CODIFIED ORDINANCES OF NORTHFIELD

PART FOURTEEN - BUILDING AND HOUSING CODE

TITLE TWO - Mercantile, Multifamily and Institutional Building Code
Chap. 1420. Summit County Building Code.
Chap. 1422. Maintenance Standards.
Chap. 1424. Additional Multi-Family Inspections and Standards.

TITLE FOUR - Residential Building Code
Chap. 1440. Administration, Enforcement and Penalty.
Chap. 1442. Construction Materials and Methods.
Chap. 1444. Point of Sale Exterior Inspection.

TITLE SIX - Miscellaneous Building Regulations
Chap. 1462. Barbecue Pits.
Chap. 1463. Carbon Monoxide Detectors.
Chap. 1464. Certificates of Occupancy.
Chap. 1466. Dish-Type Satellite Antennas.
Chap. 1470. Fire-Resistance Ratings.
Chap. 1472. Landscaping.
Chap. 1474. Numbering of Buildings.
Chap. 1475. Numbering on Mailboxes.
Chap. 1476. Registration of Contractors.
Chap. 1478. Smoke Detectors.
Chap. 1480. Outdoor Patios at Commercial Establishments Where Smoking is Permitted.

TITLE EIGHT - Housing
Chap. 1490. Maintenance Standards.
Chap. 1492. Notification of Foreclosure Filing.
Chap. 1494. Fair Housing.

2011 Replacement

CODIFIED ORDINANCES OF NORTHFIELD

PART FOURTEEN - BUILDING AND HOUSING CODE

TITLE TWO - Mercantile, Multifamily and Institutional Building Code

Chap. 1420. Summit County Building Code.
Chap. 1422. Maintenance Standards.
Chap. 1424. Additional Multi-Family Inspections and Standards.

CHAPTER 1420
Summit County Building Code

1420.01 Adoption by reference; purpose; file and distribution copies.
1420.02 Enforcement by County Building Standards Department.
1420.03 Fee schedule.
1420.04 Building inspections.

CROSS REFERENCES

Enforcement of Ohio Basic Building Code - see Ohio R.C. 3781.03, 3781.031, 3781.10(E), 3781.102, 3781.19
Final jurisdiction of Ohio Basic Building Code - see Ohio R.C. 3781.04
Smoke detection system for apartments and condominiums - see Ohio R.C. 3781.104
Use of public buildings by handicapped persons - see Ohio R.C. 3781.111
Power to enact further and additional regulations - see Ohio R.C. 3781.12
Energy conservation - see Ohio R.C. 3781.181
Submission of plans - see Ohio R.C. 3791.04
Permitted hours of construction activities - see GEN. OFF. 648.13

2011 Replacement

1420.01 ADOPTION BY REFERENCE; PURPOSE; FILE AND DISTRIBUTION COPIES.

Pursuant to Ohio R.C. 731.231, there is hereby adopted by and for the Municipality the Summit County Building Code, as promulgated by the Summit County Council and as amended through the date of the adoption of this section, which Code shall govern construction and material specifications for mercantile, multifamily (four-family or more) and institutional occupancies and industrialized one, two and three-family dwellings. Copies of such Code are on file with the Administrative Clerk for inspection by the public. Copies are also on file in the County Law Library. In addition, the Administrative Clerk has copies available for distribution to the public, at cost.

1420.02 ENFORCEMENT BY COUNTY BUILDING STANDARDS DEPARTMENT.

The Municipality hereby appoints and constitutes the Summit County Building Standards Department as its agent for the enforcement of the Summit County Building Code in the Municipality. (Ord. 1979-94. Passed 10-24-79.)

1420.03 FEE SCHEDULE.

The fee schedule in effect on the date of the adoption of this section, and applicable to electrical, heating, building, air-conditioning and refrigeration permits issued by the Summit County Building Standards Department, is hereby adopted as the fee schedule of the Municipality.

1420.04 BUILDING INSPECTIONS.

The Mayor is hereby authorized to enter into an agreement, on behalf of the Municipality, with the Summit County Council, which agreement provides for the Summit County Building Standards Department to undertake building inspections on behalf of the Municipality as provided for in sections 1420.01 through 1420.03 of this chapter and for the County to remit such percentage of the gross fees collected, provided for in the agreement, as specified by the agreement. Notwithstanding any provisions contained in this chapter, the Building and Zoning Inspector shall be authorized to perform inspections and investigations related to and enforce the Maintenance Standards provisions contained in Chapter 1422 and the Additional Multi-Family Inspections and Standards contained in Chapter 1424.
(Ord. 1979-94. Passed 10-24-79; Ord. 2010-67. Passed 11-22-10.)

CHAPTER 1422
Maintenance Standards

1422.01	Responsibilities of owners and occupants.	1422.07	Containment of trash and debris at construction sites.
1422.02	General maintenance requirements.	1422.075	Exterior property areas.
1422.03	Foundations.	1422.09	Enforcement and authorized inspections.
1422.04	Roofs, gutters and downspouts.		
1422.05	Maintenance of exteriors.	1422.10	Notice of violations.
1422.06	Infestation by pests.	1422.99	Penalty.

1422.01 RESPONSIBILITIES OF OWNERS AND OCCUPANTS.

(a) Owners. The owner of every building, structure or premises shall be responsible for keeping it in proper repair and maintaining it in a clean and sanitary condition.

(b) Occupants. The tenant or occupant of any building, structure or premises shall also be responsible for keeping the parts of the building, structure or premises which he or she occupies or controls in proper repair and maintaining such parts in a clean and sanitary condition.
(Ord. 2010-67. Passed 11-22-10.)

1422.02 GENERAL MAINTENANCE REQUIREMENTS.

(a) All buildings and other structures and all parts thereof, both exterior and interior, shall be maintained in good repair and shall be capable of performing the function for which the structure or part of any feature thereof was designed or intended to be used.

(b) All equipment and facilities appurtenant to such structures shall be maintained in good and safe working order.
(Ord. 2010-67. Passed 11-22-10.)

1422.03 FOUNDATIONS.

(a) All foundations of any building shall be maintained in structurally sound condition and in good repair.

(b) All foundations of any building shall be maintained in such condition as to prevent seepage or leakage of water into the space enclosed within such foundations.

(c) All openings into the foundations of any building shall be protected against the entrance of rodents.

(d) Where parts of any building supported on masonry piers require substantial repair or replacement due to sagging, settling or failure of supporting piers, the same shall be replaced with a foundation conforming to the Ohio Building Code and Summit County Building Code.
(Ord. 2010-67. Passed 11-22-10.)

1422.04 ROOFS, GUTTERS AND DOWNSPOUTS.

All roofs of any building shall be maintained weather-tight, and roof drainage shall be handled by suitable collectors and downspouts connected to a public storm sewer. Where a storm sewer or other storm drainage outlet is not available, downspouts may discharge onto splash blocks or other devices, provided that no excess water will flow onto adjoining property or over sidewalks. Connection of any pipe carrying roof water or yard drainage to a sanitary sewer is prohibited.
(Ord. 2010-67. Passed 11-22-10.)

1422.05 MAINTENANCE OF EXTERIORS.

(a) All exterior walls of any building shall be maintained weather-tight and so as to resist decay or deterioration from any cause.

(b) Any building or other structure whose exterior surface is bare, deteriorated, decayed, disintegrated or in poor condition must be repaired or razed.

(1) All buckled, rotted or decayed walls, doors, windows, floors, steps, railings, posts, sills, trim and their missing members must be replaced and put in good condition.
(2) All replacements must match and conform to the original design or be replaced completely.
(3) All exterior wood or exterior unfinished surfaces must be sealed and painted, or the surface covered with other approved protective coating, or treated to prevent rot and decay, and conform to and match the existing paint or surface covering and the original design or a replacement thereof. All exterior walls and surfaces must be properly protected against the weather where such are defective or lack weather protection, including lack of paint or surface covering, or have deterioration due to lack of proper protective covering.

(c) Any building or structure whose exterior surface is deteriorated, decayed or disintegrated, or whose exterior surface is weathered with dirt and grime, or has been impaired through peeling or flaking of the paint or other protective coating, shall be replaced or repaired, repainted or resurfaced.

(1) All exterior surfaces shall be replaced or repaired in good condition before repainting or coating.
(2) All bare exterior surfaces which are flaking or crumbling shall be replaced or sealed in a good, workmanlike manner.
(3) All new or repaired bare surfaces shall be painted or coated.
(Ord. 2010-67. Passed 11-22-10.)

1422.06 INFESTATION BY PESTS.

All premises shall be maintained free from sources of breeding, harborage and infestation by insects, vermin or rodents.
(Ord. 2010-67. Passed 11-22-10.)

1422.07 CONTAINMENT OF TRASH AND DEBRIS AT CONSTRUCTION SITE.

(a) All trash and debris associated with or resulting from construction of either commercial or industrial structures shall be contained on the construction site in a stable and secure enclosure approved by the Building and Zoning Inspector. The building permit holder shall maintain the enclosure and site so as to control litter and debris at all times and remove and dispose of the debris in an approved landfill. The enclosure shall be kept behind or within the structure unless it is not accessible for disposal. In the event it is not accessible for disposal, the enclosure shall be placed in the least visible accessible location, which shall be determined by the Building and Zoning Inspector. The enclosure shall be removed from the site prior to the issuance of the occupancy permit.

(b) Violations occurring as a result of noncompliance with the provisions of division (a) hereof may result in the issuance of a stop-work order until the site is brought into compliance.
(Ord. 2010-67. Passed 11-22-10.)

1422.075 EXTERIOR PROPERTY AREAS.

(a) No owner, operator or tenant of any premises shall maintain or permit to be maintained at or on the exterior property areas of such premises any condition which deteriorates or debases the appearance of the neighborhood or creates a fire, safety or health hazard, including the following:
(1) Broken or dilapidated fences, walls or other structures;
(2) Broken, uneven or improperly maintained walks, driveways, parking areas and parking lots:
(3) Unusable, dilapidated equipment, appliances, trailers, machines, motor vehicles and parts thereof:
(4) Other materials that create an unsightly appearance or are capable of being stored inside the premises;
(5) All parking lots and parking spaces must be properly lined and all handicapped spaces must be marked clearly on the ground and with a sign and post in compliance with Section 452.04(e) and Ohio R.C. 3781.111(C); and

(6) All commercial, multi-family and institutional parking lots and parking areas must be asphalt or concrete as specified in Section 1278.01(b) and properly maintained.

(b) Each owner, operator or tenant of any premises shall maintain his or her lawns and landscaping so as not to constitute a blighting or deteriorating effect on the neighborhood and shall not permit weeds or grass to exceed eight inches in height.
(Ord. 2010-67. Passed 11-22-10; Ord. 2012-26 Passed 3-28-12.)

1422.09 ENFORCEMENT AND AUTHORIZED INSPECTIONS.

This chapter shall be enforced by the Building and Zoning Department and the Building and Zoning Inspector. Every owner or occupant shall, upon request, permit the Building and Zoning Inspector or any authorized Building Inspector of the Building and Zoning Department access to real property during the hours of 9:00 a.m. to 8:00 p.m., Monday through Saturday of each week, excepting legal holidays, for the purpose of making inspections within or outside of any building or structure necessary to enforce this chapter. The failure to allow access to real property within or outside of buildings or structures for inspection during the period provided for herein, upon identification of the Inspector, shall be deemed a violation of this chapter.
(Ord. 2010-67. Passed 11-22-10.)

1422.10 NOTICE OF VIOLATIONS.

(a) When written notice of a violation of any of the provisions of this chapter is provided by the Building and Zoning Inspector to the owner or occupant of the premises on which such violation exists, with an order to correct the violation indicated in such notice, which notice is hand delivered to the owner, occupant or their representative, or mailed to the last known address of the owner or occupant, such owner or occupant shall correct the violation within seven to 60 days, as designated by the Building and Zoning Inspector depending on the seriousness of the violation, of the date noted upon such written notice. The failure by the owner or occupant to correct such violation within the period set forth in the written notice provided shall be deemed to be a violation of this chapter. An owner or occupant of the premises on which such violation exists, upon a showing that the period to correct such violation, if not extended, will cause a substantial hardship on the owner or occupier, shall be granted a 30-day extension of time to correct the violation by the Building and Zoning Inspector.

