

ORDINANCE NO. 08-17

BY: _____

AN ORDINANCE AMENDING THE PROPERTY MAINTENANCE CODE FOR THE CITY OF NEWARK.

WHEREAS, the City of Newark, Ohio adopted its Property Maintenance Code on January 17, 2007 as reflected in Ordinance 07-03; and,

WHEREAS, it is necessary to amend the current legislation for the purposes of clarity and to assist in the administration of the Property Maintenance Code; and,

WHEREAS, the Newark City Council Service Committee has considered this matter and has forwarded this ordinance to the full Newark City Council for consideration.

NOW, THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NEWARK, COUNTY OF LICKING AND STATE OF OHIO, THAT THE PROPERTY MAINTENANCE CODE FOR THE CITY OF NEWARK BE AMENDED AS FOLLOWS:

SECTION 1: Council hereby amends the City of Newark Property Maintenance Code as reflected in Exhibit "A" attached hereto and incorporated herein.

SECTION 2: This ordinance shall become effective at the earliest point permitted by Newark City Charter Article 4.07.

Passed this 16th day of June, 2008.

/s/ Don Ellington
PRESIDENT OF COUNCIL *Pro-Tem*

ATTEST: /s/ DIANA L. HUFFORD
Clerk of Council

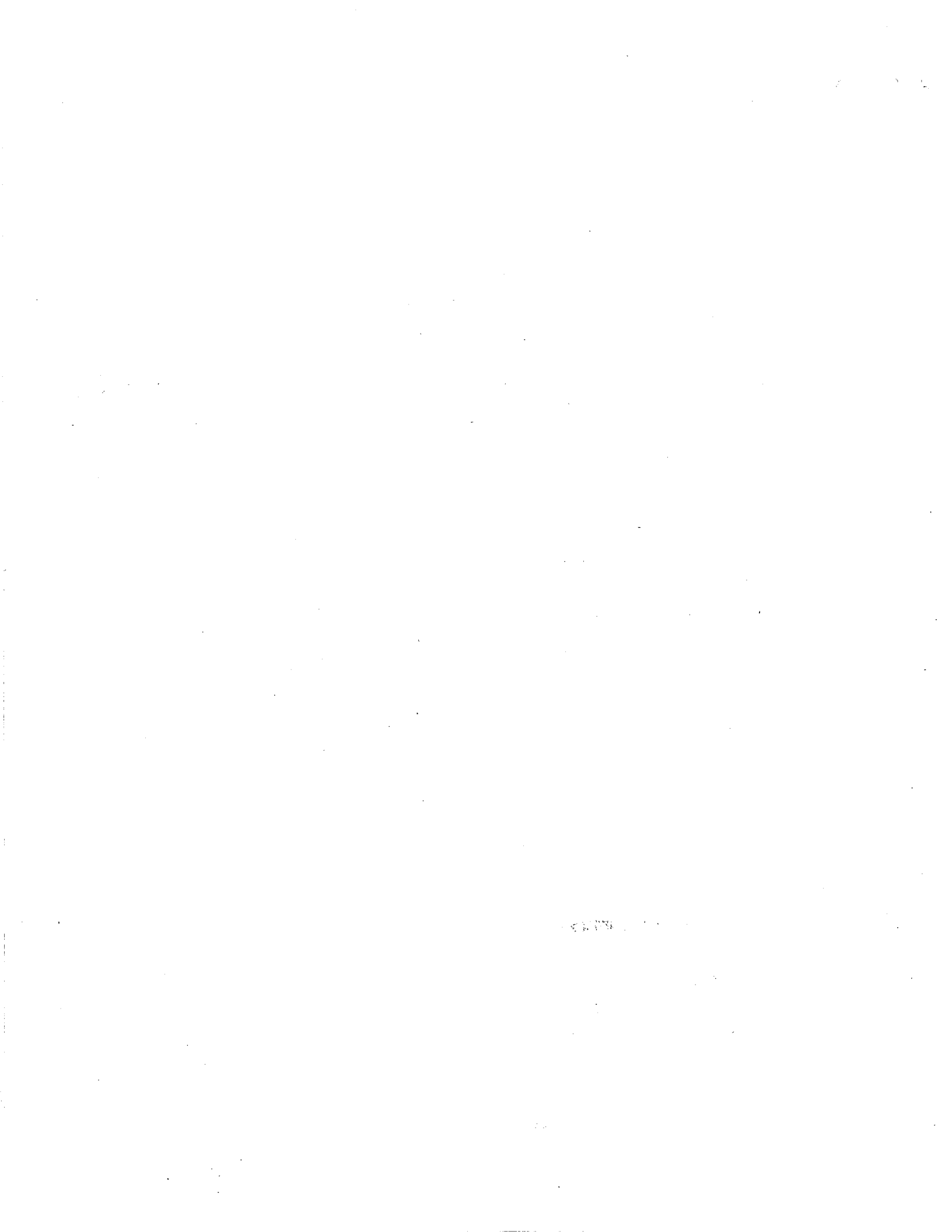
DATE FILED WITH MAYOR: JUN 17 2008

DATE APPROVED BY MAYOR: JUN 17 2008

/s/ BOB DIEBOLD
MAYOR

FORM APPROVED: /s/ DOUGLAS E. SASSEN
Director of Law

Prepared by the Office of the Director of Law



CHAPTER 1 ADMINISTRATION SECTION 101

GENERAL 101.1 Title.

These regulations shall be known as the Property Maintenance Code for the City of Newark, Ohio, herein after referred to as "this code."

101.2 Scope.

The provisions of this code shall apply to all existing residential and nonresidential structures and all existing premises and constitute minimum requirements and standards for premises, structures, equipment and facilities for light, ventilation, space, heating, sanitation, protection from the elements, life safety, safety from fire and other hazards, and for safe and sanitary maintenance; the responsibility of owners, operators and occupants; the occupancy of existing structures and premises, and for administration, enforcement and penalties.

101.3 Intent.

This code shall be construed to secure its expressed intent, which is to ensure public health, safety insofar as they are affected by the continued occupancy and maintenance of structures and premises. Existing structures and premises that do not comply with these provisions shall be altered or repaired to provide a minimum level of health and safety as required herein. Repairs, alterations, additions to and change of occupancy in existing buildings shall comply with the applicable codes of the City of Newark.

101.4 Severability.

If a section, subsection, sentence, clause or phrase of this code is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this code.

SECTION 102 APPLICABILITY

102.1 GENERAL.

The provisions of this code shall apply to all matters affecting or relating to structures and premises, as set forth in Section 101. Where, in a specific case, different sections of this code specify different requirements, the most restrictive shall govern.

102.2 Maintenance.

Equipment, systems, devices and safeguards required by this code or a previous regulation or code under which the structure or premises was constructed, altered or repaired shall be maintained in good working order. No owner, operator or occupant shall

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cause any service, facility, equipment or utility which is required under this section to be removed from or shutoff from or discontinued for any occupied dwelling, except for such temporary interruption as necessary while repairs or alterations are in progress. The requirements of this code are not intended to provide the basis for removal or abrogation of fire protection and safety systems and devices in existing structures. Except as otherwise specified herein, the owner or the owner's designated agent shall be responsible for the maintenance of buildings, structures and premises.

102.3 Application of other codes.

Repairs, additions or alterations to a structure or changes of occupancy, shall be done in accordance with the procedures and provisions of all laws, rules and regulations in force in the City of Newark. Nothing in this code shall be construed to cancel, modify or set aside any other provision of the laws, rules and regulations in force in the City of Newark.

102.4 Existing remedies.

The provisions in this code shall not be construed to abolish or impair existing procedures or remedies of the jurisdiction or its officers or agencies relating to the removal or demolition of any structure that is dangerous, unsafe, ~~and unsanitary~~ or in violation of any other code applicable in this jurisdiction.

102.5 Workmanship.

Repairs, maintenance work, alterations or installations which are caused directly or indirectly by the enforcement of this code shall be executed and installed in a workmanlike manner and installed in accordance with the manufacturer's installation instructions.

102.6 Historic Buildings

An owner of a building or structure, which has been designated by a governmental body as having historical significance, may use that designation as a basis for an appeal from application of the provisions of this code.

102.7 Referenced codes and standards.

The codes and standards referenced in this code shall be those that are listed in Chapter 8 and considered part of the requirements of this code to the prescribed extent of each such reference. Where differences occur between provisions of this code and the referenced standards, the provisions of this code shall apply.

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102.8 Requirements not covered by code.

Any additional requirements ~~Requirements~~ necessary for the strength, stability or proper operation of an existing fixture, structure or equipment, or for the public safety, health and general welfare, not specifically covered by this code, shall be determined by the ~~code official~~ Property Code Official.

SECTION 103 ~~DEPARTMENT~~ DIVISION OF PROPERTY MAINTENANCE INSPECTION

103.1 GENERAL.

The Division of Property Maintenance Enforcement shall be ~~administered by~~ under the authority of the City of Newark, ~~Department~~ Department of Public Safety. The ~~executive official in charge of the Division of Property Maintenance Enforcement or their duly authorized representative thereof~~ shall be known as the ~~Code Official~~ Property Code Official.

103.2 Appointment.

The Director of Public Safety shall appoint the ~~Code Official~~ Property Code Official. The ~~Code Official~~ Property Code Official shall report to the Director of Public Safety.

103.3 Deputies.

In accordance with the prescribed procedures of this jurisdiction to establish employment positions and with the concurrence of the appointing authority, the ~~code official~~ Property Code Official shall have the authority to appoint ~~a deputy code officials,~~ other related technical officers, inspectors and other employees necessary to carry out the functions of the Division of Property Maintenance Enforcement.

103.4 Liability.

The ~~code official~~ Property Code Official, deputy code officials, officers, or employees or other agents charged with the enforcement of this code, while acting within the scope of their duties for the jurisdiction, shall not there by be rendered liable personally, and is here by relieved from all personal liability for any damage accruing to persons or property as a result of an act required or permitted in the discharge of official duties. Any suit instituted against any officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be defended by the legal representative of the jurisdiction until the final termination of the proceedings. The ~~code official~~ Property Code Official or any subordinate shall not be liable for costs in an action, suit or proceeding that is instituted in pursuance of the provisions of this code; and any officer of the ~~department of property maintenance~~ Division of Property Maintenance inspection, acting in good faith and without malice,

shall be free from liability for acts performed under any of its provisions or by reason of any act or omission in the performance of official duties in connection therewith.

