

ORDINANCE NO. 33-84  
CITY OF CENTERVILLE, OHIO

Sponsored by Councilman Brookes Compton on the 19th day of November, 1984.

AN ORDINANCE ESTABLISHING MINIMUM STANDARDS GOVERNING THE CONDITION, MAINTENANCE AND REHABILITATION OF ALL EXISTING STRUCTURES; ESTABLISHING MINIMUM STANDARDS GOVERNING SUPPLIED UTILITIES AND FACILITIES AND OTHER PHYSICAL THINGS AND CONDITIONS ESSENTIAL TO INSURE THAT STRUCTURES ARE SAFE, SANITARY AND FIT FOR OCCUPATION AND USE; ESTABLISHING MINIMUM STANDARDS GOVERNING THE CONDITION OF DWELLINGS OFFERED FOR RENT; FIXING CERTAIN RESPONSIBILITIES AND DUTIES OF OWNERS AND OCCUPANTS OF STRUCTURES, AND THE CONDEMNATION OF STRUCTURES UNFIT FOR HUMAN HABITATION AND THE DEMOLITION OF SUCH STRUCTURES; AND FIXING PENALTIES FOR VIOLATION.

THE MUNICIPALITY OF CENTERVILLE HEREBY ORDAINS:

Section 1. Adoption of Existing Structures Code

ARTICLE 1. Definitions

Section ES-000.0 General

ES-000.1 Scope: Unless otherwise expressly stated, the following terms shall, for the purpose of this code, have the meanings indicated in this article.

ES-000.2 Interchangeability: Words used in the present tense include the future; words in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural the singular.

ES-000.3 Terms defined in other codes: Where terms are not defined in this article and are defined in the building, plumbing or mechanical codes, they shall have the same meanings ascribed to them as in those codes.

ES-000.4 Terms not defined: Where terms are not defined, through the methods authorized by this section, they shall have their ordinarily accepted meanings such as the context may imply.

Section ES-001.0 Applied Meaning of Words and Terms

Approved: Approved, as applied to a material, device, or method of construction, shall mean approved by an authority designated by law to give approval in the matter in question.

Basement: That portion of a building which is partly or completely below grade.

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.

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.

Code official: The City Manager or his authorized representative who is charged with the administration and enforcement of this code.

Condemn: To adjudge unfit for use or occupancy.

Dwellings:

Boarding house: A building arranged or used for lodging, with or without meals, for compensation and not occupied as a single family unit.

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

Hotel: Any building containing six (6) or more guest rooms intended or designed to be used, or which are used, rented or hired out to be occupied, or which are occupied for sleeping purposes by guests.\*

Multi-family apartment house: A building or portion thereof containing more than two (2) dwelling units and not classified as a one- (1) or two- (2) family dwelling.\*

One-family dwelling: A building containing one (1) dwelling unit with not more than five (5) lodgers or boarders.\*

Two-family dwellings: A building containing two (2) dwelling units with not more than five (5) lodgers or boarders per family.\*

Dwelling unit: A single unit providing complete, independent living facilities for one (1) or more persons including permanent provisions for living, sleeping, eating, cooking and sanitation.

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: An individual or married couple and the children thereof with not more than two (2) other persons related directly to the individual or married couple by blood or marriage; or a group of not more than five (5) unrelated (excluding servants) persons, living together as a single housekeeping unit in a dwelling unit.

Garbage: The animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food.

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

Hotel: See "Dwellings".

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

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\*Whenever the words "dwelling unit", "multi-family dwelling", "premises", "residential building", "rooming house", or "rooming unit", are used in this code, they shall be construed as though they were followed by the words, "or any part thereof".

Junk vehicle: Any vehicle which is without a currently valid license plate or plates and is in either a rusted, wrecked, discharged, dismantled, partly dismantled, inoperative, or abandoned condition. A junk vehicle shall be classified as to its condition in one of the two following categories:

1. Restorable: A junk vehicle that is in a condition whereby repairs to same could be made to place it in operating condition without exceeding the estimated value when repaired.
2. Wreck: A junk vehicle in such condition that it is economically unsound to restore same to operating condition considering the repairs to be made, age of the vehicle, market value of the vehicle if it were restored, or in such condition that the public officer determines that it warrants such classification.

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

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: Acts of repair and other acts to prevent a decline in the condition of grounds, structures, and equipment; such that the condition does not fall below the standards established by this code and other applicable statutes, codes and ordinances.

Motel: A hotel as defined in this code.

Occupant: Any person (including domestic service employees) living and/or sleeping in a dwelling unit or having possession of a space within a building.

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

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

Person: Includes a corporation or co-partnership as well as an individual.

Plumbing: The practice, materials, and fixtures used in the installation, maintenance, extension and alteration of all piping, fixtures, appliances, and appurtenances within the scope of the plumbing code.

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.\*

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\*Whenever the words "dwelling unit", "multi-family dwelling", "premises", "residential building", "rooming house", or "rooming unit", are used in this code, they shall be construed as though they were followed by the words, "or any part thereof".

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 has unsanitary sewerage or plumbing facilities; or
4. Any premises designated as unsafe for human habitation or use; or
5. Any premises which is 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 is unsanitary, or which is littered with rubbish or garbage, or which has 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 any cause to the extent as not to provide shelter, in danger of collapse or failure and dangerous to anyone on or near the premises.

Residential building: A building in which sleeping accommodations or sleeping accommodations and cooking facilities as a unit are provided; except when classified as an institution under the building code.

Rooming house: Any residential building, or any part thereof, containing one (1) or more rooming units, in which space is let by the owner or operator to more than five (5) persons who are not members of the family (see "Dwellings, boarding house").

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

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

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

Ventilation: The process of supplying and removing air by natural or mechanical means to or from any space.

Mechanical: Ventilation by power-driven devices.

Natural: Ventilation by opening to outer air through windows, skylights, doors, louvers, or stacks without wind-driven devices.

Workmanlike: When 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.

## ARTICLE 2. Administration and Enforcement

### Section ES-100.0 General

ES-100.1 Title: These regulations shall be known as the Existing Structures Code of the City of Centerville hereinafter referred to as the existing structures code or "this code".

ES-100.2 Scope: This code is to protect the public health, safety, and welfare in all existing structures, residential and nonresidential, and on all existing premises as hereinafter provided, by:

1. Establishing minimum maintenance standards for all structures and premises for basic equipment and facilities for light, ventilation, space heating and sanitation; for safety from fire; for space, use and location; and for safe and sanitary maintenance of all structures and premises now in existence;
2. Providing for rehabilitation and reuse of existing structures and allowing differences between the application of the code requirements to new construction and the application of the code requirements to alterations and repairs;
3. Fixing the responsibilities of owners, operators and occupants of all structures; and
4. Providing for administration, enforcement and penalties.

ES-100.3 Intent: This code shall be construed liberally and justly to insure public health, safety and welfare insofar as they are affected by the continued use and maintenance of structures and premises.

ES-100.4 Other regulations: The provisions in this code shall not be construed to prevent the enforcement of other ordinances or regulations which prescribe standards other than are provided herein.