(b) In the event that the Building and Zoning Inspector determines that a violation of this chapter, upon inspection, is. in the opinion of such Building and Zoning Inspector, so dangerous as to threaten life or serious physical injury to persons, such Inspector may immediately close the facility or shut off or disconnect any appliance or equipment or otherwise make the same inoperable. In such event, the Inspector shall post a notice on the door to the facility or place a red tag on the appliance or equipment, indicating that the facility shall remain closed or the appliance or equipment shall not be operated until

repaired, modified or altered. Until necessary repairs, alterations or modifications are made, and until further inspection and approval by the Building and Zoning Department, the continued operation or use of the premises or any appliance or equipment after being "noticed" or "red tagged" as provided for herein, and without later repair, modification or alteration and subsequent approval by the Building and Zoning Department, shall be deemed to be a violation of this chapter.
(Ord. 2010-67. Passed 11-22-10.)

1422.99 PENALTY.

(a) Except as otherwise provided in this section, whoever violates any of the provisions of this chapter is guilty of a misdemeanor of the first degree and shall be fined not more than one thousand dollars ($1,000.00) or be imprisoned not more than six months, or both, for such offense. Each day such violation occurs or continues shall constitute a separate offense.

(b) Any organization, as defined in Section 606.09(d) of the General Offenses Code, shall be fined in an amount not more than the amount set forth in subsection (a) hereof for any violation of this chapter. Any appropriate officer, agent or employee of such organization shall be subject to all penalties prescribed herein in accordance with Section 606.10 of the General Offenses Code for any violation.
(Ord. 2010-67. Passed 11-22-10; Ord. 2012-46. Passed 6-28-12.)

2013 Replacement

CHAPTER 1424
Additional Multi-Family Inspections and Standards

1424.01	Requirements.	1424.06	Compatibility with State and County laws and regulations; severability.
1424.02	Definitions.	1424.07	Provision of water, electricity and heat to multi-family dwelling units and dwelling unit heating capacity.
1424.03	Additional inspections.	1422.99	Penalty.
1424.04	Interior standards.		
1424.05	Notice of violations.		

1424.01 REQUIREMENTS.

In addition to the requirements contained in Chapters 1420 and 1422, all multi-family properties shall be subject to the requirements of this chapter.
(Ord. 2010-67. Passed 11-22-10.)

1424.02 DEFINITIONS.

As used in this chapter:

(a) "Multi-family dwelling" shall mean any structure that contains two or more individual rental units.

(b) "Rental unit" means any dwelling unit within a multi-family dwelling, whether the dwelling unit is rented, occupied or vacant.

(c) "Rental unit", as used in this chapter, does not include a room for rent in a hotel as defined by Section 894.02(a) of this Code or a condominium unit.
(Ord. 2010-67. Passed 11-22-10; Ord. 2012-59. Passed 9-12-12.)

1424.03 ADDITIONAL INSPECTIONS.

(a) The Building and Zoning Inspector is hereby directed to conduct an inspection of the common areas of all multi-family dwellings, and all rental units within such multi-family dwellings, at least once every three years according to a schedule established by the Building and Zoning Inspector. The fee for each three-year inspection shall be three hundred dollars ($300.00). The fee for any other or additional inspections pursuant to Chapters 1422 and 1424 of this Code shall be seventy-five dollars ($75.00).

(b) Nothing herein shall prevent, or be construed as preventing, more frequent inspections upon complaint or upon reasonable suspicion by the Building and Zoning Inspector that a Building and Housing Code violation exists on the property.

(c) It shall be the duty of the property owner, superintendent or agent to cause the common areas of the structure and individual rental units to be accessible for inspection at the time scheduled, which shall be during regular business hours.
(Ord. 2010-67. Passed 11-22-10.)

1424.04 INTERIOR STANDARDS.

(a) All common areas shall be kept clean and in good repair, and all carpeting, flooring, railings, steps, windows and doors shall be kept in good condition, repair and working order.

(b) The carpeting, flooring, windows, doors, plumbing fixtures, tile, mechanical units, appliances, thermostats, walls and ceilings of all rental units shall be kept in good condition, repair and working order.

(c) All fire alarms and carbon monoxide detectors shall be maintained in working order.
(Ord. 2010-67. Passed 11-22-10.)

1424.05 NOTICE OF VIOLATIONS.

When written notice of a violation of any of the provisions of this chapter is provided by the Building and Zoning Inspector to the owner, manager, superintendent or representative of the premises on which such violation exists, with an order to correct the violation indicated in such notice, which notice is hand delivered to the owner, superintendent or representative, or mailed to the last known address of the owner, occupant or representative, such owner shall correct the violation within seven to 60 days, as designated by the Building and Zoning Inspector depending on the seriousness of the violation, of the date indicated on the notice. The failure by the owner to correct such violation within the period set forth in the written notice provided shall be deemed to be a violation of this chapter. The owner of the premises on which such violation exists, upon a showing that the period to correct such violation, if not extended, will cause a substantial hardship on the owner or occupiers, shall be granted a 30-day extension of time to correct the violation by the Building and Zoning Inspector.
(Ord. 2010-67. Passed 11-22-10.)

1424.06 COMPATIBILITY WITH STATE LAWS AND REGULATIONS; SEVERABILITY.

(a) Nothing herein is intended to conflict with any state law or regulation pertaining to multi-family or apartment buildings, including, but not limited to the Ohio Basic Building Code and Summit County Building Code.

(b) If any provision of this chapter is held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, the remaining provisions of the chapter shall not be invalidated.
(Ord. 2010-67. Passed 11-22-10.)

1424.07 PROVISION OF WATER, ELECTRICITY AND HEAT TO MULTI-FAMILY DWELLING UNITS AND DWELLING UNIT HEATING CAPACITY.

(a) The owner, operator or agent in charge of a multi-family dwelling structure that rents or leases any dwelling unit therein pursuant to an agreement, whether express or

implied, to supply or furnish water, electricity or heat to the occupants thereof, shall at all times furnish water, electricity and heat to each rental unit unless the failure to do so is caused by a general shortage of water, electricity or heat a negligent or malicious act of the occupant or any cause beyond the control of the owner, operator or agent. The supply of heat to each rental unit shall be capable of maintaining an inside temperature of not less than sixty-eight degrees Fahrenheit in all habitable rooms, bathrooms and kitchens whenever the outdoor temperature is minus five degrees Fahrenheit or above, without forcing the facilities to operate in excess of their design capacity. Such inside temperature shall be measured in the approximate center of each room approximately three feet above the floor.

(b) Any owner, operator, or agent that violates subsection (a) of Section 1424.07 is subject to the penalties set forth in Section 1424.99 of this Chapter. The notice provisions contained in Section 1424.05 of this Chapter shall not apply to violations of Section 1424.07(a).
(Ord. 2012-17. Passed 3-28-12.)

1424.99 PENALTY.

(a) Except as otherwise provided in this section, whoever violates any of the provisions of this chapter is guilty of a misdemeanor of the second degree and shall be fined not more
than seven hundred and fifty dollars ($750.00) or imprisoned not more than 90 days, or both, for such offense.

(b) Any organization, as defined in Section 606.09(d) of the General Offenses Code, shall be fined in an amount not more than the amount set forth in division (a) hereof for any violation of this chapter. Any appropriate officer, agent or employee of such organization shall be subject to all penalties prescribed herein in accordance with Section 606.10 of the General Offenses Code for any violation.
(Ord. 2010-67. Passed 11-22-10.)

TITLE FOUR - Residential Building Code

Chap. 1440. Administration, Enforcement and Penalty.
Chap. 1442. Construction Materials and Methods.
Chap. 1444. Point of Sale Exterior Inspection.

CHAPTER 1440
Administration, Enforcement and Penalty

1440.01 Definitions.
1440.02 Code defined; scope.
1440.03 New construction and alterations to existing structures.
1440.04 Buildings affected.
1440.05 Removal of notices.
1440.06 Impersonating the Building and Zoning Inspector.
1440.07 Qualifications of Building and Zoning Inspector.
1440.08 Compensation and bond of Building and Zoning Inspector.
1440.085 Work week and office hours of Building and Zoning Inspector.
1440.09 Duties of Building and Zoning Inspector.
1440.10 Right of entry and identification of Building and Zoning Inspector.
1440.11 Records of Building and Zoning Inspector.
1440.12 Material and Methods Board.
1440.13 Permit applications.
1440.14 Plans, specifications and elevations.
1440.15 Permit issuance; action on applications.
1440.151 Time limitations for completion of home construction.
1440.16 Posting of permit.
1440.17 Violation reports and notice.
1440.18 Orders to suspend work.
1440.19 Prerequisites and conditions of permits; plot plans; off-street parking.
1440.20 Inspections.
1440.21 Application of Zoning Code.
1440.22 Safety during building operations.
1440.23 Storage of construction materials within buildings.
1440.24 Cellar drainage.
1440.25 Unsafe and unsecured buildings.
1440.26 Notice of unsafe or unsecured buildings.
1440.27 Vacating unsafe or unsecured buildings; closing of public ways and structures to protect public safety.
1440.28 Noncompliance with notices and orders re unsafe or unsecured buildings.
1440.29 Emergency work by City.
1440.30 Recovery of costs for emergency work.
1440.31 Nonliability of Municipal officials.
1440.32 Enforcement.
1440.99 Penalty.

CROSS REFERENCES

Truck loads dropping or leaking; tracking mud; removal - see TRAF. 440.06
Unlawful interest in a public contract - see GEN. OFF. 608.10
Fees for zoning certificates and conditional zoning certificates - see P. & Z. 1262.05(f)(1), (2)
Certificates of occupancy - see B. & H. Ch. 1464
Fire-resistance rating - see B. & H. 1470.01
Numbering of buildings - see B. & H. Ch. 1474
Smoke detectors - see B. & H. Ch. 1478
Key lock box systems - see F.P. Ch. 1612

1440.01 DEFINITIONS.

As used in this Residential Building Code, unless otherwise expressly stated, the following terms shall have the meanings and usage indicated.

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

Where terms are not defined in this section, they shall have their ordinarily accepted meanings or such as the context implies.

(1) "Addition" means any extension or enlargement.

(2) "Alteration," as applied to a building or structure, means a change or rearrangement in the structural parts or in window or exit facilities, or a change of the class of occupancy. The term "alter," in its various modes and tenses and its participle forms, refers to the making of an alteration.

(3) "Apartment" means a household unit in a multiple dwelling, which unit is arranged, intended or designed to be occupied as the residence of a single family, individual or a group of not more than five individuals not related by blood or marriage.

(4) "Approved," applied to a material, device or mode of construction, means approved by the Materials and Methods Board under the provisions of this Code, or by another authority designated by law to give approval in the matter in question.

(5) "Approved masonry" means masonry constructed of brick, stone, concrete, hollow block, solid block or other material approved after test, or a combination of these materials.

(6) "Area," applied to the dimensions of a building, means the maximum horizontal projected area of the building at grade.

(7) "Attic" means a space set wholly or partly in a sloping roof.

(8) "Basement" means a story partly underground, but having not more than half of its ceiling height below the average adjoining grade. For the purpose of this definition, each separate room or compartment of a story partly underground shall be considered separately.

(9) "Bay window" means a rectangular, curved or polygonal window which projects from the balance of the enclosing wall.

(10) "Beam" means structural members ordinarily subject to bending stresses, usually horizontal and carrying vertical loads, and other than joists, girders or trusses. In floor framing, other than in flat slab construction, "beam" refers to the members which directly support the floor plank, deck, slab or arches where joists are not used.

(11) "Brick" means a solid masonry unit having a shape of approximately a rectangular prism, not larger than twelve by four by four inches. A brick may be made of burned clay or shale, of lime and sand, of cement and suitable aggregates, or of fire clay or other approved materials.

(12) "Building" means any construction built or used for the shelter, enclosure or support of persons, animals or chattels, and any part of such construction divided by required fire separations. The word "building" shall be construed as if followed by the words "or part thereof".

(13) "Building and Zoning Inspector" means the person charged with the administration and enforcement of this Building Code, or his or her duly authorized representative.

(14) "Building line" means the building line established by the Zoning Code of the Municipality.

(15) Ceiling height" means the height from the finished floor to the finished ceiling.

(16) "Cellar" means a story with more than one-half of its ceiling height below the average grade. For the purpose of this definition, each separate room or compartment of the story partly underground shall be considered separately.

(17) "Code" means any and all ordinances or laws that comprise this Residential Building Code, codified as Title Four of Part Fourteen of these Codified Ordinances, containing Chapters 1440 and 1442.

