with the terms of the notice and this Housing Code;

(2) The occupant or lessee must vacate such building or, with the consent of the owner, may have it repaired in accordance with the notice and order and remain in possession;

(3) The mortgagee, or other persons having an interest in such building, as shown by the land records of the Recorder of Deeds of Columbiana County, may, at their own risk, vacate and repair or demolish such building or have such work or act done.

(c) Service of the notice shall be made in accordance with Section 1337.04(e) of this Housing Code.

### **1337.12 PENALTY.**

*See 1321.99 for penalty associated with violating a provision of Title Five for which there isn't a penalty set forth.*

### **1321.99 PENALTY.**

Any individual, firm, association or corporation who violates any of the provisions of this Housing Code, or any order or regulation made by the Housing Inspector herein, for which no other penalty is provided, is guilty of a misdemeanor of the second degree. No person shall be imprisoned for the first offense, and the prosecution shall always be as for a first offense unless the affidavit upon which the prosecution is instituted contains the allegation that the offense is a second or repeated offense.

### **1337A.01 RENTAL HOUSING LICENSE REQUIRED.**

All residential property within the City occupied by a party other than the owner as listed in the deed records of Columbiana County, Ohio, including boarding or rooming houses, (long term) rentals in motels, hotels, and bed and breakfast establishments shall require the issuance of a rental housing license from the Housing Inspector. Traditional motels, hotels and bed and breakfast establishments in compliance with the City Zoning Code are excluded from the necessity of obtaining a rental housing license.

(Ord. 58, 2006. Passed 11-6-06.)

### **1337A.02 RENTAL HOUSING LICENSES.**

(a) Any person or firm who rents or leases property to another person or firm for purposes of living quarters shall be required to purchase a permit for each rental unit with the Office of Housing Inspection specifying: the owner of the property, the address of the property, the type of structure (wood, brick, etc.) and the design of the structure (number of stories, multiple or single dwelling, etc.). For each license, the property owner shall pay an annual fee of *[sixty nine dollars (\$69.00) for 1-50 units and fifty nine dollars (\$59.00) for 51+ units and thereafter to be paid in accordance with 1337A.10.]*

(1) The license applicant shall have and maintain fire and casualty insurance coverage for each unit for the period that the license is in effect. Any lapse in coverage shall result in an automatic revocation of the license.

(2) Proof of fire and casualty insurance and/or certificates of insurance for each unit must be presented annually when the license fee is paid. The City of East Liverpool shall be listed as a certificate holder.

(b) No person or firm shall rent, or lease property to another person or firm without first obtaining an annual license as outlined in subsection (a) hereof.

(1) Whoever violates this section shall be guilty of an unclassified misdemeanor of the third degree and subject to a fine of up to five hundred dollars (\$500.00); and, if the offender was previously convicted of or plead guilty to a violation of this section, the violator is subject to a fine of up to five hundred dollars (\$500.00) and/or a jail term of up to sixty days.

(2) Notwithstanding any other section of this Code, failure to renew a rental property license is a minor misdemeanor.

(Ord. 28, 2012. Passed 6-4-12.)

### 1337A.03 APPLICATION.

To obtain a rental property license, the owner of property occupied by a party other than the owner shall apply to the office of the Housing Inspector. Property owners are required to make application for a rental property license within thirty days after the effective date of this code. The Office of Housing shall maintain application and inspection forms and require the submission of such information as deemed necessary to properly administer and implement the provisions of this code. An application must be completed for each unit. A rental property license *[may]* be issued by the Housing Inspector if, upon inspection of the property, it is determined that the property meets the requirements of applicable City codes.

(Ord. 58, 2006. Passed 11-6-06.)

- (a) New applicants shall provide any and all documentation as required in this code, as well as a fee of \$25 (twenty-five dollars) for initial application and processing at the time of application.*
- (b) At the time of application, an inspection, as outlined in this Code Section, shall be scheduled, and completed. Failure to schedule an inspection at the time of application, will result in the denial of application.*
- (c) Upon receiving written confirmation from a Housing Inspector or Health Official that the dwelling unit meets the requirements set forth in this code and any and all remaining fees associated shall be paid and a Rental Property License shall be issued in accordance with Section 1337A.02.*