ES-100.5 Application of other codes: Any repairs or alterations to a structure, or changes of use therein, which may be caused directly or indirectly by the enforcement of this code shall be done in accordance with the procedures and provisions of the building code, plumbing code and mechanical code.

ES-100.6 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.

ES-100.7 Workmanship: All repairs, maintenance work, alterations or installations which are required for compliance with this code shall be executed and installed in a workmanlike and acceptable manner so as to secure the results intended by this code.

### Section ES-101.0 Validity

ES-101.1 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.

ES-101.2 Saving clause: This code shall not affect violations of any other ordinance, code or regulation existing prior to the effective date hereof, and any such violation shall be governed and shall continue to be punishable to the full extent of the law under the provisions of those ordinances, codes or regulations in effect at the time the violation was committed.

## Section ES-102.0 Existing Structures

ES-102.1 Alterations or repairs: Alterations or repairs, other than increasing the height or area of a structure, may be made to any structure without requiring the existing structure to comply with all the requirements of the code for new construction provided such work conforms to that required by this code. Alterations or repairs shall not cause an existing structure to become unsafe or adversely affect the performance of the building.

Alterations or repairs to an existing structure which are non-structural, and do not adversely affect any structural member or any part of the structure having a required fire-resistance rating, may be made with the same materials of which the structure is constructed.

Anything to the contrary herein notwithstanding, this code shall not require the alteration of a lawful structure, existing at the effective date of adoption or amendment of this code, that could not be built under the terms of this code. Such a lawfully non-conforming structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. No such non-conforming structure may be enlarged or altered in a way which increases its non-conformity, but any structure or portion thereof may be altered to decrease its non-conformity.
2. Should such non-conforming structure or non-conforming portion of structure be destroyed by any means to an extent of more than fifty(50) percent of its replacement cost at time of destruction, it shall not be reconstructed except in conformity with the provisions of this code.
3. Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations of this code.

ES-102.2 Other ordinances: 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.

## Section ES-103.0 Establishment of the Centerville Property Review Commission (CPRC)

ES-103.1 Creation: In order to execute the purposes declared in this ordinance, there is hereby created a commission to be called the Centerville Property Review Commission (CPRC).

ES-103.2 Number of members: The CPRC shall consist of seven (7) members appointed by City Council.

ES-103.3 Residency: All members of the CPRC shall be residents of the City of Centerville.

ES-103.4 Term of office: The term of office for each member of the CPRC shall be three (3) years, except in the appointment of the first Commission. The first Commission appointed by City Council shall have the following terms:

The first three (3) members appointed shall have terms of three (3) years; the terms of the next two (2) members appointed shall be two (2) years; and the next two (2) members shall be appointed to a one (1) year term on the Commission.

ES-103.5 Compensation: Members of the CPRC shall serve without compensation.

ES-103.6 Vacancies: City Council shall appoint a new member to fill the unexpired term of any CPRC member whose place has become vacant.

ES-103.7 Removal from office: City Council shall have the power to remove any member of the CPRC from office for just cause.

ES-103.8 Officers: A chairperson shall be appointed by City Council from the members of the CPRC. A vice-chairperson and secretary shall be elected by the CPRC from their own members.

ES-103.9 Terms of officers: A chairperson, vice-chairperson, and secretary shall serve a one (1) year term of office.

ES-103.10 Meetings: The members of the CPRC shall hold as many meetings as may be necessary to carry out their duties.

ES-103.11 Quorum: Four (4) members of the CPRC shall constitute a quorum for the transaction of business.

ES-103.12 Minutes of the meetings: The CPRC shall keep or cause to be kept a record, which shall be open to the public, or its resolutions, proceedings, substantive arguments, and actions.

ES-103.13 Public meetings: All meetings of the CPRC shall be open to the public. Persons attending a meeting of the CPRC shall be given the opportunity to speak for or against any case before the CPRC.

ES-103.14 Conflicts of interest: No member of the CPRC shall vote or participate in the discussion of any question before the CPRC in which he or she has a personal or pecuniary interest. All members of the CPRC are subject to the City of Centerville Code of Ethics.

ES-103.15 Additional rules of procedure: The CPRC shall adopt additional rules of procedure as it deems necessary to conduct their business.

ES-103.16 Review suspected violations of Article 3 of this code: The CPRC should review all suspected violations of Article 3, Environmental Requirements of this code and submit a written recommendation to the code official.

ES-103.17 Review violation orders where prosecution is requested: When the code official requests prosecution of a violation order, the CPRC shall review that violation order. If the code official finds that an emergency exists under the provisions of this code, he may request prosecution of that violation order without the review of that violation order by the CPRC. However, the code official shall notify the CPRC of the emergency action taken.

ES-103.18 Hear appeals: The CPRC shall serve as the Code Appeals Board.

ES-103.19 Hiring of a consultant: The CPRC, with the approval of the City Manager or the City Council, may in special instances temporarily retain the services of a consultant to assist the CPRC in performing its duties.

ES-103.20 Additional powers: The CPRC shall have all additional powers granted by the City Council.

ES-103.21 Staff assistance to the CPRC: The City Manager shall appoint staff member(s) as necessary to assist the CPRC.

ES-103.22 Appeals to the City Council: Any person, firm or corporation, or any officer, department, board or agency of the Municipality, or any interested elector of the Municipality who has been aggrieved or affected by any decision of the CPRC may appeal from such decision to the City Council by filing notice of intent to appeal within five (5) days and filing a petition with the Clerk of Council within fifteen (15) days from the date of the decision and setting forth the facts of the case. The Clerk of Council shall immediately inform the City Manager of receipt of such notice and petition.

The Council shall hold a public hearing on such appeal not later than forty-five (45) days after such appeal has been filed with its Clerk. A simple majority of the Council membership shall affirm, reverse or modify the decision appealed from and their decision shall be final. In the event of an appeal to the City Council, all orders of the code official or the CPRC pertaining to that appeal shall be stayed pending a decision by the City Council.

## Section ES-104.0 Enforcement Authority

ES-104.1 Officer: It shall be the duty and responsibility of the code official to enforce the provisions of this code as herein provided.

ES-104.2 Official records: An official record shall be kept of all business and activities of the department specified in the provisions of this code, and all such records shall be open to public inspection at all appropriate times and under reasonable regulations established by the code official to maintain the integrity and security of such records.

## Section ES-105.0 Duties and Powers of the Code Official

ES-105.1 General: The code official shall enforce all the provisions of this code except as may otherwise be specifically provided for by other regulations.

ES-105.2 Notices and orders: The code official shall issue all necessary notices and orders to abate illegal or unsafe conditions to insure compliance with this code's requirements for the safety, health, and general welfare of the public.

ES-105.3 Nonconforming conditions: If additional nonconforming conditions are encountered during the course of any approved alteration or repair which were not considered or known initially, the code official shall have the authority to require compliance with this code of such additional conditions. The determination of what may be necessary to bring such conditions into compliance shall take into consideration the use of alternatives and equivalent approaches as provided for in this code. The code official shall have the authority to approve construction changes in the field when conditions are encountered which make the originally approved work impractical, provided such changes in approved work can be readily determined to be in compliance with this code and are requested by the owner or the owner's agent prior to such construction changes. Such changes shall be specifically documented by the owner or the owner's agent describing the change in work and the reasons and justification for the change, and shall be filed with the permit for the project.