(18) "Concrete" means a mixture of Portland cement, aggregate and water, of such materials, proportions and manipulations as to give specific results. Further:

A. "Average concrete" means a mixture of one part of Portland cement and not more than six parts, by volume, of fine and coarse aggregate, measured separately, and the necessary water.

B. "Controlled concrete" means concrete where materials are scientifically selected, graded and put up in proportions so as to give specified results.

C. "Reinforced concrete" means a Portland cement-type concrete in which steel is embedded in such a manner that the two materials act together in resisting forces.

(19) "Cost," as applied to the cost of construction, building operations or building equipment, means the cost of the material, the cost of the use of the equipment, rentals, fees, the cost or value of the labor and all other costs entering into the construction, building operation or building equipment, including the planning in connection therewith.

(20) "Cubic content," as applied to a building, means the geometric volume contained between the lowermost basement floor level or levels, the top surface of the roof and the outside surface of the exterior walls, or in the absence of an exterior wall or walls, the vertical planes at the outside edge or edges of the roof of such building. "Cubic content" includes the volume contained in dormers, roofed porches and enclosed appendages. It does not include the volume contained in courts and light shafts which have no roof, or the volume contained in outside steps, cornices or parapets.

(21) "Curb level" means the elevation of the street grade as fixed by the Municipal authority:

A. "Curb level," referring to a building, means the elevation at that point of the street grade that is opposite the center, with respect to length, of the wall nearest to and facing the street line. (Note: compare with definition of "Grade" and "Established grade".)

B. "Curb level," referring to an excavation, means the elevation at that point of the street grade which is nearest to the point of the excavation under construction.

(22) "Dead load" means the weight of walls, permanent partitions, framing, floors, roofs and all other permanent and stationary construction of a building.

(23) "Dwelling" means a building occupied, or arranged, intended or designed to be occupied, for residential purposes by not more than two families.

(24) "Established grade" means the elevation of a street or alley grade as established by the Municipal authorities:

A. "Established grade," referring to a building, means the elevation at that point of the street grade that is opposite the center, with respect to length, of the wall of the building nearest to and facing the street line.

B. "Established grade," referring to an excavation, means the elevation at that point of the street grade which is nearest to the point of the excavation under consideration.

(25) "Factor of safety" means the quotient obtained by dividing the breaking load or ultimate strength of a material by the safety of design load.

(26) "Fence" means a structure that acts as a yard or area enclosure, divider or screen, or as an exterior partition.

(27) "First story" means a story having its floor line less than eight feet above the grade line at any entrance to or exit from such story. Where the main floor line is eight feet or more above the grade line at any entrance to or exit from the next story above the basement, the basement shall be rated as the first story, except as provided elsewhere in this Code.

(28) "Flight of stairs" means a continuous series of steps from one landing to another.

(29) "Floor area" means a floor space enclosed by exterior walls, firewalls or fire partitions, or by a combination of them.

(30) "Footing" means the bottom bearing course or courses of a foundation wall, pier or column.

(31) "Foundation" means that portion of the supporting wall, piers, etc., below the first or ground floor framing, including the footings.

(32) "Garage" means a building, shed or enclosure, or a part thereof, in which a motor vehicle is stored, housed, repaired or kept.

(33) "Girder" means a structural member ordinarily subject to bending stresses, usually horizontal and usually carrying some concentrated loads. "Girder" also means a large, heavy beam or a large built-up section commonly referred to by professional structural engineers as a girder and carrying heavy loads or loads from more than one story of a building. In floor and roof framing, "girder" means a structural member usually horizontal in floor construction and supporting one or more cross-beams, joists, purlins, columns or other girders.

(34) "Grade" is defined as follows:

A. "Grade," with reference to a building or structure, means the mean elevation of the curb level opposite those walls that are located on, or substantially parallel with and within fifteen feet of, street lines, unless otherwise qualified and when curb level has been established. When not qualified otherwise and when the curb level has not been established, or the structure or all the walls of the building are more than fifteen feet from the street line, "grade" means the mean elevation of the ground adjoining the building or structure on all sides.

B. "Grade," with reference to a material, means a regular and established size, quality or value, or a size, quality or value with respect to an established size, quality or value of such material.

C. "Grade," with reference to an incline, means the degree of incline as compared to the horizontal.

(35) "Habitable room" means a room or enclosed floor space arranged for living, eating and sleeping purposes, not including bathrooms, water closet compartments, laundries, pantries, foyers, hallways and other accessory floor spaces.

(36) "Height," applied to a building, means the vertical distance from grade to the highest finished roof surface in the case of flat roofs, or to a point at the average height of roofs having a pitch of more than one foot in four and one-half feet. "Height" of a building does not include a basement or cellar.

A. "Height," as applied to a story, means the vertical distance from top to top of two successive tiers or floor beams or finished floor surfaces.

B. "Height," as applied to a wall, means the vertical distance to the top measured from the top of the foundation wall, or from a supporting girder or other immediate support of such wall.

(37) "Hollow masonry unit" means a cellular building unit of burnt clay or concrete, or other approved noncombustible material, the gross cubic content of which is not less than fifty percent greater than the standard size of brick, and the cellular spaces of which are in excess of twenty-five percent of the gross cubic content of the unit.

(38) "Incombustible" means articles, goods, wares, merchandise or materials of construction which will not burn or support combustion.

(39) "Joist" means a structural member, ordinarily subject to bending, usually horizontal in floor framing and horizontal or slightly inclined in roof framing, and which directly supports the floor or roof plank, deck or slab, and limited in its spacing because of its classification by this Code.

(40) "Landing" means a required platform at the end of a flight of stairs and any platform in a flight of stairs between two stories.

(41) "Length of a building" means a building's greatest horizontal distance or dimension.

(42) "Lintel" means the beam or girder placed over a door, window or other wall opening.

(43) "Live load" means any load except a dead load.

(44) "Lot" means a portion or parcel of land considered as a unit, devoted to a certain use or occupied by a building or a group of buildings that are united by a common interest and use, and the customary accessories and open spaces belonging to the same.

(45) "Lot line" means a line dividing one lot from another, or from a street or another public space. A lot line which is a thoroughfare right-of-way line shall be known as a "street line".

(46) "Major alteration" means an alteration in any of the structural parts, exits, entrances, window openings and stairways, or any alteration in connection with a change of occupancy of a building or structure.

(47) "Masonry." See "Approved masonry".

(48) "Minor repairs" means the renewal or replacement of any existing part or parts of a building or structure, in keeping with its existing type of construction, arrangement of parts and occupancy for maintenance purposes, when the structural parts of the building or structure are not affected.

(49) "New" means constructed, being constructed or to be constructed under a permit issued after the effective date of this Code (Ordinance 1969-43, passed May 28, 1969) or being constructed or constructed without a proper permit after the effective date of this Code.

(50) “Nosing”, as applied to a stair tread means the projection of the tread in front of the riser.

(51) “Occupancy” means the purpose for which a building or structure is used or intended to be used.

(52) “Occupied”, applied to a building, shall be construed as though followed by the words “or intended, arranged or designed to be occupied”.

(53) “Owner” includes his or her duly authorized agent or attorney, a purchaser, devisee, fiduciary and a person having a vested or contingent interest in the property in question.

(54) “Partition” means an interior subdividing wall.

(55) “Person” shall be construed as if followed by the words “firm, corporation or organization, their agents, heirs or assigns”.

(56) “Piers” means isolated masses of masonry forming supports for structural members.

(57) “Pilaster” means masonry projecting from the general line of a masonry wall, as a pier flat against the wall and bonded thereto, to support concentrated loads, or to strengthen the wall, or to cover a column, or for architectural effect. The projection from the wall shall be not more than one-fourth of the breadth of the pilaster.

(58) “Porch” means a roofed structure against and projecting from the exterior walls of a residential building. “Enclosed porch” means a porch having at least forty percent of each side and front, above the floor level, devoted to clear glass.

(59) “Post” means a wooden column.

(60) “Purlin” means a structural member in the roof framing, usually horizontal, which directly supports the roof plank, deck, slab or rafters between trusses, arches or inclined girders.

(61) “Rafter” means an inclined structural member in the roof framing, the length of which usually follows the slope of the roof and which directly supports the roof plank, deck or slab.

(62) “Repair” means the renewal or replacement of any existing part or parts of a building or structure, in keeping with its existing type of construction, arrangement of parts and occupancy, for the purpose of maintenance, including repairs because of fire damage caused by the force of objects and the elements against a building or structure.

(63) “Required” means required by some provision of this Code.

(64) “Retaining wall” means a wall used to resist a lateral load from a mass of earth, coal or other material.

(65) “Riser” means the vertical part of a step.

(66) “Roof structure” means the structure above the roof of any part of a building enclosing a stairway, tank, elevator machinery or ventilating apparatus, or such part of a shaft as extends above the roof.

(67) “Secondary members” means wind bracing, members for erection purposes only, sag rods, bridging and ordinary bracing used only for reduction of the unbraced length of compression members.

(68) “Shed” means a roofed one-story structure, open on one or more sides, and not a porch as defined herein.

(69) “Sidewalk space” means the part of a public street or alley provided or set apart as a walk for pedestrians, including a planting strip when one exists, as distinguished from the roadway of such street or alley.

(70) “Solid masonry unit” means a masonry unit whose net cross-sectional area in every plane parallel to the bearing surface is seventy-five percent or more of its gross cross-sectional area measured in the same plane.

(71) “Stairway” means one or more flights of stairs and the necessary landings and platforms connecting them, to form a continuous and uninterrupted passage from one story to another in a building or structure.

(72) “Step” means a combination of a tread and a riser.

(73) “Structure” means a combination of materials to form a construction, including, among other items, fences, buildings, retaining walls, private bridges and dams on private property. The word “structure” shall be construed as if followed by the words “or part thereof”. (Note: The distinction between “structure” and “building” should be noted. “Structure” is the broader term; “building “ is a restricted form of “structure”.)

(74) “Tread” means the horizontal part of a step.

(75) “Truss” means a complete or redundant framed structure composed of structural members connected at their intersection, in which, if loads are applied at the intersection, the stress in each member is in the direction of its length.

(76) “Unsafe” means an unsafe building or structure, including buildings and structures that are structurally unsafe, unstable or unsanitary, that are inadequately provided with exit facilities; that constitute a fire hazard; that are otherwise dangerous to life or property; that are unsuitable or improper for the use or occupancy to which they put; that constitute a hazard to health or safety because of inadequate maintenance, dilapidation, damage by fire or other cause, obsolescence or abandonment; that are provided with inadequate or unsafe equipment; or that are otherwise dangerous to life and property.

(77) “Value of a building or structure”, unless otherwise expressly stated, means the entire cost connected with the erection, construction, alteration, repair or addition to a building or structure, and includes the cost of all material and the cost or value of all labor entering into the construction and of the planning in connection therewith.

(78) "Wall" means the following:

A. "Bearing wall" means a wall which supports any vertical load in addition to its own weight.

B. "Cavity wall" means a wall built of masonry units or of plain concrete, or a combination of these materials, so arranged as to provide an air space within the wall, and in which the inner and outer parts of the wall are tied together with metal ties;

C. "Curtain wall" means a nonbearing wall between columns or piers or other walls and which is not supported by girders or beams;

D. "Faced wall" means a wall in which the masonry facing and backing are so bonded as to exert common action under load;

E. "Fire partition" means a partition which subdivides a building to restrict the spread of fire or to provide areas of refuge, but which is not necessarily continuous through all stories nor extended through the roof and which has a fire-resistance rating of at least two hours;

F. "Fire wall" means a wall, as provided for in this Code, which subdivides a building or separates buildings to restrict the spread of fire and which starts at the footings and extends continuously through all stories to and above the roof, except where the roof is fireproof or semi-fireproof and the wall is carried up tightly against the underside of the roof slab;

G. "Foundation wall" means a wall below the first or ground floor framing extending below the adjacent ground level and serving as support for a wall, pier, column or other structural part of a building;

H. "Hollow wall of masonry" means a wall built of masonry units so arranged as to provide an air space within the wall, and in which the inner and outer parts of the wall are bonded together with masonry units;

I. "Nonbearing wall" means a wall which supports no load other than its own weight;

J. "Panel wall" means a nonbearing wall in skeleton construction, built between columns or piers and wholly supported at each story;

K. "Party wall" means a wall used or adapted for joint service between two buildings;

L. "Veneered wall" means a wall having a facing which is not attached and bonded to the backing so as to form an integral part of the wall for purposes of load bearing and stability.