103.5 Fees.

The fees for activities and services performed by the ~~department~~ division in carrying out its responsibilities under this code shall be as indicated in the following schedule. The Director of Public Safety or his designee is authorized to establish policies to waive administrative fees assessed under the provisions of this Code in any manner he/she deems appropriate.

Table 103.5

Administrative Fees

Event	Fee
Scheduling of the Property Maintenance Review Committee by Complainant	\$100.00
Scheduling of the Property Maintenance Review Committee by Owner/agent	\$50.00
Non-compliant Citation - <u>First Offense</u>	\$150.00
Non-complaint Citation- <u>Second Offense</u>	\$250.00
Non-compliant Citation - <u>Third and Subsequent Offenses</u>	\$500.00
Corrective Action Plan Developed	\$150.00

SECTION 104 DUTIES AND POWERS OF ~~THE~~ PROPERTY CODE OFFICIAL

104.1 GENERAL.

The ~~code official~~ Property Code Official shall enforce the provisions of this code.

104.2 Rulemaking authority.

The Director of Public Safety shall have authority as necessary in the interest of public health and safety to adopt and promulgate rules and procedures; to interpret and implement the provisions of this code; to secure the intent thereof; and to designate requirements applicable because of local climatic or other conditions. Such rules shall not have the effect of waiving structural or fire performance requirements specifically provided for in this code or other codes currently enforced within the City of Newark, or of violating accepted engineering methods involving public safety.

104.3 Inspections.

The ~~code official~~ Property Code Official shall make all of the required inspections, or shall accept reports of inspection by approved agencies or individuals. All reports of such inspections shall be in writing and be certified by a responsible officer of such approved agency or by the responsible individual. The ~~code official~~ Property Code Official is authorized to ~~engage such expert opinion to~~ consult with any expert or specialist to obtain

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an opinion as deemed necessary to report upon unusual technical issues that arise, subject to the approval of the appointing authority.

104.4 Right of entry.

The ~~code official~~ Property Code Official is authorized to enter the structure or premises at reasonable times to inspect or effectuate other authorized duties subject to constitutional restrictions on unreasonable searches and seizures. If entry is refused or not obtained, the ~~code official~~ Property Code Official is authorized to pursue recourse as provided by law.

104.5 Identification.

The ~~code official~~ Property Code Official shall carry proper identification when inspecting structures or premises in the performance of duties under this code.

104.6 Notices and orders.

The ~~code official~~ Property Code Official shall issue all necessary notices, ~~or orders~~ and any other necessary documentation to ensure compliance with this code.

104.7 ~~Department~~ Division records.

The ~~Code Official~~ Property Code Official shall keep official records of all business and activities of the ~~department~~ Division specified in the provision-s of this code. Such records shall be retained in the official records in the Division of Property Maintenance Enforcement ~~as long as the building or structure to which such records relate remains in existence~~ in accordance with Ohio law.

104.8 Coordination of inspections.

Whenever in the enforcement of this code or another code or ordinance, the responsibility of more than one code official of the jurisdiction is involved, it shall be the duty of the code officials involved to coordinate their inspections and administrative orders as fully as practicable so that the owners and occupants of the structure shall not be subjected to visits by numerous inspectors or multiple or conflicting orders. Whenever an inspector from any agency or department observes an apparent or actual violation of some provision of some law, ordinance or code not within the inspector's authority to enforce, the inspector shall report the findings to the code official having jurisdiction.

SECTION 105 APPROVAL

105.1 Modifications.

Whenever there are practical difficulties involved in carrying out the provisions of this code, the ~~code official~~ Property Code Official shall have the authority to grant

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modifications for individual cases, provided the ~~code official~~ Property Code Official shall first find that special individual reason makes the strict letter of this code impractical and the modification is in compliance with the intent and purpose of this code and that such modification does not lessen health, life and fire safety requirements. The details of action granting modifications shall be recorded and entered in the ~~department~~ Division of Property Maintenance Enforcement files.

105.2 Alternative materials, methods and equipment.

The provisions of this code are not intended to prevent the installation of any material or to prohibit any method of construction not specifically prescribed by this code, provided that any such alternative has been approved. An alternative material or method of construction shall be approved where the ~~code official~~ Property Code Official finds that the proposed design is satisfactory and complies with the intent of the provisions of this code, and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this code in quality, strength, effectiveness, fire resistance, durability and safety.

105.3 Required testing.

Whenever there is sufficient evidence of compliance with the provisions of this code, or evidence that a material or method does not conform to the requirements of this code, or in order to substantiate claims for alternative materials or methods, the ~~code official~~ Property Code Official shall have the authority to require tests to be made as evidence of compliance at no expense to the jurisdiction.

105.3.1 Test methods.

Test methods shall be as specified in this code or by other recognized test standards. In the absence of recognized and accepted test methods, the ~~code official~~ Property Code Official shall be permitted to approve appropriate testing procedures performed by an approved agency.

105.3.2 Test reports.

Reports of tests shall be retained by the ~~code official~~ Property Code Official for the period required for retention of public records required by law.

105.4 Material and equipment reuse.

Materials, equipment and devices shall not be reused unless such elements are in good repair or have been reconditioned and tested when necessary, placed in good and proper working condition and approved.

SECTION 106 VIOLATIONS

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106.1 Unlawful acts.

It shall be unlawful for a person, firm or corporation to be in conflict with or in violation of any of the provisions of this Code.

106.2 Notice of violation.

The ~~code official~~ Property Code Official shall serve a notice of administrative warning, citation, or other notice of violation or order in accordance with Section 107.

106.3 Prosecution of violation.

~~Any person failing to comply with a notice of violation or order shall be subject to the penalties as provided in this Code. served in accordance with Section 107 shall be deemed guilty of a misdemeanor, and the violation shall be deemed a strict liability offense. If the notice of violation is not complied with, the code official shall institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the structure in violation of the provisions of this code or of the order or direction made pursuant thereto. Any action taken by the authority having Jurisdiction on~~
Such premises shall be charged against the real estate upon which the structure is located and shall be alien upon such real estate.

106.3a Notice of Administrative Warnings.

Through the authority of the Director of Public Safety, the ~~Code Official~~ Property Code Official shall issue an notice of administrative warning in writing for each violation of this chapter pursuant to the method of service will follow required by Section 107.3. The Property Code Official is authorized to issue multiple violations in a single administrative warning. The notice of administrative warning shall include, but is not limited to, the following information:

- ~~1. A description of the real estate sufficient for identification.~~
 - ~~2. A statement of the violation or violations and why the warning was issued.~~
 - ~~3. A correction plan allowing a reasonable time to make the repairs and improvements required bringing the dwelling unit or structure into compliance with the provisions of this code.~~
 - ~~4. A warning of potential civil and criminal action if not rectified.~~
 - ~~5. Information regarding the right to appeal to the Property Maintenance Review Committee.~~
1. The address or real property description reasonably sufficient to identify the property in question;
 - 2.1. A brief statement of the violation or violations;
 - 3.2. A brief statement of what must be corrected to bring the dwelling unit or structure into compliance with the provisions of this code.

4. Notification of the penalties which may result from non-compliance.

5.3. Notification of the right to appeal to the Property Maintenance Review Committee.

6.4. Include the statement of the right to file a lien in accordance with Section 106.3.

7.5. Inform the property owner of obligation upon transfer of ownership.

106.3b Finding of non-compliant property.

After a property has been issued a notice of administrative warning, a property after the recorded owner is served notice through Section 106.3a can be found in non-compliance by the Director of Public Safety or his or her designee and be issued a citation if:

- (1) Said property is not brought into compliance with the contents and provisions of any notice of violation notice of administrative warning and no request for hearing before the Property Maintenance Review Committee has been filed within a fourteen day period or that time frame set forth by the Property Maintenance Review Committee.
- (2) Said property is not brought into compliance with the decision rendered as the result of a hearing before the Property Maintenance Review Committee within fourteen (14) days or that within the time frame set by the Property Maintenance Review Committee and no judicial review is sought.

Upon the finding of non-compliance, the Property Code Official is authorized to issue a citation to the owner or agent having charge of a property. The Property Code Official is further authorized to assess an administrative fee as provided in Section 103.5 of the Code, in addition to any other fees, costs or charges authorized by this code or Ohio law.

The Director of Public Safety Division of Property Maintenance shall maintain appropriate files on all properties covered by this Section.

Once a property is found to be non-compliant and issued a citation, this such citation and supporting documentation shall be reduced in writing and retained in the file as required by the law. Once declared non-compliant the property shall be considered as noncompliant for a period of seven (7) years.

106.3c Finding of non-compliant person.

After a notice of administrative warning has been issued, A an owner, occupant or agent having charge of a property may be issued a citation of a property determined to be non-compliant shall file with the Director of Public Safety a written notice of the address upon which service or notice of hearing pursuant to Section 107.3 (Method of Service) can be sent. Service will be deemed effective by regular mail if any of the following apply:

- (1) Said person(s) fail to comply with the notice of violation and the contents thereof issued pursuant to Section 105 and said person(s) have not requested a hearing before the Property Maintenance Review Committee within fourteen (14) days;

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- ~~or; Said property is not brought into compliance with the contents and provisions of any notice of administrative warning and no request for hearing before the Property Maintenance Review Committee has been filed~~
- (2) Said ~~persons(s)~~ property owner, occupant or agent fails to comply with a decision or order rendered as a result of the Property Maintenance Review Committee within fourteen (14) days or that time frame set by the Property Maintenance Review Committee and no judicial review is sought.

Upon the finding of non-compliance, the Property Code Official is authorized to issue a citation to the owner, occupant or agent having charge of a property. The Property Code Official is authorized to assess an administrative fee as provided in the Code, in addition to any other fees, costs or charges authorized by this code or Ohio law.

The ~~Director of Public Safety Division~~ of Property Maintenance shall maintain appropriate files on all person(s) covered by this section.

Once a person is found to be non-compliant and issued a citation, such citation and supporting documentation shall be ~~this shall be reduced in writing and retained in the files required by Ohio law.~~ Once declared non-compliant the ~~person~~ owner, occupant or agent shall be considered as noncompliant for a period of seven (7) years. The ~~person(s) who is required to file said notice of address(s) are required to provide new address(s) should their mailing address change.~~

~~Failure to provide a current address by a person found to be non-compliant shall be considered an acknowledgement that the address for which service was effective for the property that gave rise to the original notice of violation is correct. Further, said person(s) agree that service to said address by regular mail is effective.~~

~~106.3d non-compliant property~~ Remedies for Non-Compliant Person or Property

A. When a property or person is found to be non-compliant, the Director of Public Safety or his/her designee may take any or all of the following actions.