ES-105.3.1 Right of entry: If any owner, occupant, or other person in charge of a structure subject to the provisions of this code refuses, impedes, inhibits, interferes with, restricts, or obstructs entry and free access to any part of the structure or premises where inspection authorized by this code is sought, the administrative authority may seek, in a court of competent jurisdiction, an order that such owner, occupant or other person in charge cease and desist with such interference.

ES-105.3.2 Access by owner or operator: Every occupant of a structure or premises shall give the owner or operator thereof, or agent or employee, access to any part of such structure or its premises at reasonable times for the purpose of making such inspection, maintenance, repairs, or alterations as are necessary to comply with the provisions of this code.

ES-105.4 Credentials: The code official or the code official's authorized representative shall disclose proper credentials of their respective office for the purpose of inspecting any and all buildings and premises in the performance of duties under this code.

ES-105.5 Coordination of enforcement: Inspection of premises, the issuance of notices and orders and enforcement thereof shall be the responsibility of code officials so charged by the jurisdiction. Whenever, in the opinion of a code official initiating an inspection under this code, it is deemed necessary or desirable to have inspections by any other department, the code official shall make reasonable effort to arrange for the coordination of such inspections so as to minimize the number of visits by inspectors, and to confer with the other departments for the purpose of eliminating conflicting orders before any are issued. A department shall not, however, delay the issuance of any emergency orders which it determines must be issued.



ES-105.6 Rule making authority: The code official shall have power as may be necessary in the interest of public safety, health and general welfare, to adopt and promulgate rules and regulations to implement the provisions of this code.

#### Section ES-106.0 Condemnation

ES-106.1 General: When a structure or part thereof is found by the code official to be unsafe, or when a structure or part thereof is found unfit for human occupancy or use, or is found unlawful, it may be condemned pursuant to the provisions of this code and may be placarded and vacated. It shall not be reoccupied without approval of the code official. Unsafe equipment may be placarded and placed out of service.

ES-106.1.1 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 by not providing minimum safeguards for protection from fire or because it is so damaged, decayed, dilapidated, structurally unsafe, or of such faulty construction or unstable foundation that it is likely to partially or completely collapse.

ES-106.1.2 Unsafe equipment: Unsafe equipment includes any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers or other equipment on the premises or within the structure which is in such disrepair or condition that 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.

ES-106.1.3 Structure 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.

ES-106.1.4 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.

ES-106.2 Closing of vacant structures: If the structure or part thereof is vacant and unfit for human habitation, occupancy or use and is not in danger of structural collapse, the code official may post a placard of condemnation on the premises and may order the structure closed up so it will not be an attractive nuisance to youngsters. Upon failure of the owner to close up the premises within the time specified in the order, the code official shall cause it to be closed and the cost thereof shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

#### Section ES-107.0 Notices and Orders

ES-107.1 Informal resolution of violations: The code official may at his discretion attempt to informally resolve violations or suspected violations of this code without issuing the notices and orders in the manner prescribed below. The code official shall be encouraged to utilize this procedure to the extent practical to achieve compliance with this code.

ES-107.1.1 Formal resolution of violations: When the code official is unsuccessful in achieving compliance with this code using the informal procedure prescribed above, or at his discretion does not utilize the informal procedure described above, then the code official shall utilize the following formal procedure to resolve a violation or suspected violation of this code.

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 this code, notice shall be given to the owner or the person or persons responsible therefore 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.

To assist the code official in the enforcement of the provisions of Article 3, Environmental Requirements of this code, the code official shall refer all suspected violations of this article of the code to the Centerville Property Review Commission (CPRC) for its review and recommendation. No violation notice shall be issued by the code official unless he receives a written recommendation from the CPRC indicating that corrective measures are required to protect adjoining or neighboring properties from blighting influences. If the code official finds that an emergency exists under the provisions of this code, he shall be exempt from the above referral provision to the CPRC, however, he shall notify the CPRC of any such action taken.

ES-107.2 Form: Such notice prescribed above shall:

1. Be in writing;
2. Include a description of the real estate sufficient for identification;
3. Include a statement of the reason or reasons why it is being issued;
4. Include a correction order allowing a reasonable time for the repairs and improvements required to bring the dwelling unit or structure into compliance with the provisions of this code; and
5. Include an explanation of the owner's right to seek modification or withdrawal of the notice by petition to an appeals board or appropriate review board.

ES-107.3 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 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 (1) publication of such notice in a local newspaper of general circulation.

ES-107.3.1 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. Owners or persons responsible for compliance must vacate at the time set for correction of defects if there is failure of compliance.

ES-107.4 Penalties: Penalties for noncompliance with orders and notices shall be subject to the penalties set forth in this code.

ES-107.5 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 the property 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.

#### Section ES-108.0 Placarding

ES-108.1 Placarding of structure: After the condemnation notice required under the provisions of this code has resulted in an order by virtue of failure to comply within the time given, the code official may post on the premises or structure or parts thereof, or on defective equipment, a placard bearing the words: *Condemned as unfit for human occupancy or use*, and a statement of the penalties provided for any occupancy or use or for removing the placard. The owner or the person or persons responsible for the correction of violations shall have removed themselves from the property on failure to comply with the correction order in the time specified, but other occupants shall be given a reasonable time thereafter to vacate.

ES-108.2 Prohibited use: Any person who shall occupy a placarded premises or structure or part thereof, or shall use placarded equipment, and any owner or any person responsible for the premises who shall let anyone occupy a placarded premises shall be liable for the penalties provided by this code.

ES-108.3 Removal of placard: The code official shall remove the condemnation placard whenever the defect or defects upon which the condemnation and placarding action were based have been eliminated. Any person who defaces or removes a condemnation placard without the approval of the code official shall be subject to the penalties provided by this code.

#### Section ES-109.0 Emergency Orders

ES-109.1 General: Whenever a code official finds that an emergency exists on any premises, or in any structure or part thereof, or on any defective equipment which requires immediate action to protect the public's health and safety or that of the occupants thereof, the code official may, with proper notice and service in accordance with the provisions of this code, issue an order reciting the existence of such an emergency and requiring the vacating of the premises or such action taken as the code official deems necessary to meet such emergency. Notwithstanding other provisions of this code, such order shall be effective immediately, and the premises or equipment involved shall be placarded immediately upon service of the order.

ES-109.2 Hearing: Any person to whom such order is directed shall comply therewith. They may thereafter, upon petition directed to the appeals board, be afforded a hearing as prescribed in this code. Depending upon the findings of the board at such hearing as to whether the provisions of this code and the rules and regulations adopted pursuant thereto have been complied with, the board shall continue such order or modify or revoke it.

#### Section ES-110.0 Violations

ES-110.1 Unlawful acts: It shall be unlawful for any person, firm or corporation to erect, construct, alter, extend, repair, remove, demolish, use or occupy any structure or equipment regulated by this code, or cause same to be done, contrary to or in conflict with or in violation of any of the provisions of this code.