### 1337A.04 INSPECTION.

As soon as practicable after receiving an application for a rental housing license, the Housing Inspector shall cause an inspection of the property to be made. The property owner or agent shall provide the Housing Inspector with full and complete access to the premises provided the Housing Inspector has given the owner/agent forty-eight hours advance notice. In the event the premises is occupied by a tenant, the property owner or agent shall provide the tenant with notice of the inspection at least twenty-four hours in advance of such inspection. After inspection, the Housing Inspector shall notify the property owner of approval of the application for a rental housing license, or if approval of the application is denied, of what City code violations must be corrected. *[The property owner shall correct the violations within thirty days of the date of the notice and notify the Housing Inspector when the violations have been corrected so that he or she may cause a re-inspection. An additional fee of thirty dollars (\$30) per unit shall be paid for each inspection resulting from noncompliance upon initial inspection.]* Notice to owner/agent and tenants in advance of the re-inspection shall be provided in the same manner notice of the original inspection was provided. The Housing Inspector shall deny issuance of a rental housing license to any owner whose property does not comply with this code. *[Where the Housing Inspector determines progress is being made toward the completion of the correction of code violations and the property owner requests additional time to make repairs, the Housing Inspector may grant an extension of time as he may determine reasonable and necessary to*

*complete the required work. All requests for time extensions should be made in writing no less than five (5) days prior to the original time expiring.]* It shall be unlawful for any property owner or agent to fail to provide the Housing Inspector with access to the premises to complete an inspection or reinspection, or for residential property to be occupied by a party other than the owner unless an application for a rental housing license has been made and a permit issued. Any rental housing license issued under the terms of this code may be revoked at any time by the Housing Inspector upon satisfactory proof of a violation of any provision of applicable City codes which would have been grounds for denial of an original application for a permit.

#### **1337A.05 INSPECTION CRITERIA.**

The inspection criteria for rental property in the City shall be as follows:

(a) Exterior. The exterior property maintenance standards shall be the same for rental and non-rental properties except as noted below. *[Please see 1325.02 and 1331.03 for further guidance.]*

(b) Electrical. Provide a letter from a certified electrician that electrical components meet prevailing codes or meet the following:

(1) The electrical system shall include at a minimum a properly grounded or 100 amp power panel with properly sized breakers.

(2) No loose, frayed or improperly connected wires.

(3) At least 1 outlet and one ceiling fixture or 2 outlets per room except the kitchen which requires an additional 3 prong outlet for the refrigerator.

*(4) [All outlets must be properly GFI protected within 6 feet of a water source.]*

(c) Plumbing.

(1) All drains shall have a trap.

(2) Hot water heaters shall be sound with a combination temperature/pressure relief valve with an overflow pipe extending to within 6 inches of the floor.

(3) Water lines should be properly supported and not corroded, deteriorated or leaking.

(4) Toilets shall operate properly.

(5) The kitchen and the bathroom(s) shall have a permanent sink(s) with faucets that have hot and cold running water and a working drain. The bathroom sink can be located separate from the bathroom facilities.

(6) There shall be at least one fully functional toilet, and bathtub or shower.

(d) Walls/Floors/Ceilings/Interior Woodwork.

- (1) No large holes or cracks.
- (2) No unsound wall or ceiling surfaces.
- (3) Any interior paint in good condition.
- (4) No unsafe or missing floorboards.
- (5) Floors shall be structurally sound.

(e) Windows and Doors.

- (1) At least one properly operating window with a screen in which the window moves safely for each room which is part of the living space or other appropriate venting system.
- (2) All windows shall have working locking mechanisms.
- (3) Windows which do not operate shall be secured shut.
- (4) No windows in the living space or attic shall be boarded up.
- (5) Windows and doors shall fit properly, have no broken panes and be structurally sound.
- (6) Doors accessible from the outside shall be secure and lockable.

(f) Heating. Furnace/boiler shall be in proper working condition with approved safety features and adequate to maintain a minimum temperature of 60° F in all living spaces at all times.

(g) Other.

- (1) The foundation shall be structurally sound and free of holes and large cracks.
- (2) Stairs and railings shall be sound.
- (3) Operating smoke detectors on each floor.
- (4) Adequate, secure garbage storage and disposal space available.
- (5) Common spaces must be kept clear of debris, be structurally sound and have adequate lighting.
- (6) Each unit shall have a fire exit.
- (7) Any gutters or downspouts shall be sound and provide proper drainage.
- (8) Roof and exterior walls shall be sound and without obvious defects.
- (9) Property sidewalks shall be safe and reasonably level.
- (10) The stove and refrigerator, if present, shall work properly.
- (11) Porches shall be sound, without holes or deterioration.

(12) The residents shall be responsible for trash, debris and general cleanliness of the unit and associated areas.

(13) Railings shall be required for more than 3 steps.

(Ord. 58, 2006. Passed 11-6-06.)

#### **1337A.06 HUD APPROVAL. (REPEALED)**

EDITOR'S NOTE: Former Section 1337A.05 was repealed by Ordinance 58-2010.

#### **1337A.07 MAXIMUM OCCUPANCY.**

The rental housing license shall state the maximum number of persons who may occupy the property as determined by applicable city codes.

(Ord. 58, 2006. Passed 11-6-06.)