(79) "Width of a building" means the shorter horizontal distance or dimension of a building.

(80) "Yard" means an open, unoccupied space, not a court, on the same lot with a building. Front, side and rear yards shall be as defined in the Zoning Code.

(81) "Zoning" means the reservation of certain specified areas within the Municipality for buildings and structures for certain purposes, with limitations such as height, lot coverage and other stipulated requirements.

(Ord. 1969-43. Passed 5-28-69.)

1440.02 CODE DEFINED; SCOPE.

This Title Four, Residential Building Code, of Part Fourteen of these Codified Ordinances, containing Chapters 1440 and 1442, shall be known as and may be cited as the "Building Code" and is hereinafter referred to as "this Code" or "the Code".

All matters concerning, affecting or relating to the erection, construction, alteration, repair, conversion, removal, moving, demolition, height, area, use, occupancy, location and maintenance of buildings erected are presumed to be provided for by this Code and reasonable rules and regulations adopted in furtherance thereof, and in accordance therewith, except insofar as such matters are otherwise provided for by other law or ordinance.
(Ord. 1969-43. Passed 5-28-69.)

1440.03 NEW CONSTRUCTION AND ALTERATIONS TO EXISTING STRUCTURES.

(a) No building or structure shall hereafter be constructed, erected, altered, repaired, removed or moved except in conformity with the provisions of this Code. Alterations to an existing building of a type of construction classified in this Code shall substantially comply with the requirements of this Code for a new building of the same type of construction. When more than fifty percent of the area included between walls or cross partitions of the roof or floor framing, or of a ceiling, interior wall or partition, is repaired, the construction of the roof or floor framing, ceiling, interior wall or partition within the area shall be brought into substantial compliance with the requirements of this Code for new buildings of the same type of construction as the building in question.

(b) Nothing in this Code shall prohibit the raising or lowering of a building to meet a change of grade in the street on which it is located, provided that the building is not otherwise altered.

(c) No person shall maintain, occupy or use a building or structure that has been erected or altered in violation of any provision of this Code which is applicable and in effect at the time the building was erected or altered.
(Ord. 1969-43. Passed 5-28-69.)

1440.04 BUILDINGS AFFECTED.

The provisions of this Code apply to buildings or structures on land or over water.
(Ord. 1969-43. Passed 5-28-69.)

1440.05 REMOVAL OF NOTICES.

No person, not authorized to do so by the Building and Zoning Inspector, shall remove or cause to be removed any notice or other matter posted or caused to be posted by the Building and Zoning Inspector in the application of any provision of this Code.
(Ord. 1969-43. Passed 5-28-69.)

1440.06 IMPERSONATING THE BUILDING AND ZONING INSPECTOR.

No person, not duly appointed, shall falsely represent himself or herself to be the Building and Zoning Inspector.
(Ord. 1969-43. Passed 5-28-69.)

1440.07 QUALIFICATIONS OF BUILDING AND ZONING INSPECTOR.

To be eligible for appointment for the position of Superintendent of the Service Department, the Superintendent/Building and Zoning Inspector shall have the requisite qualifications of being a building inspector, with at least five years experience in building construction. He or she shall be generally informed with respect to the quality, kinds and methods of building construction; good practice in fire prevention; accepted requirements for the construction of safe buildings and the use of safe exits for facilities; the proper installation of plumbing; and proper sanitary conditions to be maintained by occupants of buildings. He or she shall be in good health and physically capable of making the necessary examinations and inspections of buildings in the course of construction. He or she shall not have any interest whatever, directly or indirectly, in the sale or manufacture of any material, process or device entering into, or used in connection with, a building structure.
(Ord. 1986-85. Passed 12-10-86; Ord. 2001-39. Passed 5-23-01.)

1440.08 COMPENSATION AND BOND OF BUILDING AND ZONING INSPECTOR.

The Building and Zoning Inspector, deputies and assistant building inspectors shall, before entering upon the duties of his or her office, give bond for the faithful performance of his or her duties in a sum and with such surety as may, from time to time, be required by Council. The obligee of the bond shall be the Municipality.
(Ord. 1969-43. Passed 5-28-69; Ord. 2001-39. Passed 5-23-01.)

1440.085 WORK WEEK AND OFFICE HOURS OF BUILDING AND ZONING INSPECTOR.

The Mayor shall designate and supervise the amount of time spent by the Superintendent of the Service Department/Building and Zoning Inspector in performing the duties of the office and any office hours that need to be maintained.

(Ord. 2000-111. Passed 11-8-00; Ord. 2001-39. Passed 5-23-01.)

1440.09 DUTIES OF BUILDING AND ZONING INSPECTOR.

The Building and Zoning Inspector, or his or her authorized assistants, shall examine all one and two-family dwellings in the course of erection, alteration, repair or removal throughout the Municipality, and shall be charged with the enforcement of this Code and all other laws relating to the erection, construction, alteration, repair, removal and safety of such buildings. He or she shall pass upon all questions relating to compliance with this Code, examine and approve all plans and specifications therefor before a permit is issued and sign and issue all permits, certificates and notices required to be issued.

(Ord. 1969-43. Passed 5-28-69.)

1440.10 RIGHT OF ENTRY AND IDENTIFICATION OF BUILDING AND ZONING INSPECTOR.

(a) In the discharge of his or her duties, the Building and Zoning Inspector, or his or her authorized representative, shall have the authority to enter at any reasonable time, or at any time demanded by circumstances, any building, structure or premises in the interests of enforcing the provisions of this Code, and the owner or occupant of any building or premises, or the person in charge thereof, shall give such administrative official free access to such buildings or premises at any reasonable hour for the purpose of inspection, examination or survey.

(b) For the purpose of identification, the Building and Zoning Inspector shall adopt a badge and an identification card, signed by proper authorities, which he or she or his or her authorized representative shall display on demand, provided, however, that in an emergency any other method of identification shall be sufficient.

(Ord. 1969-43. Passed 5-28-69.)

1440.11 RECORDS OF BUILDING AND ZONING INSPECTOR.

The Building and Zoning Inspector shall keep careful and comprehensive records of applications, of permits issued, of inspections made and of reports rendered. He or she shall retain on file, if possible, all drawings submitted to him or her to obtain building permits, as long as any part of the building for which the plan was submitted may be in existence, except that plans for private dwellings and minor buildings need not be kept on file more than three months after the approval of the building.

(Ord. 1969-43. Passed 5-28-69.)

1440.12 MATERIAL AND METHODS BOARD.

(a) The Material and Methods Board shall be referred to in this Code as the MMB. The Tri-County Building Officials Association shall be referred to herein as the TBOA.

(b) The MMB shall determine the suitability of any material or method and shall determine whether it will conform to the intent and purpose of this Code.

(c) The MMB shall be comprised of five members, one member shall be a registered professional engineer, one shall be a registered architect, one shall represent the building materials industry, one shall represent residential builders and one shall represent the general public.

(1) The term of office shall be five years, one to be selected each year.

(2) The original Board shall be selected as follows: one member, five years; one member, four years; one member, three years; one member, two years; and one member, one year.

(3) The members of the MMB shall be selected by the majority of all the members of the TBOA.

(4) The selection of the members shall be by secret ballot as provided for in the constitution or bylaws of the TBOA.

(d) The Building and Zoning Inspector shall have the authority to demand a test of any particular item of construction selected by him or her from a job, or at the source of supply.

(e) Authorized agencies and/or laboratories, for approval of materials and methods, shall be as follows, as amended from time to time:

Akron University
Kent State University
Ohio State University
Michigan State University
University of Illinois
University of Indiana
Pittsburgh Testing Laboratories
Case Western Reserve University
Research Institute Laboratory of NAHB
Such agencies as are approved by the TBOA.

(f) Results of tests by manufacturers, wholesalers and retailers, if the tests are conducted under the supervision of the MMB, or one of its authorized agents, shall be approved and accepted.

(Ord. 1969-43. Passed 5-28-69.)

1440.13 PERMIT APPLICATIONS.

(a) An application to the Building and Zoning Inspector for a permit shall be submitted on such a form as the Building and Zoning Inspector prescribes.

(b) The application shall be made in writing by the owner or lessee, or the agent of either, or the architect, engineer or builder employed in connection with the proposed work.

(c) The application shall contain the full name and address of the owner and the contractor, and, if the owner is a corporation, of its officer in charge.

(d) The application shall contain the estimated cost of the work, including material and labor, for which a permit is requested. If an applicant for a permit fails to give a correct statement of the cost of the work for which a permit is requested, the Building and Zoning Inspector may submit such work to the Material and Methods Board for an estimate as determined by a majority of its members, and such estimate as the Board may so determine shall be used in the granting of such permit.

(e) The application shall describe briefly the proposed work and shall give additional information as may be required by the Building and Zoning Inspector for an intelligent understanding of the proposed work.
(Ord. 1969-43. Passed 5-28-69.)

1440.14 PLANS, SPECIFICATIONS AND ELEVATIONS.

(a) Two copies of plans, specifications and elevations, drawn to scale with sufficient clarity and detail to show the use of all parts of the building or structure and compliance with this Code and other pertinent laws and ordinances, shall accompany every application, except that the Building and Zoning Inspector may, at his or her discretion, modify or waive this requirement when it is evident that the work can, because of its character or triviality, be sufficiently described in an application.

(b) When this Code or any other ordinance or law is referred to on a plan or in specifications, a general expression, to the effect that the work shall be done or that the plans and specifications shall be carried out to the satisfaction or approval of the Building and Zoning Inspector, or in accordance with this Code or other laws and ordinances, shall not be used. Reference may be made on a plan or in specifications to a section or subsection of this Code or other laws and ordinances by the number of the section or subsection, but if such section or subsection contains more than one subject, the subject or part therein referred to shall be quoted in full.
(Ord. 1969-43. Passed 5-28-69.)

1440.15 PERMIT ISSUANCE; ACTION ON APPLICATIONS.

(a) If the Building and Zoning Inspector is satisfied that the work described in an application for a permit conforms to the requirements of this Code and other pertinent laws and ordinances, and if the plans and other matter submitted in connection therewith have been approved as required, he or she shall issue a permit therefor to the applicant. The proper authorities for highways and streets shall be promptly advised of all permits issued for moving of buildings.

(b) The Building and Zoning Inspector shall act upon all plans and all applications in the order received and without unnecessary delay.
(Ord. 1969-43. Passed 5-28-69.)

1440.151 TIME LIMITATIONS FOR COMPLETION OF HOME CONSTRUCTION.

(a) One, two and three-family residences must be completed within nine months of the date the building permit therefor is issued.

(b) Violations of this section shall constitute a misdemeanor of the fourth degree, and shall be punishable by a maximum fine of two hundred fifty dollars ($250.00) and/or thirty days in jail. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.
(Ord. 2002-17. Passed 4-10-02.)

1440.16 POSTING OF PERMIT.

(a) No operations requiring a permit shall be commenced until the permit card therefor is posted in a conspicuous place, near the front of the premises and in such a position as to permit the Building and Zoning Inspector to make the required entries thereon regarding inspection or the work. The card shall be preserved and remain posted until the completion of the work for which it was issued.

(b) No person shall remove or cover the permit card until the work for which the card was issued has been approved by the Building and Zoning Inspector.
(Ord. 1969-43. Passed 5-28-69.)

1440.17 VIOLATION REPORTS AND NOTICE.

(a) Reports of Violations. All reports that a condition exists or that an operation is being performed in violation of this Code or any law or ordinance assigned to the Building and Zoning Inspector for enforcement, may be required to be made in writing and when so made shall bear the signature of the person making the report,

(b) Notice of Violations. Whenever the Building and Zoning Inspector is satisfied that a building or structure, or any work in connection therewith, the erection, construction, alteration, execution or repair of which is regulated, permitted or prohibited by this Code, is being erected, constructed, altered or repaired in violation of the provisions or requirements of this Code, or in violation of a detailed statement or plan submitted and approved thereunder, or of a permit or certificate issued thereunder, he or she may serve a written notice or order upon the person responsible therefor directing that such illegal action be discontinued at once and that the condition that is in violation of the provisions or requirements of this Code be remedied forthwith.
(Ord. 1969-43. Passed 5-28-69.)