ES-110.2 Penalty: Violation of the provisions of this ordinance or failure to comply with any of its requirements shall constitute a misdemeanor of the fourth (4th) degree. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the City of Centerville from taking such other lawful action as necessary to prevent or remedy any violation.

ES-110.3 Prosecution: In case any violation order is not promptly complied with, the code official may request the jurisdiction's legal representative to institute an appropriate action or proceeding at law to exact the penalty provided in this code. Also, the code official may ask the legal representative to proceed at law or in equity against the person responsible for the violation for the purpose of ordering that person:

1. To restrain, correct or remove the violation or refrain from any further execution of work;
2. To restrain or correct the erection, installation, or alteration of such structure;
3. To require the removal of work in violation; or
4. To prevent the occupation or use of the structure or part thereof erected, constructed, installed or altered in violation of, or not in compliance with, the provisions of this code, or in violation of a plan or specification under which an approval, permit or certificate was issued.

Before the code official requests prosecution of a suspected violation of this code, he shall first refer the suspected violation to the Centerville Property Review Commission (CPRC) for its review and recommendation. The code official shall receive a written recommendation from the CPRC to proceed with prosecution before he may do so. If the code official finds that an emergency exists under the provisions of this code, he shall be exempt from the above referral provision to the CPRC.

## Section ES-111.0 Right to Appeal

ES-111.1 Appeals board: In order to implement the provisions of this code equitably, there shall be and is hereby created a Code Appeals Board, hereafter referred to as the board. The Centerville Property Review Commission (CPRC) shall serve as the Code Appeals Board.

ES-111.2 Petition: Any person affected by any notice which has been issued in connection with the enforcement of any provision of this code, or of any rule or regulation adopted pursuant thereto, may request and shall be granted a hearing on the matter before the board; provided that such person shall file, in the office of the board, a written petition requesting such hearing and containing a statement of the grounds therefor within twenty (20) days after the day the notice was served.

ES-111.2.1 Vote: The board shall hear all appeals relative to the enforcement of this code, and by a concurring vote of the majority of its members may reverse or affirm wholly or partly, or may modify, the decision appealed from, and shall make such order or determination as in its opinion ought to be made. Failure to secure such concurring votes shall be deemed a confirmation of the decision of the code official.

ES-111.2.2 Conflict of interest: A member of the board shall not participate in any hearings or vote on any appeal in which that member has a direct or indirect financial interest, or is engaged as a contractor, or is engaged in the preparation of plans and specifications, or in which that member has any personal interest.

ES-111.3 Records: The board shall keep or cause to be kept a record of each meeting so that the record shows clearly the basis for each decision made by the board.

## Section ES-112.0 Demolition

ES-112.1 General: The code official 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 without completion of any structure for a period of more than two (2) years, to raze and remove such structure or part thereof.

ES-112.2 Unreasonable repairs: Whenever the code official determines that the cost of such repairs would exceed one hundred (100) percent of the current value of such structures, such repairs shall be presumed unreasonable and it shall be presumed for the purpose of this section that such structure is a public nuisance which may be ordered razed without option on the part of the owner to repair. Any such affected property owner may appeal the decision of the code official to the Code Appeals Board.

ES-112.3 Order: The order shall specify a time in which the owner shall comply therewith and specify repairs, if any. It shall be served on the owner of record of 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 (3) successive weeks in a newspaper authorized to provide service by publication.

ES-112.4 Restraining actions: Anyone affected by any such order may within twenty (20) 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.

ES-112.5 Failure to comply: Whenever the owner of a property fails to comply with a demolition order within the time prescribed, the code official may take action pursuant to the provisions of the Ohio Revised Code.

ES-112.6 Salvage materials: When any structure has been ordered razed and removed, the governing body or other designated officer under said contract or arrangement aforesaid may sell the salvage and valuable materials at the highest price obtainable. The net proceeds of such sale, after deducting the expenses of such razing and removal, shall be promptly remitted with a report of such sale or transaction, including the items of expense and the amounts deducted, for the use of the person who may be entitled thereto, subject to any order of a court. If such a surplus does not remain to be turned over, the report shall so state.

### ARTICLE 3. Environmental Requirements

#### Section ES-300.0 General

ES-300.1 Scope: The provisions of this article shall govern the minimum conditions for maintenance of exterior property, premises and structures. Premises shall comply with the condition herein prescribed insofar as they are applicable.

ES-300.2 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 article.

ES-300.3 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.

#### Section ES-301.0 Premises Conditions

ES-301.01 Maintenance standards required: The exterior of all premises and the condition of all buildings and structures thereon shall be maintained so that the appearance thereof shall reflect a level of maintenance in keeping with the standards of the City and so as to avoid blighting affects and hazards to health, safety, and welfare.

ES-301.02 General maintenance:

1. The owner and operator shall keep the exterior of all premises and every structure thereon including but not limited to walls, roofs, cornices, chimneys, drains, towers, porches, landings, fire escapes, stairs, refuse or garbage containers, store fronts, signs, windows, doors, awnings and marquees in good repair, and all surfaces thereof shall be kept painted or protected with other approved coating or material where necessary for the purpose of preservation and avoiding a blighting influence on adjoining properties. All surfaces shall be maintained free of broken glass, loose shingles, crumbling stone or brick, peeling paint or other conditions reflective of deterioration or inadequate maintenance, to the end that the property itself may be preserved safely and fire hazards eliminated adjoining properties and the neighborhood protected from blighting influences.
2. All premises shall be maintained and lawn, hedges, bushes, trees and other vegetation shall be kept trimmed and from becoming overgrown and unsightly where exposed to public view or where such vegetation may constitute a blighting influence on adjoining property.
3. All canopies, marquees, signs, awnings, exterior stairways, fire escapes, standpipes, exhaust ducts, porches, balconies and similar overhanging extensions shall be maintained in good condition and shall not show evidence of weathering, discoloration, ripping, tearing, or other holes or breaks.

ES-301.03 Exterior surfaces: Exterior wood, composition or metal surfaces shall be protected from the elements by paint or other protective covering. Surfaces shall be maintained so as to be kept clean and free of flaking, loose or peeling paint or covering. Those surface materials whose appearance and maintenance would be enhanced by a natural weathering effect or other natural effects may remain untreated.

ES-301.04 Exterior space: The exterior open space around each structure shall be maintained or so improved so as to provide for:

1. The immediate diversion of water away from buildings and proper drainage of the lot.
2. Grass, plantings, or other suitable ground cover to prevent soil erosion which is or may become detrimental to the structures, lot use or adjacent lots and structures.
3. Walkways, parking areas, and driveways of a substantially hard surface which are of sound construction and properly maintained.
4. Exterior steps which are of sound construction and properly maintained free of hazardous conditions.

ES-301.05 Vegetation: All plant materials (especially trees and shrubs) which are dead, afflicted with decay, disease, insect infestation, or otherwise considered dangerous to other plant material or property shall be removed or appropriately treated. All sound plant materials (especially trees and shrubs) shall be properly maintained.

ES-301.06 Drainage swales: Swales are to be maintained by the owners of the parcels on which they are located, and at no time will anyone plant shrubs and/or trees, or discharge, empty, or place any material, fill or waste into any swale so as to divert or impede drainage flow. Small swales can be mowed as part of the yard. Larger swales in meadow situations should be mowed less frequently in order to allow grasses to grow taller to retard runoff and prevent erosion. Swales in woodland areas should be left in their natural condition leaving the understory to retard runoff and prevent erosion.