#### **1337A.08 AUTHORIZED AGENT.**

(a) No application for a rental housing license shall be received and no rental housing license issued unless the applicant designates either himself or an agent over the age of eighteen for the receipt of notices pursuant to this code. The name, address and telephone number of such owner or agent shall be provided on the application for a rental housing license. Service upon the agent shall be deemed the equivalent of service upon the property owner.

(b) A property owner may change the designated agent by notifying the Housing Inspector in writing of the name, address and telephone number of the person to replace the previous agent, which shall be effective upon receipt by the Housing Inspector. Any notice dispatched to the previous agent prior to receipt by the Housing Inspector of such notice of change of agent shall be deemed effective service.

(c) An agent may terminate their relationship with the property owner by simultaneously transmitting written notices of their intention to do so to the property owner and the Housing Inspector. The termination shall become effective fourteen days after receipt of such notice by the Housing Inspector. Any notice dispatched to said agent during such fourteen-day period, and prior to appointment of a replacement, as herein provided, shall be deemed effective service.

(d) No agent shall fail or refuse to accept service of a notice or process during the term of their agency. (Ord. 58, 2006. Passed 11-6-06.)

#### **1337A.09 CHANGE OF OWNERSHIP.**

Any person selling or otherwise relinquishing ownership control of a property for which a rental housing license has been issued shall notify the Housing Inspector of said change in ownership within five days of the effective date of the transfer. Such notice shall be in writing and shall include: the property address and the name, address and telephone number of the previous owner. No rental housing license shall be transferred or assigned to any property

owner, or to any dwelling, boarding or rooming unit, other than to whom and for which it was issued. New owners must make application for a rental housing license in accordance with the provisions of this code.

(Ord. 58, 2006. Passed 11-6-06.)

#### **1337A.10 EXPIRATION AND RENEWALS.**

Every rental housing license shall expire on the last day of the month according to the first letter of the owner's last name or the first letter of the owner's business name, at which time renewal of the permit shall be required in the same manner and following the same procedures under which the original permit was approved. The rental license fee shall be pro-rated for new issuances of rental licenses. The proration formula shall be the total cost divided by 12 to calculate the monthly fee. The expiration schedule is as follows: January-A-B, February-C, March-D, April-E-F, May-G-H, June-I-L, July-M, August-N-P, September-R, October-S, November-T-V, December-W-Z.

Should the rental housing license holder fail to timely renew the rental housing license, a late penalty of \$5.00 per day shall be assessed each and every day until the rental housing license is renewed and shall be paid in full in order to renew the rental housing license. Timely renewal of the rental housing license shall be defined as the renewal of the original before it expires.

#### ***[1337A.11 REVOCATION AND REINSTATEMENT.]***

When an existing rental housing license has been revoked and the property owner or agent notifies the Housing Inspector that all City code violations have been corrected *[and paid the required thirty-dollar (\$30.00) inspection fee, if applicable.]* then the Housing Inspector shall inspect the premises and if *[he or she]* determines that the code violations have been corrected, they may authorize the reinstatement of the rental housing license for the remaining duration of the permit. If after inspection, the Housing Inspector determines that all City code violations have not been corrected, then the revocation of the rental housing license shall remain in effect.

(Ord. 58, 2006. Passed 11-6-06.)

#### **1337A.12 APPEALS.**

Any property owner or agent directly affected by a decision of the Housing Inspector which results in the denial of the issuance of a rental housing license, or the revocation of a rental housing license shall be permitted to file with the Housing Inspector, an appeal in writing to the *[Board of Health]* within 10 (ten) days of receiving the notice. An application for an appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means.



**1337A.13 HOUSING BOARD OF APPEALS.**

*(a) Creation. The members of the Board of Health shall act as a Housing Board of Appeals*

**1337A.14 REAL ESTATE TAXES.**

No rental housing license shall be issued, allowed to be maintained, or renewed unless the real estate taxes for the rental property are paid current.

**1337A.15 NEGOTIATING POWER.**

*The City Health Commissioner &/or Housing Inspector may abate &/or negotiate late fees associated with the renewal of a rental housing license.*

**1337A.16 ALLOCATION OF FUNDS.**

*All fines for citations, non-compliance inspection fees, late fees, and 50% (fifty percent) of rental license fees collected in accordance with this Chapter shall be deposited in addition to the established budget of the General Fund of the East Liverpool City Health District and earmarked for use by the Housing Department for purposes consistent with this chapter, with the exception of court costs which will be deposited as required by law.*

**1337A.99 VIOLATIONS; PENALTY.**

Any property owner or agent who shall violate a provision of this code, or fail to comply therewith, or with any requirement thereof, or with any notice or order issued pursuant to this code, shall be deemed guilty of a misdemeanor of the fourth degree. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

(Ord. 58, 2006. Passed 11-6-06.)