- (1) File an affidavit of "non-compliance" with the Licking County Recorder's Office, containing the following:
- a. The legal description of said property.
 - b. Notification that the property is deemed to be non-compliant for seven (7) years. ~~The seven (7) year period in which the property is declared non-compliant.~~
 - c. The name of the owner(s) of the record of the property at the time of said non-compliance.
 - d. The date of the filing to the court.
 - e. An address to obtain copies of the file concerning the property containing a statement that costs may have been incurred by the city and all information regarding such can be obtained.

- (2) Contract with private person(s) to do the work and/or supply the materials to bring the property into compliance, including demolition and removal of any structures located on the property.
 - (3) Cause the property to be brought into compliance and assess the costs thereof against the property and certify the costs thereof to the ~~County Treasurer~~ County Auditor.
 - (4) Subordinate any lien(s) created to bring the property into compliance to any mechanics liens, mortgages, or other liens the need therefore were created to bring the property into compliance, and,
- B. The costs for taking any of the above steps may include, but are not limited to, any costs incurred due to the use of employees, materials or equipment of Newark, any costs arising out of contracts for labor, materials, or equipment, costs of services of notice(s), filing of affidavit, title searches, or any other necessary costs.
 - C. The City of Newark may cause a civil action to be commenced to recover the total costs from the owner. All attorney fees and court costs shall be considered "costs" as provided for in (B) above.
 - D. Any contract entered into to enforce this chapter may contain the provision that some or all of the consideration to be paid under said contract, may be deferred and payable only upon collection of same from the owner of record and/or other collection after being certified to the treasurer and collected thereby. Any interest and/or penalties attributable to said deferred payments shall bear the same rates allowed by law for delinquent real property taxes and shall be added to said deferred payments.
 - E. Unless otherwise authorized in the code, ~~the~~ above remedies may be taken only upon giving thirty (30) days written notice to the owner of record at the time of certifying said property as "non-compliant". Said notice shall be given in the manner required by this Code accordance with section 107.3. ~~If the property is viewed to be Unsafe as defined in 108.1.1. See section 108.~~

106.3e Prosecution of violation.

~~Upon receiving notice that a violation has occurred the responsible party must bring the violation into compliance. The following actions may cause the attachment of a fee set by the Code Official with approval of the Director of Public Safety:~~

- ~~1.)The responsible party is cited for noncompliance.~~
- ~~2.)The development of an Action Plan.~~
- ~~3.)The scheduling of the Property Maintenance Review Committee.~~

Any person who violates any provision of this code and is found by the Director of Public Safety to be non-compliant on four (4) occasions within a seven (7) year period shall be deemed on the fourth occasion to be in violation of the Property Maintenance Code, a misdemeanor of the first degree and the offense shall be deemed a strict liability offense. This does not preclude the issuance of fees on the fourth and subsequent violations.

106.3f Abatement.

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If the notice of violation is not complied with, the ~~Code Official~~ Property Code Official may institute the appropriate proceeding at law or in equity to restrain, correct, or abate such violation; or to require the removal or termination of the unlawful occupancy of the structure in violation of the provisions of this code or of the order or direction made pursuant thereto. The costs of any action taken by the authority having jurisdiction on such premises shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate forwarded to the county auditor to place the incurred cost onto the property tax bill for the following tax cycle.

106.3g Exception to Administrative Process.

If the violation is deemed such that the structure or equipment is found by the Director of Public Safety to be unsafe, or when a structure is found unfit for human occupancy, or is found unlawful, nothing in this chapter will be construed as to preclude the City of Newark from pursuing additional available remedy pursuant to Section 108, Unsafe Structures and Equipment.

106.4 Violation penalties.

Any person, who shall violate a Provision of this code, or fail to comply therewith, or with any of the requirements thereof, shall be prosecuted within the limits provided by state or local laws. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

~~106.5 Abatement of violation.~~

~~The imposition of the penalties herein prescribed shall not preclude the legal officer of the jurisdiction from instituting appropriate action to restrain, correct or abate a violation or to prevent illegal occupancy of a building, structure or premises or to stop an illegal act, conduct, business or utilization of the building, structure or premise.~~

106.5 Corrective Action Plan

Upon agreement of the property owner, occupant or agent having charge of the property and the Property Code Official, a corrective action plan may be prepared to identify the specific steps which need taken to cure violations of this code at the property, establish reasonable deadlines for the correction of issues at the property, establishment of a payment plan in which outstanding administrative fees will be remitted to the Division of Property Maintenance and any other criteria which is necessary for the correction of conditions at the property. Both the property owner, occupant or agent having charge of the property and the Property Code Official shall execute the corrective action plan for it to be valid. Upon the corrective action plan becoming valid, any proceedings relevant to the property that is the subject matter of the corrective action plan shall be stayed. If the property owner, occupant or agent having charge of the property fails to adhere to the

corrective action plan, the stay of proceedings shall be lifted and the Property Code Official may continue any proceedings permitted by this Code. The Property Code Official is authorized to assess the fee specified in Section 103.5 of the Code for the creation of the Corrective Action Plan.

SECTION 107 NOTICES AND ORDERS

107.1 Notice to person responsible.

Whenever the Director of Public Safety determines that there has been a violation of this code or has grounds to believe that a violation has occurred, ~~and the responsible party is non-compliant,~~ notice shall be given in the manner prescribed in Section 107.2 and 107.3 to the property owner or other person responsible for the violation as specified in this code. Notices for condemnation procedures shall also comply with Section 108.3.

107.2 Form.

Such notice prescribed in Section 107.1 shall be in accordance with all the following:

1. Be in Writing
2. Include a description of the real estate sufficient for identification.
3. Include a statement of the violation or violations and why the notice is being issued.
4. Include a correction order allowing a reasonable time to make the repairs and improvements required to bring the dwelling unit or structure into compliance with the provisions of this code.
5. Inform the property owner of the right to appeal.
6. Include the statement of the right to file a lien in accordance with Section 106.3.
7. Inform the property owner of obligation upon transfer of ownership.

107.3 Method of Service.

~~Service of notice as set forth above shall be in accordance with Rule 4.1 et seq., of the Ohio Revised Civil Procedure. However, if an owner of property has been determined to be non-compliant and is required to file and maintain written notice of address with the Director of Public Safety, service will be deemed to be effective if made by regular US mail.~~

Service of any notice of administrative warning or other documentation as required by this Code shall be deemed to be effective if sent by regular mail to the property, owner or agent having charge of the property as reflected in the public records; however, a citation must be sent via certified mail, returned receipt request. In lieu of sending any notice, citation or other documentation via regular or certified mail, the Property Code Official is authorized to hand deliver the said documents to the property, property owner, occupant or agent having charge of the property. In the event that service is returned as undeliverable, refused or if any other unforeseen circumstance with respect to service arise, the Ohio Rules of Civil Procedure shall govern services for the purposes of the Code.

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107.4 Penalties.

Penalties for noncompliance with orders and notices shall be as set forth in Section 106.

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 such dwelling unit or structure 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, or lessee a true copy of any compliance order or notice of the violation issued by the ~~Code Official~~ Property Code Official and shall furnish to the ~~Code Official~~ Property Code Official a signed and notarized statement from the grantee, transferee, 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 108 UNSAFE STRUCTURES AND EQUIPMENT

108.1 GENERAL.

When a structure or equipment is found by the ~~code official~~ Property Code Official to be unsafe, or when a structure is found unfit for human occupancy, or is found unlawful, such structure shall be condemned pursuant to the provisions of this code.

108.1.1 Unsafe structures.

An unsafe structure is one that is found to be dangerous to the life, health, property or safety of the public or the occupants of the structure by not providing minimum safeguards to protect or warn occupants in the event of fire, or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation, that partial or complete collapse is possible.

108.1.2 Unsafe equipment.

Unsafe equipment includes any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers or other equipment on the premises or within the structure which is in such disrepair or condition that such equipment is a hazard to life, health, property or safety of the public or occupants of the premises or structure.

108.1.3 Structure unfit for human occupancy.

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A structure is unfit for human occupancy whenever the ~~code official~~ Property Code Official finds that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, 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 the location of the structure constitutes a hazard to the occupants of the structure or to the public.

108.1.4 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.

108.2 Closing of vacant structures.

If the structure is vacant and unfit for human habitation and occupancy, and is not in danger of structural collapse, the ~~code official~~ Property Code Official is authorized to post a placard of condemnation on the premises and order the structure closed up so as not to be an attractive nuisance. Upon failure of the owner to close up the premises within the time specified in the order, the ~~code official~~ Property Code Official shall cause the premises to be closed and secured through any available public agency or by contract or arrangement by private persons and the cost thereof shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate and may be collected by any other legal resource.

108.3 Notice.

Whenever the ~~code official~~ Property Code Official has condemned a structure or equipment under the provisions of this section, notice shall be posted in a conspicuous place in or about the structure affected by such notice and served on the owner or the person or persons responsible for the structure or equipment in accordance with Section 107.3. If the notice pertains to equipment, it shall also be placed on the condemned equipment. The notice shall be in the form prescribed in Section 107.2.

108.4 Placarding.

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

108.4.1 Placard removal.

The ~~code official~~ Property 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~~ Property Code Official shall be subject to the penalties provided by this code.

108.5 Prohibited occupancy.

Any occupied structure condemned and placarded by the ~~code official~~ Property Code Official shall be vacated as ordered by the ~~code official~~ Property Code Official. Any person who shall occupy a placarded premises or shall operate placarded equipment, and any owner or any person responsible for the premises who shall let anyone occupy a placarded premises or operate placarded equipment shall be liable for the penalties provided by this code.

SECTION 109 EMERGENCY MEASURES

109.1 Imminent danger.

When, in the opinion of the ~~code official~~ Property Code Official, there is imminent danger of failure or collapse of a building or structure which endangers life, or when any structure or part of a structure has fallen and life is endangered by the occupation of the structure, or when there is actual or potential danger to the building occupants or those in the proximity of any structure because of explosives, explosive fumes or vapors or the presence of toxic fumes, gases or materials, or operation of defective or dangerous equipment, the ~~code official~~ Property Code Official is hereby authorized and empowered to order and require the occupants to vacate the premises forthwith. The ~~code official~~ Property Code Official shall cause to be posted at each entrance to such structure a notice reading as follows: "This Structure Is Unsafe and Its Occupancy Has Been Prohibited by the Property Code Official." It shall be unlawful for any person to enter such structure except for the purpose of securing the structure, making the required repairs, removing the hazardous condition or of demolishing the same.