ES-301.1 Sanitation: All exterior property areas and premises shall be maintained in a clean, safe and sanitary condition free from any accumulation of rubbish or garbage.

ES-301.1.1 Containers: The operator of every establishment producing garbage, vegetable wastes, or other putrescible materials shall provide, and at all times cause to be used, leakproof approved containers provided with close fitting covers for the storage of such materials until removed from the premises for disposal.

ES-301.2 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. Stagnant water shall be determined as any accumulation that has not dispersed within seven (7) days of the last recorded local rainfall.

Exception: Water retention areas and/or reservoirs approved by the code official.

ES-301.3 Loading areas: All loading areas, automobile service stations and drive-in food establishments shall be paved with bituminous, concrete or equivalent surfacing and shall be free from dirt and other litter and kept in good repair. When lighted for nighttime use, lights shall not be permitted to cast directly upon any dwelling not located on the premises.

ES-301.4 Insect and rat control: An owner of a structure or property shall be responsible for the extermination of insects, rats, vermin, or other pests in all exterior areas of the premises, except that the occupant shall be responsible for such extermination in the exterior areas of the premises of a single-family dwelling. Whenever infestation exists in the premises of other than a single-family dwelling, extermination shall be the responsibility of the owner.

ES-301.5 Public areas: All sidewalks, steps, driveways, parking spaces and similar paved areas for public use shall be kept in a proper state of repair, free of all snow, ice, mud and other debris and shall be maintained free of hazardous conditions. If any sidewalk or driveway or portion thereof by virtue of its state of repair shall constitute a danger to public health and safety, the sidewalk or driveway or portion thereof shall be replaced. Steps shall comply with the requirements for exterior stairs.

ES-301.6 Noxious weeds: All areas shall be kept free from weeds or plant growth which are noxious or detrimental to the public health and welfare.

ES-301.7 Storage areas: All open salvage yards shall be completely obscured from surrounding property by a solid screen not less than six (6) feet in height.

ES-301.8 Exhaust vents: A person shall not construct, maintain, or operate pipes, ducts, conductors, fans, or blowers discharging gases, steam, vapor, hot air, grease, smoke, odors or other gaseous or particulate wastes so as to discharge directly upon abutting or adjacent public and private property or that of another tenant.

ES-301.9 Accessory structures: All accessory structures, including but not limited to detached garages, storage sheds, fences, and walls, shall be maintained structurally sound and in compliance with the provisions of this code.

ES-301.10 Motor vehicles: Motor vehicles shall be subject to the following requirements:

1. Residential areas: Except as provided in other regulations, not more than one (1) currently unregistered and/or uninspected motor vehicle shall be parked on any property in a residential district, and said vehicle shall not at any time be in a state of major disassembly, disrepair or shall it be in the process of being stripped or dismantled. A vehicle of any type shall not at any time undergo major overhaul, including body work, in a residential district unless such work is performed inside a structure or similarly enclosed area designed and approved for such purposes.
2. Nonresidential areas: Except as provided in other regulations and approved by the code official, not more than two (2) currently unregistered and/or uninspected motor vehicles shall be permitted on any property in a nonresidential district, and any vehicle shall not at any time be in a state of major disassembly or disrepair, nor shall it be in the process of being stripped or dismantled.

ES-301.11 Open fires: Open fires shall be prohibited except as specifically approved by the City Fire Chief or his designee.

#### Section ES-302.0 Exterior Structure

ES-302.1 General: The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the health, safety or welfare of the occupants and so as to protect the occupants from the adverse affects of the environment.

ES-302.2 Structural members: All supporting structural members of all structures shall be kept structurally sound, free of deterioration and maintained capable of safely bearing the dead and live loads imposed upon them.

ES-302.3 Exterior surfaces (foundations, walls and roofs): Every foundation, exterior wall, roof, and all other exterior surfaces shall be maintained in a workmanlike state of maintenance and repair and shall be kept in such condition as to exclude rats.

ES-302.3.1 Foundation walls: All foundation walls shall be maintained so as to carry the safe design and operating dead and live loads and shall be maintained plumb and free from open cracks and breaks, so as not to be detrimental to public safety and welfare.

ES-302.3.2 Exterior walls: Every exterior wall shall be free of holes, breaks, loose or rotting boards or timbers, and any other conditions which might admit rain or dampness to the interior portions of the walls or to the occupied spaces of the building. All exterior surface materials, including wood, composition, or metal siding, shall be maintained weather-proof and shall be properly surface coated when required to prevent deterioration.



ES-302.3.3 Roofs and drainage: The roof shall be structurally sound, tight, and not have defects which might admit rain. Roof drainage shall be adequate to prevent rain water from causing dampness or deterioration in walls or interior portion of the building. Roof water shall not be discharged in a manner that creates a nuisance to owners or occupants of adjacent premises, or that creates a public nuisance.

ES-302.3.4 Decorative features: All cornices, entablatures, belt courses, corbels, terra cotta trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage in a safe condition.

ES-302.3.5 Signs, marquees, and awnings: All canopies, marquees, signs, metal awnings, stairways, fire escapes, standpipes, exhaust ducts and similar overhang extensions shall be maintained in good repair and be properly anchored so as to be kept in a safe and sound condition. They shall be protected from the elements and against decay and rust by the periodic application of a weather-coating such as paint or other protective treatment.

ES-302.3.6 Chimneys: All chimneys, cooling towers, smoke stacks, and similar appurtenances shall be maintained structurally safe, sound, and in good repair. All exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials such as paint or similar surface treatment.

ES-302.3.7 Stairs and porches: Every stair, porch, fire escape, balcony, and all appurtenances attached thereto shall be so constructed as to be safe to use and capable of supporting the anticipated loads and shall be maintained in sound condition and good repair. Every stair, porch and fire escape shall be maintained free of hazardous conditions such as snow, ice, mud and other debris. Handrails and guardrails shall be maintained in good repair.

ES-302.4 Window and door frames: Every window, door and frame shall be constructed and maintained in such relation to the adjacent wall construction so as to exclude rain as completely as possible, and to substantially exclude wind from entering the dwelling or structure.

ES-302.4.1 Weathertight: Every window and exterior door shall be fitted reasonably in its frame and be weathertight.

ES-302.4.2 Glazing: Every required window sash shall be fully supplied with approved glazing materials which are without open cracks and holes.

ES-302.4.3 Openable windows: Every window, other than a fixed window, shall be capable of being easily opened and shall be held in position by window hardware.

ES-302.4.4 Insect screens: During the period from April 1 to December 1, every door and window or other outside opening used for ventilation purposes serving any building containing habitable rooms, food preparation areas, food service areas, or any areas where products used in food for human consumption are processed, manufactured, packaged or stored, shall be supplied with approved tight fitting screens of not less than sixteen (16) mesh per inch and every swinging screen door shall have a self-closing device in good working condition.