1440.18 ORDERS TO SUSPEND WORK.

Whenever, in the opinion of the Building and Zoning Inspector, by reason of defective, reckless, careless or other illegal work in violation of a provision or requirement of this Code, the continuance of a building operation is contrary to public welfare and safety, or when the required permit has not been obtained or has not been posted as required, he or she may order, either orally or in writing, all further work to be stopped and may require suspension of work until the condition in violation has been remedied,
(Ord. 1969-43. Passed 5-28-69.)

1440.19 PREREQUISITES AND CONDITIONS OF PERMITS; PLOT PLANS; OFF-STREET PARKING.

(a) Before applying for a building permit, a person must:

(1) Have a house number;

(2) Have the lot number and name of the allotment, or other legal identification;

(3) Furnish a scaled plot plan showing the size of the lot and the location of buildings on the lot;

(4) Show how roof water is disposed of;

(5) Furnish a basement plan showing the thickness of the walls, the location of the furnace, center post and other footings, and the size of the chimney;

(6) Furnish a complete set of floor plans;

(7) Furnish at least two elevations on plans;

(8) Furnish a complete set of framing plans, showing the size and spacing of joists, the size of beams, etc.;

(9) Know between what cross streets the building is to be located;

(10) Furnish a heating layout and heat loss; and

(11) Furnish an electrical layout, including service placement,

(b) The following are conditions of the permit:

(1) Before any work for which a permit is required is started on a new building, or on an addition to an existing building, all boundary line intersections of the site where the building or addition is to be located shall be marked with permanent markers, except that if it is not possible to maintain such markers during construction, accurately located offset markers may be used. Such markers shall be set so as to be easily located at any time during the construction of the building or structure.

(2) All buildings hereafter constructed shall be set at elevations which will facilitate proper surface water drainage. The established sidewalk grade must be shown on all applications, where sidewalks are required.

(3) The location of all new construction, as shown on the approved plot diagram, or an approved amendment thereof, shall be strictly adhered to.

(4) No person shall reduce or diminish the area of a lot or plot for which a plot diagram has been filed and used as the basis for a permit, unless a revised plot diagram showing the proposed change in conditions shall have been filed with and approved by the Building and Zoning Inspector, provided that this shall not apply when the lot is reduced by reason of a street opening or widening or other public improvement.

(Ord. 1969-43. Passed 5-28-69.)

(5) Before a building permit is issued by the Building and Zoning Inspector, the owner, or his or her agent, shall install a culvert made of twelve-inch reenforced concrete pipe which is a minimum of twenty feet in length in the storm drainage ditch located between the surface of the road and property line. If such culvert is installed by the Service Department, the following fees shall be assessed per foot for the following size pipe.

Pipe Size (in.)	Price per Foot
12	20.00
15	24.00
18	28.00
21	32.00
Larger than 21	Pro rated per inch base upon the above schedule

(Ord. 1994-72. Passed 12-14-94.)

(6) The Superintendent of the Service Department shall notify, in writing, the Building and Zoning Inspector that the required culvert has been installed before the Building and Zoning Inspector shall issue the building permit.

(7) This requirement shall be applicable only to R-1 and R-2 Districts within the confines of the Municipality.

(Ord. 1964-50. Passed 4-14-64.)

(c) Plot Plan Requirements. A plot plan submitted for a permit to build must contain the following information:

(1) The elevation of the first floor of the dwelling, attached garages, unattached garages and other accessory buildings shall be shown.

(2) The elevation of the finished curb or crown of the street at the point of extension of the lot line, when in existence, shall be shown.

(3) The finished grade elevation at each principal corner of the structure shall be shown.

(4) The finished grade at both sides of abrupt changes of grade, such as retaining walls, slopes, etc., shall be shown.

(5) Other elevations that may be necessary to show grading and drainage shall be shown.

(6) The sewer grade and elevation shall be shown on all applications to build by the Sewer Department, the Service Department or the Municipal Engineer.

(7) The scale of the plot plan shall be not less than one inch equals twenty feet.

(8) The lot, lot number or other legal description shall be shown.

(9) The dimensions of the plot shall be provided and the north point shall be indicated.

(10) The dimensions of front, side and rear yards shall be shown.

(11) The location and dimensions of garages, carports and other accessory buildings shall be shown.

(12) The location of walks, driveways and approaches shall be shown.

(13) The location of steps, terraces, porches, fences and retaining walls shall be shown.

(14) The location and dimensions of easements, if any, shall be shown.

(15) The location and widths of streets and rights-of-way shall be shown, and the type of surface on the street shall be indicated.

(16) The Sewer Department must approve drainage, and the Municipal Engineer must approve curb cuts.

(Ord. 1969-43. Passed 5-28-69.)

(d) Temporary Off-Street Parking Required at Building Site. Before any construction may be commenced upon any lot or land within the confines of the Municipality, temporary off-street parking facilities shall be provided at each building site.

Such facilities shall be provided with a suitable base in order to stop the dumping of excessive mud on the streets of the Municipality.

The Building and Zoning Inspector is authorized and directed to see that the provisions of this subsection are fulfilled. Failure to make the above required installation shall subject the owner of premises to a citation for the violation of these provisions.

(Ord 1964-24. Passed 2-25-64.)

1440.20 INSPECTIONS.

(a) Inspections required for the enforcement of the provisions of this Code shall be made by the Building and Zoning Inspector, or his or her duly authorized representative, except that the Building and Zoning Inspector may accept reports of inspection services if, after investigation, he or she is satisfied as to the qualifications and reliability of the inspection service under consideration. No certificate called for by any provision of this Code shall be based on reports of inspection services unless such reports are in writing and are certified by a responsible officer of such inspection service. The Building and Zoning Inspector may require supervision of work and certificates of inspection as provided.

(b) All new buildings and additions under construction, and all alterations or repairs to buildings when regulated by this Code, shall be inspected before lath is applied and before the framing or structural parts are covered in any manner which would make a proper inspection unnecessarily difficult.

(c) All new buildings or structures and all additions, alterations and repairs to existing buildings or structures which, when completed, will have all of the framing and structural parts exposed sufficiently to make a proper inspection practicable, shall be inspected when the work is completed.

(d) For the purpose of insuring that proper inspections will be made of new buildings and structures under construction, of additions and alterations or repairs to existing buildings and structures, of buildings to be moved or razed, or of installations and additions, alterations or repairs thereto, the contractor performing the work on any job for which a permit has been issued, or the owner to whom a permit has been issued when no contractor is employed, shall notify the Building and Zoning Inspector of the time, as provided herein, to make such inspection. The notification for inspection shall be given at a time which will give the Building and Zoning Inspector a reasonable period of time to make or cause the inspection to be made, and this time shall be as follows: for inspections required by subsection (a) hereof, the Building and Zoning Inspector shall be notified not less than forty-eight hours before any lathing is done or any of the framing or structural parts are covered in a manner which would make inspection unnecessarily difficult. All the mechanicals must be inspected and approved before rough building inspection.
(Ord 1969-43. Passed 5-28-69.)

1440.21 APPLICATION OF ZONING CODE.

The Zoning Code establishes a zoning plan regulating the location of trades, industries and buildings, the use of premises, the height of buildings and the location and size of yards and open spaces, establishes building lines, back of street lines, and creates districts for such purposes.

The restrictions of the Zoning Code shall not be deemed to be modified by any provisions of this Code, and such restrictions shall be controlling except insofar as the provisions of this Code are more restrictive.
(Ord. 1969-43. Passed 5-28-69.)

1440.22 SAFETY DURING BUILDING OPERATIONS.

(a) The provisions of this section shall apply to all matters and to all work to which the provisions of this Code apply.

(b) All work, to which the provisions of this Code apply, shall be performed in a safe and careful manner so that the same will not endanger adjoining property or be a hazard to public safety.

(c) Before any work, for which a permit is required by this Code, is commenced, and before any portion of a street or public property is occupied for any purpose for which a permit is required by this Code, the permit shall be obtained and posted.

(d) Except as otherwise provided in this chapter or by other law or ordinance, when the public is endangered by reason of any construction, alteration, addition, repair or excavation, or when a hazard exists because of the condition of a building or structure, or because of an existing excavation, a suitable barricade shall be provided along any public thoroughfare affected. If the barricade prevents sufficient passageway on the sidewalk, a temporary walk or bridge, if necessary, shall be constructed and maintained.

(e) All pits, excavation barricades, builders' equipment, building materials or other temporary objects, which are in or upon a thoroughfare because of a building operation, and all buildings or structures, shall have placed upon or near them at all times during darkness, illuminated lamps with red or amber globes or flares or other approved lights, in a manner that there shall be one light at each end, and at intermediate points as may be necessary to afford proper warning consistent with the existing traffic conditions at the location affected. (Ord. 1969-43. Passed 5-28-69.)

1440.23 STORAGE OF CONSTRUCTION MATERIALS WITHIN BUILDINGS.

Materials or equipment needed in a building operation, if stored within the building, shall be so placed that they will not load any part of the construction in excess of the weights for which it was designed, nor interfere with the safe prosecution of the work. (Ord. 1969-43. Passed 5-28-69.)

1440.24 CELLAR DRAINAGE.

Before the foundation walls of a building or structure are commenced, provision shall be made to prevent water from accumulating in the excavation or cellar. Use of sewers and appurtenances for this purpose shall be subject to the approval and supervision of the Superintendent of the Service Department.
(Ord. 1969-43. Passed 5-28-69.)

1440.25 UNSAFE AND UNSECURED BUILDINGS.

(a) A building or structure that may be or shall at any time become an unsafe or unsecured building or structure, shall, unless made safe and secure, be taken down and removed when so ordered by the Building and Zoning Inspector.

(b) A building or structure declared to be unsafe or unsecured by the Building and Zoning Inspector may be restored to a safe or secured condition, provided that if the damage or cost of construction, reconstruction or restoration is in excess of 56% of the value at which the building or structure stands on the tax duplicate, inclusive of foundations, the building or structure, if reconstructed or restored, shall be made to conform, with respect to materials and type of construction, to the requirements for buildings and structures hereafter erected. No change of use or occupancy shall be compelled by reason of such reconstruction or restoration.
(Ord. 1969-43. Passed 5-28-69; Ord. 2010-41. Passed 7-14-10.)

1440.26 NOTICE OF UNSAFE OR UNSECURED BUILDINGS.

(a) Upon receipt of information that a building or structure is unsafe or unsecured, the Building and Zoning Inspector shall make or cause to be made an inspection, and if it is found that an unsafe or unsecured condition exists, he or she shall serve or cause to be served on the owner, or on the owner's executor, administrator, agent, lessee or other person who may have a vested or contingent interest in the same, a written notice containing the address and a description of the building or structure deemed to be unsafe or unsecured, a statement of the particulars in which the building or structure is unsafe or unsecured and an order requiring the same to be made safe and secure or removed, as may be deemed necessary to him or her within a stated time.

(b) If the person to whom such notice and order are addressed cannot be found within the Municipality, after diligent search, then such notice and order shall be sent by registered or certified mail to the last known address of such person or tax mailing address for the property, and a copy of the notice shall be posted in a conspicuous place on the premises to which it relates. Mailing and posting shall be deemed adequate service. (Ord. 1969-43. Passed 5-28-69; Ord. 2010-41. Passed 7-14-10.)

1440.27 VACATING UNSAFE OR UNSECURED BUILDINGS; CLOSING OF PUBLIC WAYS AND STRUCTURES TO PROTECT PUBLIC SAFETY.

(a) When the Building and Zoning Inspector is of the opinion that a building or structure is in an unsafe or unsecured condition so that life is endangered thereby, he or she may order and require the inmates and occupants to vacate such building or structure forthwith.

(b) The Inspector shall cause a notice to be posted at each entrance to such building to read as follows: "THIS BUILDING IS UNSAFE AND ITS USE OR OCCUPANCY HAS BEEN PROHIBITED BY THE BUILDING AND ZONING INSPECTOR." Such notice shall remain posted until the required repairs are made or until the building or structure is razed. No person, other than an employee authorized by the Municipality to do so, shall remove, or cause to be removed, the notice without proper written permission from the Building and Zoning Inspector.

(c) No person, other than those authorized by law, shall enter a building or structure which has been posted as unsafe for use or occupancy, by the Building and Zoning Inspector, except for the purpose of making the required repairs or of demolishing the building or structure.