109.2 Temporary safeguards.

Notwithstanding other provision of this code, whenever, in the opinion of the ~~Code Official~~ Property Code Official, there is imminent danger due to an unsafe condition, the Property Code Official may order the necessary work to be done including the boarding up of openings, to render such structure temporarily safe whether or not the legal procedure herein described has been instituted; and shall cause such other action to be taken as the Property Code Official deems necessary to meet such emergency.

109.2.1 Limiting Board-up structures.

The boarding up of doors and windows in structures shall be only permitted in unoccupied buildings and then only for sixty days unless a building permit for reconstruction or a demolition permit is taken out and then for only sixty additional days.

109.3 Closing streets.

When necessary for public safety, the ~~code official~~ Property Code Official may temporarily close structures and close, or order the authority having jurisdiction to close, sidewalks, streets, public ways and places adjacent to unsafe structures, and prohibit the same from being utilized.

109.4 Emergency repairs.

For the purposes of this section, the ~~code official~~ Property Code Official may employ the necessary labor and materials to perform the required work as expeditiously as possible.

109.5 Costs of emergency repairs.

Costs incurred in the performance of emergency work may be paid by the jurisdiction. The legal counsel of the jurisdiction may institute appropriate action against the owner of the premises where the unsafe structure is or was located for the recovery of such costs. All costs incurred can be charged back to the responsible party through Section 106.3

109.6 Hearing.

Any person ordered to take emergency measures shall comply with such order forthwith. Any affected person shall thereafter, upon petition directed to the Property Maintenance Review Committee, be afforded a hearing as described in this code. The Property Maintenance Review Committee shall convene in the case of an imminent danger within 10 days of notice. ~~If given a serious nature the appeals board will convene within 30 days.~~

SECTION 110 DEMOLITION

110.1 GENERAL.

The Property Code Official may order the owner of any premises upon which is located any structure, which in the Property 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 or occupancy, and such that it is unreasonable to repair the structure, to demolish and remove such structure; or if such structure is capable of being made safe by repairs, to repair and make safe and sanitary or to demolish and remove at the owner's option; or where there has been a cessation of normal construction of any structure for a period of more than two years, to demolish and remove such structure.

110.2 Site Preparation.

If a structure is demolished, whether carried out by the owner or by the Property Code Official, such demolition shall include the filling in of the excavation on which the

demolished structure or unit was located so as to eliminate all potential danger to the public health, safety, arising from such excavation.

110.2.1 Extermination.

Any demolition shall be preceded by an inspection of the premises by the ~~code official~~ Property Code Official to determine whether or not extermination procedures are necessary. If the premise is infested with rodents and/or insects, appropriate rodent/insect extermination procedures shall be instituted before, during, and after demolition to prevent the spread of rodents and/or insects to adjoining or other areas.

110.2.2 Water Well/Sewage system.

Demolition shall include, if applicable, the proper abandonment of any water wells and/or private sewage treatment systems as required by the Department of Health.

110.3 Notices and orders.

All notices and orders shall comply with ~~Section 107~~ provisions of this Code.

110.4 Failure to comply.

If the owner of a premises fails to comply with a demolition order within the time prescribed, the ~~code official~~ Property Code Official shall cause the structure to be demolished and removed, either through an available public agency or by contract or arrangement with private persons, and the cost of such demolition and removal shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

110.5 Salvage materials.

When any structure has been ordered demolished and removed, the City of Newark or other designated officer under said contract or arrangement aforesaid shall have the right to sell the salvage and valuable materials at the highest price obtainable. The net proceeds of such sale, after deducting the expenses of such demolition 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 person who is 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.

SECTION 111 MEANS OF APPEAL

111.1 Application for appeal.

Any person directly affected by a decision of the ~~code official~~ Property Code Official or a notice, ~~or order~~ or other documentation issued under this code shall have the right to

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appeal to the Property Maintenance Review Committee, provided that a written application for appeal is filed with the Secretary of the Property Maintenance Review Committee or his/her designee within 20 days after the day the decision, notice or order was served upon the property owner, occupant or agent having charge of the property. An application for 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.

111.2 Property Maintenance Review Committee.

A Property Maintenance Review Committee is hereby created. The Property Maintenance Review Committee shall hear appeals submitted as a result from a decision, action, notice or order of the Property Code Official of the Division of Property Maintenance. The Property Maintenance Review Committee shall affirm, modify or reverse the decision of the Property Code Official. The Committee shall consist of a minimum of five members who are qualified by experience and training to consider matters pertaining to property maintenance and who are not employees of the City of Newark. It is recommended that members of the committee consist of those experienced in construction, the real estate market, rentals and homeowners. ~~The Code Official~~ Property Code Official shall be an ex-officio member but shall have no vote on any matter before the board. The board shall be appointed by the Mayor of Newark, and shall serve staggered and overlapping terms for three-years. The initial committee will consist of two (2) individuals serving a one-year term, two (2) individuals serving a two-year term and one individual serving a three-year term. Terms shall be limited by three (3), three (3) year terms.

111.2.1 Alternate members.

The Mayor of Newark shall appoint two alternate members whom shall ~~be called by~~ serve on the board ~~Property Maintenance Review Committee chairman to hear appeals~~ during the absence or disqualification of a member. Alternate members shall possess the qualifications required for committee membership. Alternate members shall serve a three-year term with a term limit of three (3).

111.2.2 Chairman.

The board shall annually select one of its members to serve as chairman; ~~and one of its members serve as vice-chairman.~~ The chairman shall preside over the hearings of the Property Maintenance Review Committee and shall fulfill any other duties as delegated by the Code or by decision of the Property Maintenance Review Committee. In the chairman's absence, the vice-chairman shall conduct the chairman's duties.

111.2.3 Disqualification of member.

A member shall not hear an appeal in which that member has a personal, professional or financial interest.

111.2.4 Secretary.

The Mayor of Newark shall designate a qualified person to serve as secretary to the board Property Maintenance Review Committee. The secretary shall be required to schedule the meetings, receive and send documentation on behalf of the Property Maintenance Review Committee, send necessary notices required by law to be sent by the Property Maintenance Review Committee, file and maintain a detailed record of all proceedings which shall be kept in the office of the Mayor of Newark and conduct any additional duties as delegated by the Property Maintenance Review Committee.

111.2.5 Compensation of members.

Compensation of members shall be determined by law.

111.3 Notice of meeting.

The board shall meet upon notice from the chairman or his/her designee, within 20 days of the filing of an appeal, or at stated periodic meetings unless such additional time is needed for a majority of the Property Maintenance Review Committee to be present, if the appellant requests an extension, or upon mutual agreement of the appellant and the Code Official.

111.4 Open hearing.

All hearings before the ~~board~~ shall be open to the public Property Maintenance Review Committee shall be conducted in accordance with Ohio law. The appellant, the appellant's representative, the ~~Code Official~~ Property Code Official and any person whose interests are affected shall be given an opportunity to be heard. A quorum of the Property Maintenance Review Committee must be present to hear an appeal. A quorum shall consist of not less than three of the committee members and/or alternate members.

111.4.1 Procedure.

The board shall may adopt and make available to the public through the secretary procedures under which a hearing will be conducted. The procedures shall not require compliance with strict rules of evidence, but shall mandate that only relevant information be received.

111.5 Postponed hearing.

When ~~the a quorum of the Property Maintenance Review Committee full board~~ is not present to hear an appeal, the hearing shall not proceed, either the appellant or the appellant's representative shall have the right to request a postponement of the hearing.

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If the majority of the board necessary to hear an appeal is not present to hear such appeal, the hearing may be postponed for no more than fourteen (14) days to a date when at least a majority of the board is present. In the event that a majority of the board is present, but there are not enough members present to affirm, reverse or modify the decision of the Code Official, the hearing may be postponed for no more than fourteen (14) days.

111.6 Committee decisions.

The committee shall affirm, modify or reverse the decision of the Code Official Property Code Official only if three of the appointed committee members and/or alternates are present at the hearing and render a decision on the same. by a majority of the total members of appointed committee members. ~~-(Three committee members need to be present for a rendered decision.)~~

111.6.1 Records and copies.

The decision of the board Property Maintenance Review Committee shall be recorded filed with the Office of the Mayor. Copies shall be furnished to the appellant and to the code official Property Code Official within a reasonable period of time following the hearing. The written decision should include, but is not limited to the following information: (1) date the hearing was held; (2) property address; (3) findings of the board; (4) date appeal filed; (5) reason for appeal; (6) statement as to whether code official's order was upheld, reversed or modified (7) copy of the record of proceedings from the hearing; and (8) any additional information deemed necessary by the Property Maintenance Review Committee. A copy of this decision shall be maintained in the official records kept in the City of Newark Office of the Mayor.

111.6.2 Administration.

The code official Property Code Official shall take immediate action within a reasonable period of time in accordance with the decision of the Property Maintenance Review Committee.

111.7 Court review.

Any person, whether or not a previous party of the appeal, shall have the right to apply to the appropriate court for a writ of certiorari to correct errors of law seek judicial review in any manner as provided by law to appeal a decision of the Property Maintenance Review Committee. Application for review shall be made in the manner and time required by law following the filing of the decision in the office of the Mayor of Newark.

111.8 Stays of enforcement.

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Appeals of notice and orders (other than Imminent Danger notices) shall stay the enforcement of the notice and order until the appeal is heard by the ~~appeals board~~ Property Maintenance Review Committee.

CHAPTER 2 DEFINITIONS

SECTION 201 GENERAL

201.1 Scope.

Unless otherwise expressly stated, the following terms shall, for the purposes of this code, have the meanings shown in this chapter.

201.2 Interchangeability.

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

201.3 Terms defined in other codes.

Where terms are not defined in this code and are defined in other ordinances of the City of Newark those definitions shall stand.

201.4 Terms not defined.

~~Where terms are not defined through the methods authorized by this section, such terms shall have ordinarily accepted meanings such as the context implies.~~

201.5 Parts.

Whenever the words "dwelling unit," "dwelling," "premises," "building," "rooming house," "rooming unit" "housekeeping unit" or "story" are stated in this code, they shall be construed as though they were followed by the words "or any part thereof."

SECTION 202 GENERAL DEFINITIONS

APPROVED. ~~Approved by the code official~~ Property Code Official.

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

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

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

BOARDING HOUSE: A dwelling occupied by a family related by blood or law where lodging is provided for not more than two non-transient persons with or without meals.

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

CONDEMN. To adjudge unfit for occupancy.