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

ES-302.4.5 Door hardware: Every exterior door and its hardware shall be maintained in good condition. Door locks on all doors entering dwelling units shall be in good repair and capable of tightly securing the door.

ES-302.4.6 Basement hatchways: Every basement hatchway shall be so constructed and maintained as to prevent the entrance of rats, rain and surface drainage water into the structure.

ES-302.4.7 Guards for basement windows: Every basement window which is openable shall be supplied with rat-proof shields, or storm windows or other material affording protection against the entry of rats.

### Section ES-303.0 Interior Structure

ES-303.1 General: The interior of a structure and its equipment shall be maintained in good repair, structurally sound and in a sanitary condition so as not to pose a threat to the health, safety or welfare of the occupants or visitors, and to protect the occupants from the environment.

ES-303.2 Structural members: The supporting structural members of every building shall be maintained structurally sound, not showing any evidence of deterioration which would render them incapable of carrying the imposed loads.

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

ES-303.3 Interior surfaces: Floors, walls (including windows and doors) ceilings, and other interior surfaces shall be maintained in good, clean and sanitary condition. Peeling paint, cracked or loose plaster, decayed wood, and other defective surface conditions shall be eliminated.

ES-303.3.1 Lead based paint: Lead based paint with a lead content of more than 0.5 percent shall not be applied to any interior or exterior surface of a dwelling, dwelling unit or child care facility, including fences and outbuildings at these locations. Existing interior and exterior painted surfaces of dwelling units and child care facilities that contain an excess of 0.5 percent lead shall be removed or covered with paneling or other suitable covering approved by the code official.

ES-303.3.2 Bathroom and kitchen floors: Every toilet, bathroom and kitchen floor surface shall be constructed and maintained so as to permit such floor to be easily kept in a clean and sanitary condition.

ES-303.4 Free from dampness: In every building, basements and crawl spaces shall be maintained reasonably free from dampness to prevent conditions conducive to decay or deterioration of the structure.

ES-303.5 Sanitation: The interior of every structure shall be maintained in a clean and sanitary condition free from any accumulation of rubbish, refuse, or garbage. Rubbish, garbage, and other refuse shall be properly kept inside temporary storage facilities as required under the provisions of this code.

ES-303.5.1 Storage: Garbage or refuse shall not be allowed to accumulate or be stored in public halls or stairways.

ES-303.6 Insect and rat harborage: All structures shall be kept free from insect and rat infestation, and where insects or rats are found, they shall be promptly exterminated by approved processes which will not be injurious to human health. After extermination, proper precautions shall be taken to prevent reinfestation.

ES-303.7 Exit doors: Every door available as an exit shall be capable of being opened easily from the inside.

ES-303.8 Stairs, porches and railings: Stairs and other exit facilities shall be adequate for safety as provided in the building code.

ES-303.8.1 Exit facilities: All interior stairs and railings and other exit facilities of every structure shall be maintained in sound condition and good repair by replacing treads and risers that evidence excessive wear or are broken, warped or loose. Every inside stair shall be so constructed and maintained as to be safe to use and capable of supporting the anticipated loads.

ES-303.8.2 Handrails and guardrails: Handrails and guardrails, where required, shall be maintained in good repair.

#### ARTICLE 4. Light and Ventilation Requirements

##### Section ES-400.0 General

ES-400.1 Scope: The provisions of this article shall govern the minimum conditions and standards for the light and ventilation for the occupancy of a structure. All light and ventilation conditions shall comply with the requirements herein prescribed insofar as they are applicable.

ES-400.2 Responsibility: The owner of the structure shall provide and maintain such light and ventilation 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 article.

ES-400.3 Access to public property: All structures shall be provided access to public property. Such access means shall be maintained unobstructed.

ES-400.4 Open space: An open space when used for the origin of light and ventilation shall be maintained and unobstructed.

##### Section ES-401.0 Light

ES-401.1 General: All spaces or rooms shall be provided sufficient light so as not to endanger health and safety.

ES-401.2 Common halls and stairways: Every common hall and stairway in every building, other than one (1) and two (2) family dwellings, shall be adequately lighted at all times with an illumination of at least a sixty (60) watt standard incandescent light bulb or equivalent for each two hundred (200) square feet (18.60m<sup>2</sup>) of floor area, provided that the spacing between lights shall not be greater than thirty (30) feet (9144mm). Every exterior stairway shall be illuminated with a minimum of one (1) foot candle (10.76 lux) at floors, landings and treads.

ES-401.3 Other spaces: All other spaces shall be provided with natural or artificial light of sufficient intensity and so distributed as to permit the maintenance of sanitary conditions, and the safe use of the space and the appliances, equipment and fixtures.

##### Section ES-402.0 Ventilation

ES-402.1 General: All spaces or rooms shall be provided sufficient natural or mechanical ventilation so as not to endanger health and safety. Where mechanical ventilation is provided in lieu of the natural ventilation, such mechanical ventilating system shall be maintained in operation during the occupancy of any structure or portion thereof. When part of the air provided by a mechanical ventilation system is recirculated, the portion or volume of air recirculated shall not be recirculated to a different residential space or occupancy of dissimilar use from which it is withdrawn.

ES-402.2 Process ventilation: Where any process permits and where injurious, toxic, irritating or noxious fumes, gases, dusts, or mists are generated by said process, a local exhaust ventilation system shall be provided to remove the contaminating agent at the source so that it is not allowed to permeate the general atmosphere of the workroom. Air so exhausted shall be exhausted to the exterior and may not be recirculated to any space, including the space from which it is withdrawn.

ES-402.3 Clothes dryer exhaust: Clothes dryer venting systems shall be independent of all other systems and shall be vented in accordance with the manufacturer's recommendations.

## ARTICLE 5. Plumbing Facilities and Fixture Requirements

### Section ES-500.0 General

ES-500.1 Scope: The provisions of this article 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.

ES-500.2 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 article.

### Section ES-501.0 Required Facilities

ES-501.1 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 condition.

ES-501.1.1 Water closet and lavatory: Every dwelling unit shall contain within its walls, a room separate from habitable spaces, which affords privacy and a water closet supplied with cold running water. A lavatory shall be placed in the same room as the water closet or located in another room in close proximity to the door leading directly into the room in which said water closet is located. The lavatory shall be supplied with hot and cold running water.

ES-501.1.2 Bathtub or shower: Every dwelling unit shall contain a room which is equipped with a bathtub or shower supplied with hot and cold running water.

ES-501.1.3 Kitchen sink: Every dwelling unit shall contain a kitchen sink apart from the lavatory and such sink shall be supplied with hot and cold running water.

ES-501.2 Rooming houses: At least one (1) water closet, lavatory basin and bathtub or shower properly connected to an approved water and sewer system and in good working condition shall be supplied for each four (4) rooms within a rooming house, wherever said facilities are shared. Every lavatory basin and bathtub or shower shall be supplied with hot and cold water at all times.

ES-501.3 Hotels: Where private water closets, lavatories, and baths are not provided, one (1) water closet, one (1) lavatory and one (1) bathtub accessible from a public hallway shall be provided on each floor. Each lavatory, bathtub or shower shall be supplied with hot and cold water at all times.