(d) The Building and Zoning Inspector may, when necessary for public safety, temporarily close sidewalks, streets, buildings, structures and places adjacent to such buildings or structures, and prohibit the same from being used. Notice of any temporary closing of streets, roads or buildings shall be sent to all persons involved and to all proper public officials, provided, however, that in case of an emergency, such notice may be waived. (Ord. 1969-43. Passed 5-28-69; Ord. 2010-41. Passed 7-14-10.)

1440.28 NONCOMPLIANCE WITH NOTICES AND ORDERS RE UNSAFE OR UNSECURED BUILDINGS.

(a) If the person served with a notice or order to remove or repair an unsafe or unsecured building or structure fails, within the time stated in the notice or order, to comply with the requirements thereof, the Law Director shall be advised of all facts in the case and institute an appropriate action in the courts to compel a compliance.

(b) If any person, when ordered by the Building and Zoning Inspector to vacate an unsafe or unsecured building or structure, fails to comply with such order, the Chief of Police shall be advised of all facts in the case and it shall be the duty of the Chief to vacate the building or structure.
(Ord. 1969-43. Passed 5-28-69; Ord. 2010-41. Passed 7-14-10.)

1440.29 EMERGENCY WORK BY CITY.

(a) If, in the opinion of the Building and Zoning Inspector, there is an actual and immediate danger of failure or collapse of a building or structure, or any part thereof, or if any building or structure, or any part thereof is unsecured, by way of its failure to have doors with locks, windows capable of being closed, closed walls, ceilings or similar conditions, so as to endanger life or property, he or she shall cause the necessary work to be done to render such building or structure, or part thereof, temporarily safe and secure, whether the procedures prescribed elsewhere in this chapter have been instituted or not.

(b) For the purpose of carrying out the provisions of this section, the Building and Zoning Inspector may employ such supervisors, workmen, equipment and materials as may be necessary, after obtaining the approval of the Mayor.
(Ord. 1969-43. Passed 5-28-69; Ord. 2010-41. Passed 7-14-10.)

1440.30 RECOVERY OF COSTS FOR EMERGENCY WORK.

When the Building and Zoning Inspector finds it necessary to cause emergency work to be performed, as provided for in Section 1440.29, all costs thereby incurred in the performance of such work and the furnishing of materials shall be promptly paid by the owner of the premises on which the emergency work is performed, and if the owner, within thirty days after emergency work is performed, fails, neglects or refuses to pay costs, the costs shall be paid out of the General Fund on the certificate of the Building and Zoning Inspector.

The Finance Director shall then certify such amount to the Auditor of Summit County, along with an additional one hundred dollar ($100.00) processing fee, and the Fiscal Officer shall enter the amount on the tax duplicate of the County as a special assessment against the real estate on which the building or structure which required the emergency work is or was situated, and the assessment shall be collected as other taxes or assessments, and, when collected, shall be refunded to the Finance Director.
(Ord. 1969-43. Passed 5-28-69; Ord. 2010-41. Passed 7-14-10.)

1440.31 NONLIABILITY OF MUNICIPAL OFFICIALS.

Any officer or employee charged with the enforcement of this Code, acting for the Municipality in the discharge of his or her duties, shall not thereby render himself or herself liable personally, and he or she is hereby relieved from all personal liability for any damage that may accrue to persons or property as a result of any action taken pursuant to the provisions of this Code, or in instances where discretionary power is used in the discharge of his or her duties. Any suit brought against any officer or employee because of such act performed by him or her in the enforcement of any provision of this Code may be defended by the Law Director until the final termination of the proceedings.

(Ord. 1969-43. Passed 5-28-69.)

1440.32 ENFORCEMENT.

Workmanship in the fabrication, preparation and installation of materials shall conform to generally accepted good practice. Specific provisions of this Code shall not be deemed to suspend requirements of good practice, but shall be regarded as supplementing or emphasizing them, and shall be thereby controlling. The Building and Zoning Inspector shall, as may be necessary, promulgate rules consistent with the provisions of this Code, embodying the requirements of generally accepted good practice.

(a) The Building and Zoning Inspector may cause the prosecution of any person who violates a provision of this Code, or fails to comply therewith or with any of the requirements thereof, or erects, constructs, alters, repairs or equips, or has erected, constructed, altered, repaired or equipped, a building or structure in violation of a detailed statement or plan submitted and approved because of this Code, or in violation of a permit or certificate issued thereunder.

(b) The Building and Zoning Inspector may cause the prosecution of the owner of a building, structure or premises where anything in violation of this Code is placed or exists, and an architect, builder, contractor, agent, person or corporation that may be employed in connection therewith and who may have assisted in the commission of such violation.

(Ord. 1969 43. Passed 5-28-69.)

1440.99 PENALTY.

(a) Whoever violates a provision of this Code, or fails to comply therewith or with any of the requirements thereof, or erects, constructs, alters or repairs, or has erected, constructed, altered or repaired, a building or structure in violation of a detailed statement or plan submitted and approved thereunder, or in violation of a permit or certificate issued thereunder, shall be fined not more than one hundred dollars ($100.00) for each offense. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.

(b) The owner of a building, structure or premises, where anything in violation of this Code is placed or exists, and an architect, engineer, builder, contractor, agent, person or corporation employed in connection therewith and who may have assisted in the commission of such violation, shall each be fined not more than one hundred dollars ($100.00) of each offense. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.

CHAPTER 1442
Construction Materials and Methods

1442.01 Grading and filling.
1442.02 Excavations.
1442.03 Right of entry for adjoining owners.
1442.04 Emergency precautions.
1442.05 Compliance with other laws required.
1442.06 Drainage.
1442.07 Soil conditions.
1442.08 Foundations; underground construction.
1442.09 Foundations; concrete and mortar.
1442.10 Footings.
1442.11 Foundation walls.
1442.12 Pilasters.
1442.13 Waterproofing.
1442.14 Concrete slabs and floors; driveways and walks.
1442.15 Retaining walls.
1442.16 Masonry veneer; masonry above openings; lintels and arches.
1442.17 Chimneys and fireplaces.
1442.18 Bolting of sills to masonry walls.
1442.19 Framing and lumber.
1442.20 Sills.
1442.21 Beams and girders.
1442.22 Spans for joists and rafters.
1442.23 Crawl space.
1442.24 Anchorage.
1442.25 Fire prevention.
1442.26 Bridging.
1442.27 Cut finish flooring.
1442.28 Exterior frame walls.
1442.29 Window area.
1442.30 Lintels and headers.
1442.31 Interior partitions.
1442.32 Ceiling joists and height.
1442.33 Bathroom ventilation.
1442.34 Floor area; ceilings.
1442.35 Attic access.
1442.36 Roof rafters.
1442.37 Roof and ceiling trusses.
1442.38 Roof sheathing.
1442.39 Roof ventilation.
1442.40 Roofing material.
1442.41 Stairs.
1442.42 Ventilation of rooms below grade.
1442.43 Garages.
1442.44 Egress.
1442.45 Lath, plaster and drywall.
1442.46 Gutters and downspouts.
1442.47 Interior wall covering for dwellings; insulating materials.
1442.48 Materials of doubtful quality.
1442.49 Electrical wiring.
1442.50 Plumbing.
1442.51 Warm air heating.
1442.99 Penalty.

CROSS REFERENCES

Truck loads dropping or leaking; tracking mud; removal - see TRAF. 440.06
Unlawful interest in a public contract - see GEN. OFF. 608.10
Permitted hours of construction activities - see GEN. OFF. 648.13
Fees for zoning certificates and conditional zoning certificates - see P. & Z. 1262.05(f)(1), (2)
Containment of trash and debris on construction sites - see B. & H. 1440.235
Certificates of occupancy - see B. & H. Ch. 1464

Fire-resistance rating - see B. & H. 1470.01
Numbering of buildings - see B. & H. Ch. 1474
Smoke detectors - see B. & H. Ch. 1478
Key lock box systems - see F.P. Ch. 1612

1442.01 GRADING AND FILLING.

(a) The owner of any lot or land may grade or improve the surface of a lot or land to correspond with the established grade of the street, streets or alley upon which such lot or land abuts without incurring liability, provided he or she gives the adjoining owner thirty days notice in writing of the proposed grading or proposed improvement, and when any owner of a lot or land, at his or her own expense, builds retaining walls or foundations as may be required to safely protect his or her land and the structures erected thereon.

(b) The owner of any lot or land who fills a lot so that the surface of the same shall be above the established grade of the street, streets or alley upon which the lot or land abuts, and above the existing surface of any adjoining lot or land, shall, at his or her own expense, build retaining walls as may be required to properly protect all adjoining property from damage on account of the fill.

(c) The owner of any lot or land who grades such lot or land so that the level of the lot or land is below the established grade of the street, streets or alley on which the lot or land abuts, shall, at his or her own expense, build retaining walls, as may be required to protect the adjoining property from damage because of the grading below the established grade or grades, and he or she shall give the owner of the adjoining lot or land which may be affected proper notice, by registered mail, before beginning such grading.

(d) When an excavation is carried to a depth of nine feet or less below the established grade, the owner of any adjoining or contiguous wall or structure which may be affected by the excavation shall reinforce the same if required and so support the same by proper foundations that it is and remains as safe as before such excavation was commenced.

(e) This section is written for the protection of the public and builder, and the enforcement of this section shall be by civil action. (Ord. 1969-43. Passed 5-28-69.)

1442.02 EXCAVATIONS.

(a) The person making any excavation shall, at his or her own expense, properly guard and protect the same in order to prevent the excavation from being or becoming dangerous to life, limb or property.

(b) The person making any excavation below the established grade shall prevent the adjoining soil from filling in.

(c) When a permanent excavation is made on any lot, the person causing the excavation to be made shall build a retaining wall to give lateral support to the earth, and such retaining wall shall be carried to the height of the established grade and be properly protected by a coping and a substantial railing three feet, six inches high with not less than one intermediate rail. The person making such excavation shall build the retaining wall at his or her own expense, except when the excavation extends to a building and is protected thereby and as specifically provided for along lot lines.
(Ord. 1969-43. Passed 5-28-69.)

1442.03 RIGHT OF ENTRY FOR ADJOINING OWNERS.

(a) If the person whose duty it is to perform the work required under Sections 1442.01 and 1442.02 is refused the right to enter upon the land where the excavation is being made, as far as may be required to perform such work, then it shall be the duty of the person making the excavation to build foundations as may be required to make the wall or structure as safe as it was before the excavation was commenced.

(b) If the necessary permission to enter the adjoining building or upon the adjoining land, for the purpose of performing the work required under Sections 1442.01 and 1442.02, is not accorded the person making the excavation, then it shall be the duty of the owner refusing to grant permission to make the adjoining or contiguous wall or structure safe and to support the same without delay by proper foundations, or to take other precautions as may be required so that the excavation may be made, and, when necessary for that purpose, the adjoining owner shall be permitted to enter upon the premises where the excavation is being made.

(c) In either of the conditions stated in subsection (a) or (b) hereof, the person accorded the right of entry shall perform the necessary work as expeditiously as possible and with the least reasonable inconvenience to the grantor of the right.
(Ord 1969-43. Passed 5-28-69.)

1442.04 EMERGENCY PRECAUTIONS.

If the person whose duty it is to preserve or protect any wall or structure from injury fails to do so after having received the notice, the Building and Zoning Inspector may enter upon the premises, cause labor to be employed, furnish material and take such steps as, in his or her judgment, may be necessary to make the same safe and secure, or to prevent the same from becoming unsafe or dangerous, at the expense of the person whose duty it is to keep the same safe and secure. Any party doing the work, or any part thereof, under and by direction of the Inspector, may bring and maintain an action against the person whose duty it is to perform such work, to recover the value of work done and materials furnished in and about the premises, in the same manner as if he or she had been employed to do the work by such person.
(Ord. 1969-43. Passed 5-28-69.)

1442.05 COMPLIANCE WITH OTHER LAWS REQUIRED.

All grading, excavating or filling operations shall comply with the applicable rules and regulations of other departments and agencies and with other ordinances and laws
pertaining thereto.
(Ord. 1969-43. Passed 5-28-69.)

1442.06 DRAINAGE.

(a) All buildings hereafter constructed shall be set at elevations which will facilitate proper surface water drainage.

(b) Floor drains in basements shall not be less than four inches in diameter and shall be provided with deep seal traps. (Ord. 1969-43. Passed 5-28-69.)