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

EASEMENT. That portion of land or property reserved for present or future use by a person or agency other than the legal fee owner(s) of the property. The easement shall be permitted to be for use under, on or above a said lot or lots.

EXTERIOR PROPERTY. 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 serves as their food; by poison spraying, fumigating, trapping or by any other approved pest elimination methods.

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

GUARD. A building component or a system of building components located at or near the open sides of elevated walking surfaces that minimizes the possibility of a fall from the walking surface to a lower level.

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

HOUSEKEEPING UNIT. A room or group of rooms forming a single habitable space equipped and intended to be used for living, sleeping, cooking and eating which does not contain, within such a unit, a toilet, lavatory and bathtub or shower.

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

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

INOPERABLE MOTOR VEHICLE. A vehicle which cannot be driven upon the public streets for reason including but not limited to being unlicensed, wrecked, abandoned, in a state of disrepair, or incapable of being moved under its own power.

JUNK VEHICLE: A motor vehicle that is located on private property for more than seventy-two (72) hours and that meets any one or more of the following requirements:

- A. Is dismantled, partly dismantled, partly constructed, inoperative or in an abandoned condition.
- B. Is extensively damaged; such damage including but not limited to broken windows or windshield, missing wheels, tires, motor, transmission, hood, deck lid, or body parts.
- C. Is without valid license or registration.

HOARDING: The excessive collection and retention of things or animals until they interfere with day-to-day functions causing a safety or health hazard. The acquisition of, and failure to discard, possessions that appear to be useless or of limited value or sufficiently cluttering an area so as to preclude activities for which those spaces were originally designed. Hoarding can occur anywhere on premises.

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

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

LIVING UNIT: A room or group of rooms forming a single habitable space intended to be used for sleeping and/or living with or without provisions for cooking but without a bathroom in the unit.

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

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

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

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

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

PERSON. An individual, corporation, partnership or any other group acting as a unit.

PREMISES. A lot, plot or parcel of land, easement or public way, including any structures thereon.

PUBLIC WAY. Any street, alley or similar parcel of land essentially unobstructed from the ground to the sky, which is deeded, dedicated or otherwise permanently appropriated to the public for public use.

ROOMING HOUSE: A building arranged or occupied for lodging, with or without meals, where three or more living units are individually rented, leased or provided, with or without access to common areas. The building may or may not be occupied by the owner.

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

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

STRICT LIABILITY OFFENSE. An offense in which the prosecution in a legal proceeding is not required to prove criminal intent as a part of its case. It is enough to prove that the defendant either did an act which was prohibited, or failed to do an act which the defendant was legally required to do.

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

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

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

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

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

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

CHAPTER 3 GENERAL REQUIREMENTS

SECTION 301 GENERAL

301.1 Scope.

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

301.2 Responsibility.

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

301.3 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 302 EXTERIOR PROPERTY AREAS

302.1 Sanitation.

All exterior property and premises shall be maintained in a clean, safe and sanitary condition. The occupant shall keep that part of the exterior property, which such occupant occupies, or controls in a clean and sanitary condition.

302.2 Grading and drainage.

All premises shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water thereon, or within any structure located thereon.

Exception: Approved retention areas and reservoirs.

302.3 Sidewalks and driveways.

All ~~stairs and similar areas~~ sidewalks and driveways shall be kept in proper state of repair and maintained free from hazardous conditions.

302.4 Weeds.

All premises and property shall be maintained free from weeds or plant growth in excess of ten (10) inches. All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens.

Upon failure of the owner or agent having charge of a property to cut and destroy weeds after service of a notice of violation, an administrative warning, said owner or agent shall be subject to prosecution in accordance with Section 106.3 in any manner authorized by this code. Upon failure to comply with the notice of violation, any duly authorized employee of the jurisdiction or contractor hired by the jurisdiction shall be authorized to enter upon the property in violation and cut and destroy the weeds growing thereon, and the costs of such removal shall be assessed for the owner or agent of the property pursuit to Section 106.3 in any manner provided by this code.

302.5 Rodent harborage.

All structures and exterior property shall be kept free from rodent harborage and infestation. Where rodents are found, they shall be promptly exterminated by approved processes, which will not be injurious to human health.

After extermination, proper precautions shall be taken to eliminate rodent harborage and prevent reinfestation.

Upon failure of the owner or agent having charge of a property to conduct necessary extermination to eliminate rodent harborage and infestation after service of a notice of administrative warning, said owner or agent shall be subject to prosecution in any manner authorized by this code. Upon failure to comply with the notice of administrative warning, any duly authorized employee or contractor of the jurisdiction shall be authorized to enter upon the property in violation and correct the conditions existing thereon and assess the costs by any manner permitted by this code.

302.6 Exhaust vents.

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

302.7 Accessory structures.

All accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in good repair.

302.8 Motor Vehicles.

Except as provided in other regulations, junk vehicle(s) shall be housed in an enclosed garage or any structure consisting of a structurally sound roof and permanent walls, any of which may be temporarily opened, except if the person is operating a junk yard or scrap yard licensed under the authority of ORC Sections 4737.05 through 4737.12, inclusive, or regulated by the authority of the City.

Exception: Auto repair facilities shall be permitted one (1) junk vehicle for each 400 sq. ft. of service area.

The occupant of a single-family dwelling shall be responsible to maintain the exterior property areas in compliance with this section.

302.9 Defacement of property.

No person shall willfully or wantonly damage, mutilate or deface any exterior surface of any structure of building on any private or public property by placing thereon any marking, carving or graffiti.

It shall be the responsibility of the owner to restore said surface to an approved state of maintenance and repair.

302.10 Trees.

All trees shall be maintained free of dead limbs and branches and trunks that pose a safety hazard to any person or structure located on or adjacent to the property. Trees shall be maintained so not to come in contact with any structure located on adjacent property.

302.11 Traffic visibility across corner lots.

On any corner lot, no fence, structure or planting shall be erected or maintained within 25 feet of the point of intersection on the improved road surface which interferes with traffic visibility across the corner.

302.12 Stream and waterway maintenance.

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All waterways located on private property shall be kept free of logs and debris that may obstruct water passage if that obstruction threatens to adversely affect adjacent or downstream properties.

302.13 Tires

No more than twenty (20) tires, specifically including, but not limited to scrap tires, used tires or retreadable casings, shall be kept on the exterior of a property so as to create a fire hazard, safety hazard or a public health nuisance.

SECTION 303 SWIMMING POOLS, SPAS AND HOT TUBS

303.1 Swimming Pools.

Swimming pools, spas and hot tubs shall be maintained in a clean and sanitary condition and in good repair.

Upon failure of the owner or agent having charge of a property to correct conditions existing in swimming pools, spas and hot tubs and after service of a notice of administrative warning, said owner or agent shall be subject to prosecution in any manner authorized by this code. Upon failure to comply with the notice of administrative warning, any duly authorized employee or contractor of the jurisdiction shall be authorized to enter upon the property in violation and correct the conditions existing thereon and assess the costs by any manner permitted by this code.

303.2 Enclosures.

Private swimming pools, hot tubs and spas, containing water more than 24 inches (610 mm) in depth shall be completely surrounded by a fence or barrier at least 48 inches (1219 mm) in height above the finished ground level measured on the side of the barrier away from the pool. Gates and doors in such barriers shall be self-closing and self-latching. Where the self-latching device is less than 54 inches (1372 mm) above the bottom of the gate, the release mechanism shall be located on the poolside of the gate. Self-closing and self-latching gates shall be maintained such that the gate will positively when released from an open position of 6 inches (152 mm) from the gatepost. No existing pool enclosure shall be removed, replaced or changed in a manner that reduces its effectiveness as a safety barrier.

303.21 Above ground pools.

Above ground pools that are 48" high or greater above grade shall act as their own barrier, provided that access steps are in a locked and unusable position when the pool is not being utilized.

303.22 Spa and Hot Tub exception.

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Spas and Hot Tubs that have a locking mechanism preventing access are exempt from 303.2.

303.23 Temporary Structures/Storage Units and Bins.

A permit for continued placement of a temporary structure, temporary storage unit or storage bin a permit must be obtained from the Property Code Official within fourteen (14) days of placement. No such unit may remain in place beyond fourteen (14) days of placement unless such permit has been issued. A permit shall be issued upon written application to the Division of Property Maintenance and payment of a \$45.00 fee. Once issued, a permit shall be effective for 6 months after issuance. All units must comply with applicable setback requirements. An exception to 303.23 includes those instances where Building Code has issued a permit and construction has commenced.

SECTION 304 EXTERIOR STRUCTURES

304.1 GENERAL.

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

304.2 Protective treatment.

All exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment.

Peeling, flaking and chipped paint shall be eliminated and surfaces repainted.

All siding and masonry joints as well as those between the building envelope and the perimeter of windows, doors, and skylights shall be maintained weather resistant and water tight. All metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion and all surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.

304.3 Premises identification.

Buildings shall have approved address numbers placed in a position to be plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be a minimum of 4 inches (102 mm) high with a minimum stroke width of 0.5 inch (12.7 mm).

304.4 Structural members.

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

304.5 Foundation walls.

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

304.6 Exterior walls.

All exterior walls shall be free from holes, breaks, and loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent deterioration.

304.7 Roofs and drainage.

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

304.8 Decorative features.

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

304.9 Overhang extensions.

All overhang extensions including, but not limited to canopies, marquees, signs, metal awnings, fire escapes, standpipes and exhaust ducts shall be maintained in good repair and be properly anchored so as to be kept in a sound condition. When required, all exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

304.10 Stairways, decks, porches and balconies.

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

304.11 Chimneys and towers.

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

304.12 Handrails and guards.

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

304.13 Window, skylight and door frames.

Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight.

303.13.1 Glazing.

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

304.13.2 Openable windows.

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

If a window at the time of adoption of this code is boarded up, the owner or agent has six (6) months to file an application with the Property Maintenance Coordinator along with a corrective action plan. All residential properties, including multi-family dwellings, have twelve (12) months to come into compliance with 304.13.2. Business, Commercial and Industrial properties have eighteen (18) months to come into compliance with 304.13.2.

Any individual who boards up windows or doors after adoption of this code has thirty (30) days to register and file a corrective action plan and sixty (60) days to come into compliance. The boarding up of windows and doors must be done as deemed as appropriate by the US Fire Administration, National Arson Prevention Initiative.

304.14 Insect Screens

Every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored, shall be supplied with approved tightly fitting screens for not less than 16 mesh per inch (16 mesh per 25 mm) and every swinging door shall have a self-closing device that is in good working condition.