ES-501.4 Other structures: In nonresidential structures the requirements for sanitary facilities shall comply with the minimum requirements of the plumbing code for such facilities for such use and occupancy.

### Section ES-502.0 Toilet Rooms

ES-502.1 Privacy: Toilet rooms and bathrooms shall be designed and arranged to provide privacy.

ES-502.2 Direct access: Toilet rooms and bathrooms shall not be used as a passageway to a hall or other space, or to the exterior. A toilet room or bathroom in a dwelling unit shall be accessible from any sleeping room without passing through another sleeping room.

ES-502.3 Same story: Toilet rooms and bathrooms serving hotel units, lodging houses, 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.

ES-502.4 Employee facilities: Toilet rooms for employees shall be readily accessible to such employees, and shall not open directly into any public kitchen or other public space used for the cooking or preparation of food.

ES-502.5 Floors: Bathrooms and toilet rooms shall be provided with floors of moisture resistant material.

ES-502.6 Partitions: Every nonresidential structure that requires or supplies a water closet shall provide within the toilet room partitions, enclosures or compartments for privacy and shall comply with fixture clearance requirements of the plumbing code for such installations.

#### Section ES-503.0 Plumbing Fixtures

ES-503.1 General: All plumbing fixtures shall be maintained in a safe and usable condition. All plumbing fixtures shall be of approved non-absorbent material.

ES-503.2 Connections: Water supply lines, plumbing fixtures, vents and drains shall be properly installed, connected and maintained in working order and shall be kept free from obstructions, leaks and defects and capable of performing the function for which they are designed. All repairs and installations shall be made in accordance with the provisions of the building code or plumbing code.

ES-503.3 Maintained clean and sanitary: All plumbing facilities shall be maintained in a clean and sanitary condition by the occupant so as not to breed insects and rats or produce dangerous or offensive gases or odors.

ES-503.4 Access for cleaning: Plumbing fixtures shall be installed to permit easy access for cleaning both the fixture and the area about it.

#### Section ES-504.0 Water System

ES-504.1 General: Every sink, lavatory, bathtub or shower, drinking fountain, water closet or other facility shall be properly connected to either a public water system or to an approved private water system. All sinks, lavatories, bathtubs and showers shall be supplied with hot and cold running water.

ES-504.2 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. Shampoo basin faucets, janitor sink faucets, and other hose bibs or faucets to which hoses are attached and left in place, shall be protected by an approved atmospheric type vacuum breaker or an approved permanently attached hose connection vacuum breaker.

ES-504.3 Supply: The water supply system 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.

ES-504.4 Water heating facilities: Where hot water is provided, water heating facilities shall be installed in an approved manner, properly maintained, and properly connected with hot water lines to the fixtures required to be supplied with the hot water. Water heating facilities shall be capable of heating water to such a temperature as to permit an adequate amount of water to be drawn at every required kitchen sink, lavatory basin, bathtub, shower, and laundry facility or other similar units, at a temperature of not less than one hundred ten (110) degrees F.

#### Section ES-505.0 Sewage System

ES-505.1 General: Every sink, lavatory, bathtub or shower, drinking fountain, water closet or other facility shall be properly connected to either a public sewer system or to an approved private sewage disposal system.

ES-505.2 Maintenance: Every plumbing stack, waste and sewer line shall be so installed and maintained as to function properly and shall be kept free from obstructions, leaks and defects to prevent structural deterioration or health hazards. All repairs and installations shall be made in accordance with the provisions of the building code or plumbing code.

## Section 506.0 Storm Drainage

ES-506.1 General: 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.

## ARTICLE 6. Mechanical and Electrical Requirements

### Section ES-600.0 General

ES-600.1 Scope: The provisions of this article shall govern the minimum mechanical and electrical facilities and equipment to be provided. All mechanical and electrical facilities and equipment shall comply with the requirements herein prescribed insofar as they are applicable.

ES-600.2 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 article.

### Section ES-601.0 Heating Facilities

ES-601.1 Residential buildings: Every owner of any structure who rents, leases, or lets one (1) or more dwelling units or guest rooms on terms, either express or implied, to furnish heat to the occupants thereof shall supply sufficient heat during the period from October 1 to May 15 to maintain a room temperature of not less than sixty-five (65) degrees F. (18 degrees C.), in all habitable spaces, bathrooms, and toilet rooms during the hours between 6:30 a.m. and 10:30 p.m. of each day and maintain a temperature of not less than sixty (60) degrees F. (16 degrees C.) during other hours. The temperature shall be measured at a point three (3) feet (914 mm) above the floor and three (3) feet (914 mm) from exterior walls.

Exception: When the exterior temperature falls below zero (0) degrees F. (-18 degrees C.) and the heating system is operating at its full capacity, a minimum room temperature of sixty (60) degrees F. (16 degrees C.) shall be maintained at all times.

ES-601.2 Other structures: Every owner of any structure who rents, leases, or lets the structure or any part thereof on terms, either express or implied, to furnish heat to the occupant thereof, and every occupant of any structure or part thereof who rents or leases said structure or part thereof on terms, either express or implied, to supply its own heat, shall supply sufficient heat during the period from October 1 to May 15 to maintain a temperature of not less than sixty-five (65) degrees F. (18 degrees C.) during all working hours in all enclosed spaces or rooms where persons are employed and working. The temperature shall be measured at a point three (3) feet (914 mm) above the floor and three (3) feet (914 mm) from the exterior walls.

Exceptions:

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

ES-601.3 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.

ES-601.4 Installation: All mechanical equipment shall be properly installed and safely maintained in good working condition, and be capable of performing the function for which it was designed and intended.

ES-601.4.1 Flue: All fuel-burning equipment shall be connected to an approved chimney, flue or vent.

ES-601.4.2 Clearances: All required clearances to combustible materials shall be maintained.

ES-601.4.3 Safety controls: All safety controls for fuel-burning equipment shall be maintained in effective operation.

ES-601.4.4 Combustion air: A supply of air for complete combustion of the fuel and for ventilation of the space shall be provided the fuel-burning equipment.

ES-601.5 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.

ES-601.6 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.

#### Section ES-602.0 Electrical Facilities

ES-602.1 Facilities required: Every building or part thereof used for human occupancy shall be adequately and safely provided with an electrical system in compliance with the requirements of this section. The size of unit and the usage of appliances and equipment shall be used as a basis for determining the need for additional facilities in accordance with the electrical code adopted by the local jurisdiction.

ES-602.1.1 Receptacles: Every habitable space in a dwelling unit, and every guest room shall contain at least two separate and remote receptacle outlets. Every laundry area and bathroom shall contain at least one (1) grounded type receptacle. Every bathroom shall contain at least one (1) receptacle.

ES-602.1.2 Lighting fixtures: Every public hall, interior stairway, water closet compartment, bathroom, laundry room and furnace room shall contain at least one (1) electric lighting fixture.

ES-602.2 Installation: All electrical equipment, wiring and appliances shall be installed and maintained in a safe manner in accordance with all applicable laws. All electrical equipment shall be of an approved type.

ES-602.3 Defective system: Where it is found, in the opinion of the code official, that the electrical system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, improper fusing, insufficient outlets, improper wiring or installation, deterioration or damage, or for similar reasons, the code official shall require the defects to be corrected to eliminate the hazard.