1442.07 SOIL CONDITIONS.

When a doubt arises as to the safe sustaining power of the soil upon which a building or structure is to be erected, or if it is desired to exceed the allowable soil bearing capacity, the Building and Zoning Inspector may direct that borings or load tests be made, by and at the expense of the owner of the proposed building or structure, to determine the sustaining power of the soil. Whenever such a test is made, the Building and Zoning Inspector shall be notified so that he or she may be present in person or be represented. A complete record of the test shall be filed with the Building and Zoning Inspector. (Ord. 1969-43. Passed 5-28-69.)

1442.08 FOUNDATIONS: UNDERGROUND CONSTRUCTION.

(a) No foundation of a building or structure shall be placed on filled or made ground, except as herein provided, or on loam or on any soil containing organic matter in appreciable amounts. If conditions make it necessary to place a foundation on filled ground, tests shall be made as provided for in Section 1442.07 to determine the allowable soil-bearing capacity of, and the danger of settlement of, the ground.

(b) Every building or structure hereafter erected which is located adjacent to any street, alley or easement containing a water main, water tunnel, sewer, conduit, tunnel, subway or underground construction owned or controlled by the Municipality, shall be so constructed that the foundation and superstructure of such building or structure will not be supported, in whole or in part, by any such underground construction.
(Ord. 1969-43. Passed 5-28-69.)

1442.09 FOUNDATIONS; CONCRETE AND MORTAR.

(a) Concrete. Concrete for footings and foundations must be mixed to comply with all ASTM specifications, latest revisions. All ready-mixed concrete must comply with the specifications set up by ASTM Standard C-94-62, the latest revision.

(b) Masonry Units. Masonry units shall be hard-burned shale or clay brick, stone, hollow concrete block, solid concrete brick and structural clay tile load bearing. The use of any masonry unit other than the above shall first be approved by the Material and Methods Board to comply with acceptable ASTM Standard C-90-59, the latest revision.

(c) Mortar Materials. Cementitious materials used in mortars shall conform to the requirements of the following applicable standard specifications:

Quicklime for Structural Purposes, ASTM C5-59
Hydrated Lime for Structural Purposes, ASTM C6-49
Hydraulic Hydrated Lime for Structural Purposes, ASTM C141-61
Natural Cement, ASTM C10-62
Masonry Cement, Federal Specifications SS-C-181b
Portland Cement, ASTM C150-62

(1) Aggregate for mortar shall conform to the requirements of the Tentative Specifications for Aggregate for Masonry Mortar, ASTM C144-62.

(2) Water used in mixing mortar shall be clean and free from deleterious amounts of acids, alkalis or any organic material. (Note: water suitable for drinking may be used.)

(d) Mortar Requirements. Mortar as delivered to the mason shall have a flow after suction for one minute, or not less than sixty-five percent of that immediately before suction. The flow shall be determined by the method of Water Retention Test of the Federal Specification for Masonry Cement, SS-C-181b.

The volume of aggregate in mortar shall be two times, but not more than three times, the volume of cementitious material.

(e) Classification of Mortar.

(1) Mortar used in masonry construction shall be classified as follows:

MORTAR CLASSIFICATIONS

Type	Minimum Compressive Strength of 2-Inch Cubes at 28 Days (psi)
A	2,500
B	600
C	200
D	75

(2) Unless the strength classification of the mortar has been otherwise established by test as prescribed in paragraph (e)(3) hereof, mortars of the following proportions, with the aggregate measured in a damp and loose condition, may be assumed to meet the strength classification given in paragraph (e)(1) hereof.

MORTAR PROPORTIONS

Type	Proportions by Volume Cement	Hydrated Lime or Lime Putty Range	Aggregate Measured In a Damp and Loose Condition Allowable
A	1 (Portland)	0 to 1/4	Not more than 3
B	1 (Portland)	0 to 1-1/4	Not more than 6
	1 (masonry FS* Type II)		Not more than 3
C	1 (Portland)	2 to 2-1/2	Not more than 9
	1 (masonry FS* Type I)		Not more than 3
D	0 to 1/2 (Portland)	1 to 1-1/4	Not more than 3

parts for each part cementitious material

* FS=Federal Specification

(3) Mortar of materials conforming to the requirements of paragraph (e)(1) hereof, and of any proportions conforming to paragraph (e)(2) hereof, may qualify as mortar of any one of the four types, provided it conforms to the physical requirements of paragraphs (e)(1) and (2) hereof. When it is desired to establish the strength classification of a given mortar by test, the strength shall be determined with mortar prepared in a testing laboratory, or representative materials, and in the proportions proposed for use. The test cubes shall be molded, cured and tested for compressive strength as described in the Federal Specification for Masonry Cement, SS-C-181b, except that for Type D mortar the entire curing shall be in a laboratory air at seventy degrees Fahrenheit, plus or minus five degrees.

(f) Type of Mortar Required. Masonry shall be laid in Type A, Type B or Type C mortar, except as follows:

(1) Type A or Type B mortar shall be used in footings, foundation walls of solid masonry units, isolated piers, load bearing or exterior walls of hollow masonry units, hollow walls of masonry, and cavity walls of ten inches nominal thickness or more.

(2) Type D mortar may be used in solid masonry walls, other than parapet walls or rubble stone walls, not in contact with the soil and not less than twelve inches thick nor more than thirty-five feet in height, provided the walls are laterally supported at intervals not exceeding twelve times the wall thickness.

(3) Gypsum partition tile and block shall be laid in gypsum mortar. Nonbearing partitions and fireproofing of structural clay tile may be laid in gypsum mortar. Fire brick shall be laid in fire clay or air-setting mortar.

(4) Glass block when laid in mortar shall be laid in Type B mortar.

(g) Mortar. Mortar used in connection with the above-mentioned masonry unit shall be as follows:

(1) For all masonry below grade: one part cement to three parts sand. Lime equal to not more than fifteen percent of the cement by volume may be added.

(2) For all other masonry work: one part cement to one part lime putty to six parts of sand by volume; or prepared mortar mixed and used in accordance with the manufacturer's directions.

(3) Prepared mortar-mix cement may be used in place of cement and lime when the mortar meets the ASTM revised specifications for Type I and II masonry cement mortar.

(h) Joints. Joints between masonry units shall be not more than one-half inch thick. All outside and exposed joints shall be weathered or tooled, unless otherwise approved by the Building and Zoning Inspector. All joints shall be pointed with mortar on both sides of the wall.
(Ord. 1969-43. Passed 5-28-69.)

1442.10 FOOTINGS.

(a) General Footing Conditions. Concrete footings shall bear upon undisturbed soil and shall be designed to distribute sufficiently the superimposed load to the particular type of soil upon which they bear, but in no case shall the bearing capacity of the soil be exceeded. All footings placed over trenches shall be properly reinforced. Where soil conditions prevent uniform trenches, side forms shall be used. The minimum dimensions of poured concrete footings upon hard, undisturbed soil shall be as follows:

(1) A one and two-story dwelling without a basement and having a frame, masonry veneer on wood frame, or masonry exterior walls, may have the foundation walls of eight-inch concrete poured in a trench, with footings omitted, where the soil is firm and is accurately trenched and trimmed.

(2) For under eight-inch hollow masonry walls of one-story frame dwellings with no basement, footing thickness shall be six inches with a three-inch projection on each side of the wall.

(3) For under seven-inch hollow masonry walls of all other frame dwellings and of one-story masonry buildings, the footing thickness shall be eight inches with a four-inch projection on each side of the wall.

(4) For under twelve-inch hollow masonry walls of all masonry dwellings with more than one-story in height, the footing thickness shall be twelve-inches with a four-inch projection on each side of the wall.

(b) Footing Design. Footings shall be so designed that the pressure on the soil per unit of area shall, as far as possible, be uniform under all parts of the building or structure.

(c) Footings Under Piers, Posts and Columns. Under masonry piers, posts and columns, footings shall be a minimum of eight inches thick and the area shall not be less than four square feet.

(d) Footing Under Chimneys and Fireplaces. Under chimneys and fireplaces for one and two-story dwellings, footing thickness shall be a minimum of eight inches with a six-inch projection on each side.
(Ord. 1969-43. Passed 5-28-69.)

1442.11 FOUNDATION WALLS.

In no case shall the foundation wall thickness be less than that of the wall supported. The following are the minimum requirements for foundation walls:

(a) For slab-type dwellings, the foundation walls shall be of poured concrete or masonry eight inches in thickness and extending at least thirty-six inches to the bottom of such wall below the finished grade.

(b) For one-story wood frame or masonry structures without basements, the foundation walls shall be of poured concrete footings forty-two inches to the bottom of such walls below finished grade.

(c) For one and two-story wood frame or one-story masonry structures with basements, the foundation walls shall be of poured concrete, solid masonry units or hollow masonry of eight inches minimum thickness and resting upon a poured concrete footing forty-two inches to the bottom of such walls below the finished grade.

(d) For unattached garages or accessory buildings of frame construction not attached to the dwelling, foundations shall extend not less than thirty inches to the bottom of such foundation footing from the finished grade, or shall be of floating slab construction.

(e) For two-story dwellings with basements, the foundation walls shall be poured concrete of eight inches minimum thickness, hollow masonry or solid masonry units eight inches in thickness and resting upon footings at least forty-two inches to the bottom of such wall below the finished grade. On all hollow masonry foundation walls, the top course shall be of solid masonry material. All floor joists shall bear upon at least four-inch thick solid masonry or approved masonry and shall extend at least four inches over the solid masonry.

(f) Foundation walls of solid or hollow masonry units shall be not less than twelve inches in nominal thickness. Masonry walls shall have a thickness of eight inches for a height not to exceed twelve feet.

(g) When two or more units are used to make up the required wall thickness, the inner and outer courses shall be bonded either with at least one full header course in each seven courses of brick, or with at least one full-length header in each 1.5 square feet of wall surface, the distance between adjacent full-length headers shall not exceed twenty inches either vertically or horizontally. In solid brick walls of more than eight-inch nominal thickness, the inner joints of header courses shall be covered with another header course which shall break joints with the course below.

(h) Full head joints and bed joints shall be required,

(i) Stepped adjacent separate footings and stepped continuous footings, for foundations supported on gravel, sand or clay, or any combination of these, are to be supported by a vertical wall equal in size to the foundation wall properly formed. (Ord. 1969-43. Passed 5-28-69.)

1442.12 PILASTERS.

All hollow masonry foundation walls which extend more than five feet below finished grade shall be supported laterally by pilasters spaced not more than eight feet apart. If pilasters are not added as above, add four inches to the required wall thickness. The pilasters may be either of the following types of construction:

(a) Hollow masonry units, four inches by sixteen inches bonded alternately into the wall with eight-inch hollow masonry units.

(b) Two cores of the hollow masonry wall filled with concrete from the footing to the plate with one one-half inch round steel reinforcing rod in each core. Pilasters four inches by sixteen inches and bonded with the foundation wall shall be constructed to form piers under the ends of all girders resting upon the walls, the top eight inches of all such pilasters to be of solid masonry. When lateral pressure is substantially equal on each side of the foundation

wall, and under other conditions, the total height of the foundation wall and the wall supported shall not exceed that permitted under the requirements for eight-inch walls. Hollow masonry units used in foundation walls shall not exceed eight inches in height as placed in the wall.

(Ord. 1969-43. Passed 5-28-69.)

1442.13 WATERPROOFING.

(a) In buildings hereafter erected, foundation walls below the adjacent ground level shall be rendered waterproof or dampproof, as conditions require, by some approved process, if there is dampness in the ground and if the Building and Zoning Inspector deems it necessary to do so.

(b) First floor construction which bears directly upon the ground shall be of materials which are not subject to undue deterioration by moisture or to attack by termites. The building construction shall be adequately dampproofed where dampness is of consequence to the health of any of the occupants of the building.

(c) First floor construction which does not bear directly upon the ground and which is not over a basement shall be as required in subsection (b) hereof or have an air space of not less than eighteen inches from the ground to the underside of the framing of the first floor. The air space shall be vented to the outside air by screened openings comprising one-half of one percent of the included ground area required to be ventilated, except that the Building and Zoning Inspector may permit other adequate means for ventilating such spaces. Approved vapor barriers include:

(1) A one-inch scratch coat of concrete.

(2) Polyethylene and one-inch of gravel.

All organic material must be removed with proper drainage under all crawl spaces.