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Exception: Screens shall not be required where other approved means, such as air curtains or insect repellent fans, are employed.

304.15 Doors.

All exterior doors, door assemblies and hardware shall be maintained in good condition. Locks at all entrances to dwelling units, rooming units and guestrooms shall tightly secure the door. Locks on means of egress doors shall be in accordance with Section 702.3.

304.16 Basement Hatchways

Every basement hatchway shall be maintained to prevent the entrance of rodents, rain and surface drainage water. Locks must be maintained on all hatchways. Locks must be utilized while structures are unoccupied. All locks must be capable of opening from the inside at all times unless the hatchway is the only entrance to that part of the structure.

304.17 Guards for basement windows.

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

304.18 Building security.

Doors, windows or hatchways for dwelling units, room units or housekeeping units shall be provided with devices designed to provide security for the occupants and property within.

304.18.1 Doors.

Doors providing access to a dwelling unit, rooming unit or housekeeping unit that is rented, leased or let shall be equipped with a deadbolt lock meeting specifications set forth herein. Such deadbolt locks shall be operated only by the turning of a knob or a key and shall have a lock not less than 1-inch. For the purpose of this section, a sliding bolt shall not be considered an acceptable deadbolt lock. Such deadbolt locks shall be installed according to manufacturer's specifications and maintained in good working order. All deadbolt locks required by this section shall be designed and installed in such a manner so as to be operable inside of the dwelling unit, rooming unit or housekeeping unit without the use of a key, tool, combination thereof or any other special knowledge or effort.

304.18.2 Windows.

Operable windows located in whole or in part within 6 feet (1828 mm) above ground level or a walking surface below that provide access to a dwelling unit, rooming unit or

housekeeping unit that is rented, leased or let shall be equipped with a window sash locking devices.

304.18.3 Basement hatchways.

Basement hatchways that provide access to a dwelling unit, rooming unit or housekeeping unit that is rented, leased or let shall be equipped with devices that secure the units from unauthorized entry.

SECTION 305 INTERIOR STRUCTURE

305.1 GENERAL.

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

305.2 Structural members.

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

305.3 Interior surfaces

All interior surfaces of occupied areas of structures, including windows and doors, shall be maintained in good, clean and sanitary condition. Peeling, chipping, flaking or abraded paint shall be repaired, removed or covered. Cracked or loose plaster, decayed wood and other defective surface conditions shall be corrected.

305.4 Stairs and walking surfaces.

Every stair, ramp, landing, balcony, porch, deck or other walking surface shall be maintained in sound condition and good repair.

305.5 Handrails and guards.

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

305.6 Interior doors.

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

SECTION 306 HANDRAILS AND GUARDRAILS

306.1 GENERAL.

Every exterior and interior flight of stairs having more than four risers shall have a handrail on one side of the stair and every open portion of a stair, landing, balcony, porch, deck, ramp or other walking surface which is more than 30 inches (762 mm) above the floor or grade below shall have guards. Handrails shall not be less than 30 inches (762 mm) high or more than 42 inches (1067 mm) high measured vertically above the nosing of the tread or above the finished floor of the landing or walking surfaces. Guards shall not be less than 30 inches (762 mm) high above the floor of the landing, balcony, porch, deck, or ramp or other walking surface.

Exception: Guards shall not be required where exempted by the adopted building code.

SECTION 307 RUBBISH AND GARBAGE

307.1 Accumulation of rubbish or garbage.

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

Upon failure of the owner or agent having charge of a property to remove an accumulation of rubbish after service of a notice of violation, said owner or agent shall be subject to prosecution in any manner authorized by this code. Upon failure to comply with the notice of administrative warning, any duly authorized employee or contractor of the jurisdiction shall be authorized to enter upon the property in violation and correct the conditions existing thereon and assess the costs by any manner permitted by this code.

307.2 Disposal of rubbish

Every occupant of a structure shall dispose of all rubbish in a clean and sanitary manner by placing such rubbish in approved covered containers or secured trash bags. Containers shall not be set out for pick up more that twenty-four hours in advance of trash pick up.

307.2.1 Rubbish storage facilities

The owner of every occupied premises shall supply approved covered container for rubbish with the capacity of one (1) cubic yard or greater for each dwelling unit thereon. In the case of a single-family dwelling the occupant will provide this container.

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307.2.2 Refrigerators.

Refrigerators and similar equipment not in operation shall not be discarded, abandoned or stored on premises without first removing the doors.

307.3 Disposal of garbage.

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

307.3.1 Garbage facilities

The owner of every dwelling shall supply one of the following: an approved mechanical food waste grinder in each dwelling unit or an approved leak proof, covered, outside garbage container. In the case of a single-family structure, the occupant is responsible for compliance with 307.3.1.

307.3.2 Containers.

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

SECTION 308 EXTERMINATION

308.1 Infestation.

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

Upon failure of the owner or agent having charge of a property to conduct an extermination to remove insect and rodent infestation after service of a notice of administrative warning, said owner or agent shall be subject to prosecution in any manner authorized by this code. Upon failure to comply with the notice of administrative warning, any duly authorized employee or contractor of the jurisdiction shall be authorized to enter upon the property in violation and correct the conditions existing thereon and assess the costs by any manner permitted by this code.

308.2 Owner.

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

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308.3 Single occupant.

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

308.4 Multiple occupancy.

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

308.5 Occupant.

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

Exception: Where the infestations are caused by defects in the structure, the owner shall be responsible for extermination and disposal of any infested material, which is deemed by the exterminator to be in need of disposal.

CHAPTER 4 LIGHT, VENTILATION AND OCCUPANCY LIMITATIONS

SECTION 401 GENERAL

401.1 Scope.

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

401.2 Responsibility.

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

401.3 Alternative devices.

In lieu of the means for natural light and ventilation herein prescribed, artificial light or mechanical ventilation complying with the laws applied by the City of Newark, Division of Building Code Enforcement shall be permitted.

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feet (2.33m²). The ventilation openings to the outdoors shall be based on a total floor area being ventilated.

403.1a Exception

When a building is designed to contain windows that do not open and ventilation concerns are addressed by the design, 403.1 does not apply. This exception does not apply to bedrooms or sleeping areas.

A screened exterior door can be substituted for ventilation purposes.

403.2 Bathrooms and toilet rooms.

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

403.3 Cooking facilities.

Unless approved through the certificate of occupancy, cooking shall not be permitted in any rooming unit or dormitory unit, and a cooking facility or appliance shall not be permitted to be present in a rooming unit or dormitory unit.

Exception: Where specifically approved in writing by the ~~code official~~ Property Code Official.

403.4 Process ventilation.

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

403.5 Clothes dryer exhaust.

Clothes dryer exhaust systems shall be independent of all other systems and shall be exhausted in accordance with the manufacturer's instructions.

SECTION 404 OCCUPANCY LIMITATIONS

404.1 Privacy.

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

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SECTION 402 LIGHT

402.1 Habitable spaces.

Every habitable space shall have at least one window of approved size facing directly to the outdoors or to a court. The minimum total glazed area for every habitable space shall be 8 percent of the floor area of such room. Wherever walls or other portions of a structure face a window of any room and such obstructions are located less than 3 feet (914 mm) from the window and extend to a level above that of the ceiling of the room, such window shall not be deemed to face directly to the outdoors nor to a court and shall not be included as contributing to the required minimum total window area for the room. Exception: Where natural light for rooms or spaces without exterior glazing areas is provided through an adjoining room, the unobstructed opening to the adjoining room shall be at least 8 percent of the floor area of the interior room or space, but not less than 25 square feet (2.33m²). The exterior glazing area shall be based on the total floor area being served.

402.2 Common halls and stairways.

Every common hall and stairway in residential occupancies, other than in one- and two family dwellings, shall be lighted at all times with at least a 60-watt standard incandescent light bulb for each 200 square feet (19 m²) of floor area or equivalent illumination, provided that the spacing between lights shall not be greater than 30 feet (9144 mm). In other than residential occupancies, means of egress, including exterior means of egress stairways shall be illuminated at all times the building space served by the means of egress is occupied with a minimum of 1 foot-candle (11 lux) at floors, landings and treads.

402.3 Other spaces.

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

SECTION 403 VENTILATION

403.1 Habitable spaces.

Every habitable space shall have at east one openable window. The total openable area of the window in every room shall be equal to at least 45 percent of the minimum glazed area required in Section 402.1.

Exception: Where rooms and spaces without openings to the outdoors are ventilated through an adjoining room, the unobstructed opening to the adjoining room shall be at least 8 percent of the floor area of the interior room or space, but not less than 25 square

404.2 Minimum room widths.

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

404.3 Minimum ceiling heights.

Habitable spaces, hallways, corridors, laundry areas, bathrooms, toilet rooms and habitable basement areas shall have a clear ceiling height of not less than 7 feet (2134 mm).

Exceptions:

1. In one- and two-family dwellings, beams or girders spaced not less than 4 feet (1219 mm) on center and projecting not more than 6 inches (152 mm) below the required ceiling height.
2. Basement rooms in one- and two-family dwellings occupied exclusively for laundry, study or recreation purposes, having a ceiling height of not less than 6 feet 8 inches (2033 mm) with not less than 6 feet 4 inches (1932 mm) of clear height under beams, girders, ducts and similar obstructions.
3. Rooms occupied exclusively for sleeping, study or similar purposes and having a sloped ceiling over all or part of the room, with a clear ceiling height of at least 7 feet (2134 mm) over not less than one-third of the required minimum floor area. In calculating the floor area of such rooms, only those portions of the floor area with a clear ceiling height of 5 feet (1524 mm) or more shall be included. 404.4 Bedroom requirements. Every bedroom shall comply with the requirements of Sections 404.4.1 through 404.4.5.

404.4 Bedroom requirements

Every bedroom shall comply with requirements of Sections 404.4.1 through 404.4.5.

404.4.1 Area for sleeping purposes.

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

404.4.2 Water closet accessibility

Every bedroom in a dwelling unit shall have access to at least one water closet and lavatory located in the same story as the bedroom or an adjacent story.

404.4.4 Prohibited occupancy.

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

404.4.5 Other requirements.

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

404.5 Overcrowding

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

Table 404.5 Minimum Area Requirements

Table 404.5 Minimum Area Requirement not to include bedrooms			
	1-2 Occupants	3-5 Occupants	6 or more Occupants
Space	No requirements	200	250
Bedrooms	Shall comply with Section 404.4		

For SI: 1 square foot = 0.093 m².

- a. See Section 404.5.1 for limitations on determining the minimum occupancy area for sleeping purposes.