#### Section ES-603.0 Elevators, Escalators and Dumbwaiters

ES-603.1 General: Elevators, dumbwaiters, and escalators, shall be maintained to safely sustain the loads to which they are subject, to operate properly, and to be free of physical and fire hazards.

ES-603.2 Elevators: In buildings equipped with passenger elevators, at least one (1) elevator shall be maintained in operation at all times when the building is occupied.

Exception: Buildings equipped with only one (1) elevator may have the elevator temporarily out of service for testing and servicing.

## ARTICLE 7. Fire Safety Requirements

### Section ES-700.0 General

ES-700.1 Scope: The provisions of this article shall govern the minimum fire safety facilities and equipment to be provided. All structures shall be constructed and maintained to prevent and avoid fire hazards, and in a manner conducive to fire safety. All fire safety facilities and equipment shall comply with the requirements herein prescribed insofar as they are applicable.

ES-700.2 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 does not comply with the following requirements of this article.

### Section ES-701.0 Means of Egress

ES-701.1 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.

ES-701.2 Direct exit: Every dwelling unit or guest room shall have access directly to the outside or to an exit access corridor that leads directly to the outside.

ES-701.3 Locked doors: All doors in the required means of egress shall be readily openable from the inner side. Exits from dwelling units, hotel units, lodging houses, and dormitory units shall not lead through other such units, or through toilet rooms and bathrooms.

ES-701.4 Fire escapes: All required and all existing fire escapes shall be maintained in working condition and structurally sound.

ES-701.5 Exit signs: All exit signs shall be maintained illuminated and visible.

ES-701.6 Dual egress: Every residential building exceeding two (2) stories in height above grade, not counting basements, shall be provided with not less than two (2) approved independent exits from each floor above the second floor, fully accessible from each occupancy on the floor.

Exception: One (1) and two (2) family dwellings.

ES-701.7 Emergency escape: Every sleeping room located in a basement shall have at least one (1) openable window or exterior door approved for emergency egress or rescue; or shall have access to two (2) approved independent exits.

ES-701.8 Aisles: In all mercantile occupancies, the minimum clear aisle width shall be not less than forty-four (44) inches (1118 mm); except that in occupancies with an occupant load of fifty (50) or less, the clear aisle width shall be not less than thirty-six (36) inches (914 mm).

### Section ES-702.0 Accumulations and Storage

ES-702.1 Accumulations: Waste, refuse, or other materials shall not be allowed to accumulate in stairways, passageways, doors, windows, fire escapes, or other means of egress.

ES-702.2 Flammable matter: Highly flammable or explosive matter, such as paints, volatile oils and cleaning fluids, or combustible refuse, such as waste paper, boxes and rags, shall not be accumulated or stored on residential premises except in reasonable quantities consistent with normal usage.

ES-702.3 Residential unit: A dwelling unit or rooming unit shall not be located within a structure containing an establishment handling, dispensing or storing flammable liquids with a flash point of one hundred ten (110) degrees F. (43 degrees C.) or lower, except as provided for in the building code.



ES-702.4 Nonresidential structures: Nonresidential structures shall be permitted to store combustible or flammable materials, provided they are confined to approved storage areas and comply with applicable requirements of the building and fire codes for the appropriate use group classification.

#### Section ES-703.0 Fireresistance Ratings

ES-703.1 General: Floors, walls, ceilings, and other elements and components required to develop a fireresistance rating shall be maintained so that the respective fireresistance rating of the enclosure, separation, or construction is preserved.

#### Section ES-704.0 Fire Protection Systems

ES-704.1 General: All fire protection systems and equipment shall be maintained in proper operating condition at all times.

ES-704.2 Fire alarms: Fire alarms and detecting systems shall be maintained and be suitable for their respective purposes.

ES-704.3 Fire suppression system: Fire suppression systems shall be maintained in good condition, free from mechanical injury. Sprinkler heads shall be maintained clean, free of corrosion and paint, and not bent or damaged.

ES-704.4 Standpipe systems: Hose stations shall be identified and accessible. The hose shall be in proper position, ready for operation, dry, and free of deterioration.

ES-704.5 Fire extinguishers: All portable fire extinguishers shall be visible and accessible, and maintained in an efficient and safe operating condition.

#### Section ES-705.0 Fire Doors

Es-705.1 General: All required fireresistance rated doors or smoke barriers shall be maintained in good working order, including all hardware necessary for the proper operation thereof. The use of door stops, wedges, and other unapproved hold-open devices is prohibited.

### ARTICLE 8. Responsibilities of Persons

#### Section ES-800.0 General

ES-800.1 Scope: The provisions of this article shall govern the responsibilities of persons for the maintainance of structures, and the equipment and premises thereof.

#### Section ES-801.0 Sanitary Condition

ES-801.1 Cleanliness: 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 of a dwelling containing two (2) or more dwelling units shall maintain, in a clean and sanitary condition, the shared or public areas of the dwelling and premises thereof.

ES-801.2 Disposal of rubbish: Every occupant of a structure or part thereof shall dispose of all rubbish in a clean and sanitary manner by placing it in an adequate rubbish container.

ES-801.3 Disposal of garbage: Every occupant of a structure or part thereof shall dispose of garbage in a clean and sanitary manner by placing it in garbage disposal facilities, or if such facilities are not available, by removing all nonburnable matter and securely wrapping such garbage and placing it in tight garbage storage containers as required by this code, or by such other disposal method as may be required by applicable laws or ordinances.

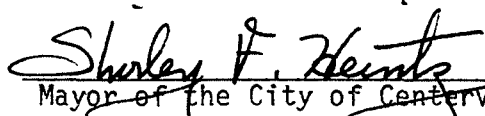
ES-801.4 Garbage storage facilities: Every dwelling unit shall be supplied with an approved garbage disposal facility, which may be any adequate mechanical food waste grinder, in each dwelling unit or an incinerator unit, to be approved by the code official, in the structure for the use of the occupants of each dwelling unit, or an approved outside garbage can or cans as required in this code. Such facilities shall be sufficient to meet the needs of the occupants.

ES-801.5 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.

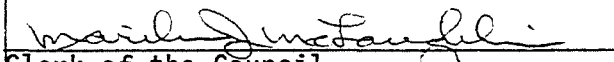
Section 3. Date of Effect

This ordinance shall become effective from and after the earliest date allowed by law.

PASSED THIS 19th DAY OF November, 1984.

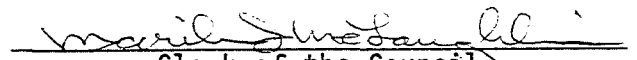
  
Mayor of the City of Centerville, Ohio

ATTEST:

  
Clerk of the Council  
City of Centerville, Ohio

CERTIFICATE

The undersigned, Clerk of the Council of the City of Centerville, Ohio, hereby certifies the foregoing to be a true and correct copy of Ordinance No. 33-84, passed by the Council of the City of Centerville, Ohio, on the 19th day of November, 1984.

  
Clerk of the Council

Approved as to form, consistency with existing ordinance, the charter and constitutional provisions.

Department of Law  
Robert N. Farquhar  
Municipal Attorney