404.5.1 Sleeping area.

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

404.6 Efficiency unit.

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

1. A unit occupied by not more than two occupants shall have a clear floor area of not less than 220 square feet (20.4 m²). A unit occupied by three occupants shall have a clear floor area of not less than 320 square feet (29.7 m²). These required areas shall be exclusive of the areas required by Items 2 and 3.
2. The unit shall be provided with a kitchen sink, cooking appliance and refrigeration facilities, each having a clear working space of not less than 30 inches (762 mm) in front. Light and ventilation conforming to this code shall be provided.

3. The unit shall be provided with a separate bathroom containing a water closet, lavatory and bathtub or shower.
4. The maximum number of occupants shall be three.

404.7 Food preparation.

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

CHAPTER 5 PLUMBING FACILITIES AND FIXTURE REQUIREMENTS

SECTION 501 GENERAL

501.1 Scope.

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

501.2 Responsibility.

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

SECTION 502 REQUIRED FACILITIES

502.1 Dwelling units.

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

502.2 Rooming houses.

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

502.3 Hotels.

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

502.4 Employees' facilities.

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

502.4.1 Drinking facilities.

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

SECTION 503 TOILET ROOMS

503.1 Privacy.

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

503.2 Location.

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

503.3 Location of employee toilet facilities.

Toilet facilities shall have access from within the employees' working area. The required toilet facilities shall be located not more than one story above or below the employees' working area and the path of travel to such facilities shall not exceed a distance of 500 feet (152 m). Employee facilities shall either be separate facilities or combined employee and public facilities.

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

503.4 Floor surface.

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In other than dwelling units, every toilet room floor shall be maintained to be a smooth, hard, nonabsorbent surface to permit such floor to be easily kept in a clean and sanitary condition.

SECTION 504 PLUMBING SYSTEMS AND FIXTURES

504.1 GENERAL.

All plumbing fixtures shall be properly installed and maintained in working order, and shall be kept free from obstructions, leaks and defects and be capable of performing the function for which such plumbing fixtures are designed. All plumbing fixtures shall be maintained in a safe, sanitary and functional condition.

504.2 Fixture clearances.

Plumbing fixtures shall have adequate clearances for usage and cleaning.

504.3 Plumbing system hazards.

Where it is found that a plumbing system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, inadequate venting, cross connection, backsiphonage, improper installation, deterioration or damage or for similar reasons, the ~~code official~~ Property Code Official shall require the defects to be corrected to eliminate the hazard.

SECTION 505 WATER SYSTEM

505.1 GENERAL.

Every sink, lavatory, bathtub or shower, drinking fountain, water closet or other plumbing fixture shall be properly connected to either a public water system or to an approved private water system. All kitchen sinks, lavatories, laundry facilities, bathtubs and showers shall be supplied with hot or tempered and cold running water in accordance with the laws regulated by the Board of Health for the City of Newark.

505.2 Contamination.

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

505.3 Supply.

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

505.4 Water heating facilities.

Water heating facilities shall be properly installed, maintained and capable of providing an adequate amount of water to be drawn at every required sink, lavatory, bathtub, shower and laundry facility at a temperature of not less than 110°F (43°C). A gas burning water heater shall not be located in any bathroom, toilet room, bedroom or other occupied room normally kept closed, unless adequate combustion air is provided. An approved combination temperature and pressure-relief valve and relief valve discharge pipe shall be properly installed and maintained on water heaters.

SECTION 506 SANITARY DRAINAGE SYSTEM

506.1 GENERAL.

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

506.2 Maintenance.

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

SECTION 507 STORM DRAINAGE

507.1 GENERAL

Drainage of roofs and paved areas, yards, and courts, and other open areas on the premises shall not be discharged in a manner that creates a public nuisance.

507.2 Roof gutters and downspouts.

Roof gutters and downspouts must be maintained in good repair. If roof gutter and downspout is in place and is in need of repair: it must be replaced or repaired and not simply removed.

CHAPTER 6 MECHANICAL AND ELECTRICAL REQUIREMENTS

SECTION 601 GENERAL

601.1 Scope.

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

601.2 Responsibility.

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

SECTION 602 HEATING FACILITIES

602.1 Facilities required.

Heating facilities shall be provided in structures as required by this section.

602.2 Residential occupancies

Dwellings shall be provided with heating facilities capable of maintaining a room temperature of 65 degrees in all habitable room, bathrooms and toilet rooms based on the winter outdoor design temperature for the locality indicated in Appendix D of the International Plumbing Code. Cooking appliances shall not be used to provide space heating to meet the requirements of this section.

The Code Administrator will consider gravity fed houses on a dwelling-by-dwelling basis.

602.3 Heat supply

Every owner and operator of any building who rents, leases or lets one or more dwelling unit, rooming unit, dormitory or guestroom on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat during the period from October 1 through May 31 to maintain a temperature of not less than 65 degrees in all habitable rooms, bathrooms and toilet rooms.

602.4 Occupiable workspaces

Indoor occupiable workspaces shall be supplied with heat to maintain a temperature of not less than 65 degrees during the period the spaces are occupied.

Exceptions:

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

602.5 Room temperature measurement.

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

SECTION 603 MECHANICAL EQUIPMENT

603.1 Mechanical appliances

All mechanical appliances, fireplaces, solid fuel burning appliances, cooking appliances and water heating appliances shall be properly installed and maintained in a safe working condition, and shall be capable of performing the intended function.

Exception: If a fireplace is built as part of the structure and is no longer functional it must be closed off to the structure.

603.2 Removal of combustion products.

All fuel-burning equipment and appliances shall be connected to an approved chimney or vent.

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

603.3 Clearances.

All required clearances to combustible materials shall be maintained.

603.4 Safety controls.

All safety controls for fuel-burning equipment shall be maintained in effective operation.

603.5 Combustion air.

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

603.6 Energy conservation devices.

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

SECTION 604 ELECTRICAL FACILITIES

604.1 Facilities required.

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

604.2 Service

The size and usage of appliances and equipment shall serve as a basis for determining the need for additional facilities in accordance with regulations enforced by the City of Newark Division of Building Code's Electrical Code. Dwelling units shall be served by a three-wire, 120/240-volt, single-phase electrical service having a rating of not less than 60 amperes.

Exception: Structures with less than 60 amperes cannot be modified or overloaded.

604.3 Electrical system hazards.

Where it is found that the electrical system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, improper fusing, insufficient receptacle and lighting outlets, improper wiring or installation, deterioration or damage, or for similar reasons, the ~~code official~~ Property Code Official shall require the defects to be corrected to eliminate the hazard.

605 Hoarding

No person shall utilize property to hoard. The Property Code Official may order clearance of property found to be utilized for hoarding. All charges associated with clearance may be assessed back to the responsible party or to the property owner, if appropriate, pursuant to Section 106.3.

SECTION 605 ELECTRICAL EQUIPMENT

605.1 Installation.

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

605.2 Receptacles.

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

605.3 Lighting fixtures.

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

SECTION 606 ELEVATORS, ESCALATORS AND DUMBWAITERS

606.1 GENERAL.

Elevators, dumbwaiters and escalators shall be maintained to sustain safely all imposed loads, to operate properly, and to be free from physical and fire hazards. The most current certificate of inspection shall be on display at all times within the elevator or attached to the escalator or dumbwaiter; or the certificate shall be available for public inspection in the office of the building operator.

606.2 Elevators.

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

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

SECTION 607 DUCT SYSTEMS

607.1 GENERAL. Duct systems shall be maintained free of obstructions and shall be capable of performing the required function.

CHAPTER 7 FIRE SAFETY REQUIREMENTS

SECTION 701 GENERAL

701.1 Scope.

The provisions of this chapter shall govern the minimum conditions and standards for fire safety relating to structures and exterior premises, including fire safety facilities and equipment to be provided.

701.2 Responsibility.

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

701.3 Definitions

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“Inspector” in this chapter means the Fire Chief or his or her designee.

SECTION 702 MEANS OF EGRESS

702.1 GENERAL.

A safe, continuous and unobstructed path of travel shall be provided from any point in a building or structure to the public way. Means of egress shall comply with the Fire Code enforced by the City of Newark Division of Fire.

702.2 Aisles.

The required width of aisles in accordance with the Fire Code enforced by the City of Newark Division of Fire shall be unobstructed.

702.3 Locked doors.

All means of egress doors shall be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort, except where the door hardware conforms to that permitted by the City of Newark Division of Building Code and Newark Division of Fire.

702.4 Emergency escape openings.

Required emergency escape openings shall be maintained in accordance with the code in effect at the time of construction, change of buildings use and the following. Required emergency escape and rescue openings shall be operational from the inside of the room without the use of keys or tools. Bars, grilles, grates or similar devices are permitted to be placed over emergency escape and rescue openings provided the minimum net clear opening size complies with the code that was in effect at the time of construction or change of building use and such devices shall be releasable or removable from the inside without the use of a key, tool or force greater than that which is required for normal operation of the escape and rescue opening.

SECTION 703 FIRE-RESISTANCE RATINGS

703.1 Fire-resistance-rated assemblies.

The required fire-resistance rating of fire-resistance-rated walls, fire stops, shaft enclosures, partitions and floors shall be maintained.

703.2 Opening protectives.

Required opening protectives shall be maintained in an operative condition. All fire and

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smokestop doors shall be maintained in operable condition. Fire doors and smoke barrier doors shall not be blocked or obstructed or otherwise made inoperable.

SECTION 704 FIRE PROTECTION SYSTEMS

704.1 GENERAL.

All systems, devices and equipment to detect a fire, actuate an alarm, or suppress or control a fire or any combination thereof shall be maintained in an operable condition at all times in accordance with the rules regulated by the City of Newark Division of Fire.

704.2 Smoke alarms.

Single or multiple-station smoke alarms shall be installed and maintained in Groups R-2, R-3, R-4 and in dwellings not regulated in Group R occupancies, regardless of occupant load at all of the following locations:

1. On the ceiling or wall outside of each separate sleeping area in the immediate vicinity of bedrooms.
 2. In each room used for sleeping purposes.
 3. In each story within a dwelling unit, including basements and cellars but not including crawl spaces and uninhabitable attics. In dwellings or dwelling units with split-levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level.
- Single or multiple-station smoke alarms shall be installed in other groups in accordance with the rules regulated by the City of Newark Division of Fire.

704.3 Power source.

In Group R occupancies and in dwellings not regulated as Group R occupancies, single-station smoke alarms shall receive their primary power from the building wiring provided that such wiring is served from a commercial source and shall be equipped with a battery backup. Smoke alarms shall emit a signal when the batteries are low. Wiring shall be permanent and without a disconnecting switch other than as required for overcurrent protection.

Exception: Smoke alarms are permitted to be solely battery operated in buildings where no construction is taking place, buildings that are not served from a commercial power source and in existing areas of buildings undergoing alterations or repairs that do not result in the removal of interior wall or ceiling finishes exposing the structure, unless there is an attic, crawl space or basement available which could provide access for building wiring without the removal of interior finishes.

704.4 Interconnection.

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Where more than one smoke alarm is required to be installed within an individual dwelling unit in Group R-2, R-3, R-4 and in dwellings not regulated as Group R occupancies, the smoke alarms shall be interconnected in such a manner that the activation of one alarm will activate all of the alarms in the individual unit. The alarm shall be clearly audible in all bedrooms over background noise levels with all intervening doors closed.

Exceptions:

1. Interconnection is not required in buildings which are not undergoing alterations, repairs, or construction of any kind.
2. Smoke alarms in existing areas are not required to be interconnected where alterations or repairs do not result in the removal of interior wall or ceiling finishes exposing the structure, unless there is an attic, crawl space or basement available which could provide access for interconnection without the removal of interior finishes.

705 Rooming house license requirements

705.1 License Requirement

No person shall operate a rooming house unless he or she holds a valid rooming house license issued by the Office of the Fire Chief in the name of the operator and for such specific rooming house. The operator shall apply to the Office of the Fire Chief for such license, which shall be issued on condition that the applicable provision of this chapter and any rules and regulations adopted pursuant thereto are complied with. Every license shall expire at the end of one year following its date of issuance and in subsequent years on the date of its expiration, unless sooner suspended or revoked.

705.2 Display of License; Transfers

The license shall be displayed in a conspicuous place within a rooming house at all times. Such license shall not be transferable.

705.3 Compliance with Codes

A rooming house license shall be issued only for a dwelling, which is in conformance with all applicable codes. In the case of new construction and/or change of occupancy written evidence of compliance with the Ohio Building Code, Ohio Plumbing Code and the Zoning Code of the City of Newark must be provided to the Office of the Fire Chief prior to issuance of a license.

705.4 License Fees

The fee for a rooming house license pursuant to 705.3 shall be \$250.00 per year. Any owner of the rooming house shall make application for such license within six (6) months of the effective date of this Code. This fee shall be charged to defray the expense of the

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inspection of rooming houses and the necessary administration of this chapter. After six (6) months, the rooming house license fee shall be doubled if, at the time of application, the applicant is operating such rooming house without license and with an expired license. Nonpayment of license fee may be deemed as noncompliant by the ~~code official~~ Property Code Official.

705.5 Appeals

Any person whose application for a license to operate a rooming house has been denied for any reason set forth in this code may request, and shall be granted, a hearing on the matter before the Property Maintenance Review Committee. Any person whose license to operate a rooming house has been suspended, or who has received notice from the Inspector that his or her license is to be suspended unless existing conditions or practices at his or her rooming house are corrected, may request, and shall be granted, a hearing on the matter before the Property Maintenance Code Appeals Board. Any petition for a hearing following receipt of a notice that the license is to be suspended must be filed within fifteen days of receipt of the notice. If no petition for a hearing is filed within fifteen days following the day on which the license was suspended, the license shall be deemed to have been revoked. Upon receipt of notice of revocation, the operator shall immediately cease operation of the rooming house and shall display the notice of revocation along with the Rooming House Operator's license.

705.6 Denial of License

If, upon inspection, it is found that a rooming house does not meet the requirements of this chapter, the operator shall be informed, in writing, of the deficiencies, and a date shall be set for compliance and re-inspection. If the re-inspection reveals that the deficiencies have not been corrected, the license shall be denied and the fee shall not be returned. In such event a new application must be filed and the fee paid for each inspection required before the premises are found to meet all of the requirements of this code.

705.7 Inspections; Suspension of License

Whenever, upon inspection of any rooming house, the City Fire Inspector or the Property Code Official finds that conditions or practices exist which are in violation of any provision of this chapter or of any rule or regulation adopted pursuant thereto, the City Fire Inspector or the Property Code Official shall give notice to the operator, in writing, of such rooming house that unless such conditions or practices are corrected within a reasonable period of time, which period shall be determined by the Inspector, the operator's rooming house license will be suspended. At the end of such period the Inspector shall re-inspect such rooming house, and if he or she finds that such conditions or practices have not been corrected, he or she shall give notice to the operator, in writing, that the latter's license has been suspended.

705.8 Bathroom Facilities

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Every rooming house shall have one bathroom, which affords privacy to a person using its facilities for each eight persons, or fraction thereof, residing within a rooming house, including members of the operator's family whenever they share the use of the facilities. The facilities of the bathroom shall include one flush water closet, lavatory basin and bathtub or shower, in good working condition and properly connected to a public water and sewer system or to a water and sewer system approved by the Health Commissioner, which provides at all times an adequate amount of heated and unheated running water. In a rooming house where rooms are let only to males, flush-urinals may be substituted for not more than one-half the required number of water closets. All such facilities shall be so located within the dwelling as to be reasonably accessible from a common hall or passageway to all persons sharing such facilities. All bathroom doors shall provide an unobstructed opening adequate for safety.

In the case of new construction and/or a change of occupancy, a rooming house occupied by more than five lodgers shall also comply with the requirements of the Ohio Basic Building Code.

705.9 Floor Space Requirements

(a) Every room occupied for sleeping purposes by one person shall contain at least seventy square feet of floor space, and every room occupied for sleeping purposes by more than one person shall contain at least fifty square feet of floor space for each occupant.

(b) Notwithstanding the provisions of this section, dormitory sleeping rooms may be provided in college dormitories, college fraternities, college sororities and college club houses and by any religious or denominational institution or organization, or charitable organization, which is operated, supervised or controlled by or in connection with a religious organization, or by any bona fide private or fraternal organization, subject to all the provisions of this chapter, except the floor space requirements thereof. Such dormitory sleeping rooms shall comply with the following requirements:

1. Beds. Beds shall have not more than two decks each. As used in this subsection, the term "bed" shall include any bed bunk, cot or other furniture equipment used for sleeping purposes.
2. Exits and aisles. Clear space at least ~~three feet~~ 32 inches wide shall be provided for not less than three feet in front of each fire exit and stairway and shall be connected by an aisle at least three-feet wide to a center or main aisle. Any center or main aisle shall be at least three-feet wide.
3. Spacing of beds. Space at least three-feet wide shall be provided at the ends of beds and between the ends of beds arranged end to end, except that center or main aisles between the ends of beds shall be at least three-feet wide. Space at least three-feet wide shall be provided along each long side of each bed, but where such space is a center or main aisle, it shall be at least three-feet wide.

705.10 Egress; Stairways

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In every structure used for rooming house purposes where more than twelve persons are accommodated on the second floor or more than six persons are accommodated above the second floor, there shall be not less than two stairways for egress from each floor above the first floor. Only one stairway is required to the second floor, however, where that floor is not more than fourteen feet above the finished exterior grade level and the stairway leads directly to the exterior of the structure or to a hall, which leads directly to the exterior and to grade level. In structures with three or more stories, one of the stairways shall be constructed and enclosed with one-hour, fire-resistive materials with at least one handrail, or there shall be a fire escape with handrails leading to grade level. This exterior stairway or fire escape shall be accessible through a door which cannot be locked from within and which is located in a hallway or in a room, which is not occupied. This room shall be directly reached from a hall through a door without a locking device or bolt of any kind and shall be located as remotely as possible from the inside stairways. All wells and areaways shall be protected with guardrails.

In the case of new construction and/or a change of occupancy, a rooming house occupied by more than five lodgers shall also comply with the requirements of the Ohio Basic Building Code.

705.11 Sanitation

The owner of every rooming house shall be responsible for the sanitary maintenance of all walls, floors and ceilings and for the maintenance of a sanitary condition in every part of the rooming house. He or she shall be further responsible for the sanitary maintenance of the entire premises where the entire structure or building is leased or occupied by the operator.

705.12 Fire Extinguishers

- (a) Every rooming house shall be equipped with at least one UL approved 5# ABC fire extinguisher as designated by the Fire Chief or his or her designee, located in the basement and on each occupied floor. Where any floor area is in excess of 2,000 square feet, there shall be installed one additional approved fire extinguisher for each 2,000 square feet of floor area, or fraction thereof.
- (b) All fire extinguishers shall be inspected and recharged as per instructions for each particular type of extinguisher, and the date of such inspection or recharge shall be duly recorded on each extinguisher.
- (c) The location of all such fire extinguishers as are required under this section shall be indicated and approved by the Fire Chief or his or her designee, and all such fire extinguishers shall be kept in good repair and in operating condition at all times.

705.13 Exit Signs

In rooming houses where five or more people are lodged, an illuminated exit sign with emergency egress lighting shall be installed over each stairway door and emergency means of exit. Such exit signs shall remain illuminated at all times. The electrical circuit

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supplying exit signs shall not supply other lights, receptacles or appliances and shall be connected so that there will be only one set of fuses between the same and service fuses. The exit sign shall meet the standards set in the rule regulated by the City of Newark Division of Fire.

705.14 Bedfast or Handicapped Persons

In all rooming houses, all bedfast or handicapped persons shall be lodged on the first floor. All rooming houses shall provide the Office of Fire Chief with a written list detailing the name of the person, the bed location, a physical description of the person and a general description of the physical or mental ailment, which each such bedfast or handicapped person suffers. This list shall be provided to the Office of Fire Chief every six months.

In the case of new construction and/or a change of occupancy, a rooming house occupied by more than five lodgers shall also comply with the requirements of the Ohio Basic Building Code.

705.15 Door and Window Locks

Access doors to all rooming units and window openings to the outside shall have functioning locking devices to insure the privacy of the occupant and security of the unit.

705.16 Smoke Detectors

All rooming houses shall have UL approved smoke detectors installed therein and maintained in proper working order. Smoke alarms shall also be installed in each sleeping room and outside of each separate sleeping area in the immediate vicinity of the bedrooms and on each additional story of the rooming house, including basements and excluding crawl spaces and unfinished attics. Whenever practical at the discretion of the Inspector, alarms shall be so arranged that operation of any one alarm shall cause the operation of all alarms within the dwelling.

In the case of new construction and/or a change of occupancy, a rooming house occupied by more than five lodgers shall also comply with the requirements of the City of Newark's Building Code and rules regulated by the City of Newark Division of Fire.

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