(d) An opening of not less than two feet square shall be installed to provide access for inspection and repair in each unexcavated crawl space under wood and metal floor construction. Foundation wall vents proportioned on a basis of two square feet per each twenty-five linear feet of exterior walls, shall be installed directly to the outside of the building for ventilating all unexcavated crawl spaces, and each such space shall have at least two vents. A noncorrodible screen of not over one-quarter inch mesh shall be installed in each vent opening. All area walls and foundation walls for porches, steps, stoops and terraces shall be adequately anchored to the main walls and shall rest upon solid footings. (Ord. 1969-43. Passed 5-28-69.)

1442.14 CONCRETE SLABS AND FLOORS; DRIVEWAYS AND WALKS.

(a) Concrete slabs placed on the ground to be used as a finished floor, or as a base for asphalt tile or linoleum, shall be constructed as follows:

(1) Minimum thickness of concrete, four inches, with a two-inch scratch coat.

(2) Reinforced with No. 10 wire mesh, six inches on center both ways.

(3) Bed on four-inch compacted, uniformly graded, well-drained porous aggregate other than cinders.

(4) Place on approved water vapor-resistant material, such as a fifty-five pound roll roofing or two-ply membrane waterproofing, between the porous aggregate and the concrete; turn up to top of slab at edges.

(5) Insulate the perimeter of the slab with one inch by twenty-four inch waterproof, noncapillary, termite-resistant insulating material, and edge with one-inch by four-inch material with the same.

(6) Integral pour, with a steel trowel finish.

(7) Thicken and reinforce slab properly under bearing walls to a minimum depth of eight inches and a minimum width of twelve inches.

(b) Basement floor requirements are as follows:

(1) Minimum thickness of concrete, three inches.

(2) Bed on four inches of compact, uniformly graded, well-drained porous aggregate, other than cinders.

(3) Continue concrete floor over wall footing projections to the inner face of the foundation walls.

(4) Integral pour, with a steel trowel finish.

(c) Attached garage floor requirements are as follows:

(1) There shall be a step or sill raised not less than six inches above the garage floor.

(2) Minimum thickness of concrete, when used, four inches.

(3) Bed on well compacted earth or aggregate subgrade.

(4) Grade to drain to door entrance, or to floor drain, if one is available.

(5) Integral pour, with a steel trowel finish.

(d) Driveways and walk requirements are as follows:

(1) Minimum thickness of concrete, when used, four inches.

(2) Bed on well compacted earth or aggregate subgrade four inches thick.

(3) Grade to drain properly.

(4) Provide one-half inch expansion joints at 100 square foot intervals or wherever concrete abuts other masonry.

(5) Provide contraction joints in walks at approximately five-foot intervals, and in drives at approximately ten-foot intervals, by cutting approximately half way through the slab.

(6) Properly edge all joints and edges.

(7) Driveway entrance, minimum of six inches of concrete.

(Ord. 1969-43. Passed 5-28-69.)

1442.15 RETAINING WALLS.

Walls built to permanently retain or support adjoining earth or rock shall be constructed of approved masonry, with either plain or reinforced concrete. Corbeled retaining walls constructed of dry solid concrete, stone or other material, may be permitted, if approved by the Building and Zoning Inspector.

Unless provision is made to drain off water, a hydrostatic pressure due to a head equal to the height of the wall shall be assumed.

The pressure on the soil under retaining walls shall not exceed the safe bearing capacities allowed by this Code.

Retaining walls shall be properly protected by a durable coping unless such walls are constructed of concrete.

A separate permit is required for retaining walls over three feet in height.

(Ord. 1969-43. Passed 5-28-69.)

1442.16 MASONRY VENEER; MASONRY ABOVE OPENINGS; LINTELS AND ARCHES.

(a) Masonry veneer applied to wood-frame walls shall have a minimum thickness of two inches, and a height of not more than 35 feet, and shall be anchored to the wood frame with noncorrodible metal ties spaced every fifth course vertically and not more than sixteen inches apart horizontally. An air space shall be provided between the veneer and the wood construction. Weep holes and termite shields shall also be provided.

(b) The masonry above openings shall be supported by arches or lintels of metal or masonry, plain or reinforced, which shall bear on the wall at each end for not less than six inches. Stone or other nonreinforced masonry lintels shall not be used unless they are supplemented on the inside of a veneered wall, with iron or steel lintels or with suitable masonry arches or reinforced masonry lintels carrying the masonry backing.

(c) Steel or reinforced masonry lintels shall be of sufficient strength to carry the superimposed load without deflection of more than 1/360 of the clear span.

(d) Masonry arches shall have at least a one-inch rise for each foot of span, except when properly constructed jack arches are used, and shall be designed to carry the superimposed load. Proper provision shall be made for resisting lateral thrust.

(Ord. 1969-43. Passed 5-28-69.)

1442.17 CHIMNEYS AND FIREPLACES.

(a) Construction of Chimneys.

(1) Chimneys hereafter erected within a structure, or which are attached to a structure, shall be constructed of brick, solid block masonry or reinforced concrete and shall comply with the provisions of this section.

(2) Such chimneys shall extend at least two feet above the highest point, exclusive of flue liner, where they pass through the roof of the building and at least two feet higher than any ridge within ten horizontal feet of such chimney.

(3) Every such chimney shall be properly capped with brick, terra cotta, stone, cast iron, concrete or any other material that is noncombustible and weatherproof.

(4) Such chimneys shall be wholly supported on approved masonry or self-supporting fireproof construction.

(5) No such chimney shall be corbeled from a wall more than six inches, nor shall such chimney be corbeled from a wall which is less than twelve inches in thickness, unless it projects equally on each side of the wall. In every case the corbeling shall not exceed one-third the height of the unit in projection for each course of the unit projected.

(6) No change in the size or shape of a chimney shall be made at the location where a chimney passes through a roof or within a distance of six inches above or below the roof joists or rafters.

(7) All chimneys which are unsafe or dangerous shall be made safe or taken down.

(8) All factory-built chimneys shall be Class A flues and/or constructed of stainless steel double walls with a minimum of one inch of high-density insulation used between the walls of such construction. Only factory fabricated accessories shall be used with these styles of chimney and the same shall be an integral part of the manufacturer's system. Such a chimney shall be installed in strict accordance with the manufacturer's instructions. These chimneys and their accessories shall be tested by nationally recognized testing laboratories and listed as being approved therein. In addition, these chimneys and fireplaces shall meet the standards for their construction and installation as specified in Section (A) 131.1 (1975) of the American National Standards Institute, Inc. (ANSI) standards for factory constructed residential fireplace chimneys and building heating appliances. (Ord. 1981-23. Passed 3-11-81.)

(9) Where factory fabricated chimneys described in paragraph (a)(8) hereof are erected within a structure, or are attached to a structure, such chimneys shall extend at least two feet above the highest point where they pass through the roof of the building and at least two feet higher than any ridge within ten feet horizontal of such chimney.

(10) From the point where the above-described factory fabricated chimneys pass through the roof of the building they shall be enclosed by an aluminum factory-fabricated roof housing assembly properly flashed and shall have an approved roof housing termination section for mass protection from rain. Such roof housing assembly shall be finished to simulate brick.

(b) Fireplaces.

(1) The back and sides of fireplaces hereafter erected shall be of solid masonry or reinforced concrete, not less than eight inches in thickness, and this thickness shall extend up to and beyond the bottom of the flue lining. A lining of fire brick at least two inches thick or other approved material shall be provided unless the thickness is twelve inches.

(2) Fireplaces shall have hearths of brick, stone, tile or other approved noncombustible material supported on a fireproof slab or on brick trimmer arches. Such hearth shall extend at least twenty inches outside the chimney breast and not less than twelve inches beyond each side of the fireplace opening along the chimney breast. The thickness of the hearth shall be not less than six inches at any point.

(3) Wooden forms or centers, used in the construction of a hearth or fireplace, shall be removed when the supporting construction of the hearth is completed and adequately set.

(4) No heater shall be placed in a fireplace which does not conform to the requirements of this section or is not provided with a flue, except electric or gas heaters of a type specifically approved for such installations.

(5) The one and one-half inch required clearance and other spaces between the chimney and the joists, beams or girders, or any other combustible materials, shall be fire-stopped by filling with noncombustible material.

(6) The steel fireplace units shall incorporate a firebox liner that is not less than one-fourth of an inch thick. An air chamber may be installed to masonry to provide a total thickness at the back and sides of the fireplace of not less than eight inches, of which not less than four inches shall be of solid masonry. Warm air ducts employed with steel fireplace units of the circulating air type shall be constructed of noncombustible material or masonry.

(7) Factory-built fireplaces that consist of a fire chamber assembly, one or more chimney sections, a roof assembly and other parts as tested and listed as an assembly by a nationally recognized testing laboratory, may be installed if they comply with the following provisions:

A. The fire chamber assembly is installed to provide a clearance from combustible materials of not less than that set forth in the listing.

B. The chimney sections are installed to provide a clearance from combustible materials of not less than that specified in the listing. If the fireplace fire-stop and fire-stop spacers shall be installed, those portions of chimneys that extend through rooms or closets shall be enclosed with an adequate fire retardant material.

C. Hearth extensions shall be constructed utilizing not less than three-eighths inch thick asbestos, hollow metal, stone, tile or other approved noncombustible material, which may be placed upon combustible subflooring or finished flooring;

(8) Factory-built fireplace stoves, consisting of a free-standing fire chamber assembly that has been tested and is listed by a nationally recognized testing laboratory, in accordance with the requirements of such listing, including paragraph (b)(7) hereof (chimney sections), are applicable to this installation.

(c) Chimney Flue Liners.

(1) Required flue linings and thimbles shall be made of fire clay or other refractory materials which will withstand the action of flue gases and resist, without softening or cracking, temperatures to which they will be subjected, but not less than 2,000 degrees Fahrenheit, or such linings shall be of cast iron of approved quality, form or construction. Approved corrosion-resistant linings may be used in flues for gas appliances.

(2) Required clay flue linings shall be not less than five-eighths of an inch thick for the smaller flues and increase in thickness for the larger flues.

(3) Flue linings shall, when possible, be built ahead of the construction of the chimney as it is carried up, be carefully bedded one on the other in mortar as hereinafter specified, with closely fitting joints left smooth on the inside. The practice of building up chimney walls hollow for a number of courses and then dropping a section of the flue lining into this hollow space shall not be permitted. Openings for smoke pipes or vents into flues and clean-out openings shall be built in as the chimney is constructed and shall not be cut in after the flue construction has been completed. When flues change their direction, the ends of the flue linings must be cut to make a proper fit at the angles or at the points of change of direction.

(4) Flue linings shall start at the top of the clean-out opening, but in no case less than eight inches below the intake. For fireplaces, flue linings shall start at the throat of the fireplace. The linings shall extend, as nearly vertically as possible, for the entire height of the chimney and for not less than four inches above the top or cap of the chimney.

(5) Clean-outs for flues and fireplaces shall be provided and shall be equipped with an approved iron or steel door and frames arranged to remain tightly closed when not in use and readily accessible.

(6) Only Portland cement mortar, cement lime mortar or fire clay mortar shall be used in setting the flue lining.

(7) For all factory-built stainless steel chimneys and fireplaces, no other utilities can be tied into the flue, and for all other fireplaces when more than two flues are contained in the same chimney, at least every third flue shall be separated by masonry at least three and three-fourths inches thick which shall be bonded into the masonry wall of the chimney. Flue linings shall be staggered at least seven inches.

(Ord. 1978-89. Passed 12-20-78.)

(d) Size of Flues. Cross-sectional areas of flues shall be designed and so proportioned to meet the conditions of temperature, within and without the flue, the thickness of the masonry, the exposure, shape and material of the flue, and other influences. For solid or liquid fuels the areas shall not be less than seventy square inches for warm air, hot water and low pressure steam heating appliances; not less than forty square inches for ordinary stoves, ranges and room heaters; not less than twenty-eight square inches for small special stoves and heaters; and not less than seventy square inches for fireplaces, but at least one-twelfth of the fireplace opening when over twenty-two feet in height, or one-tenth of the fireplace opening when less than twenty-two feet in height. Note: for the determination of the necessary sizes of flues for given conditions, the "Guide" of the American Society of Heating and Ventilating Engineers may be followed.

(e) Requirements for Flue Connections. Except as herein provided, every gas-fired boiler, furnace, fireplace, oven or other gas-fired heating or cooking appliance shall be connected to an approved flue so that all gaseous products of the combustion of such gas are conducted to such flue. The flue shall afford a continuous and unobstructed outlet to the open air above the roof of the building in which the boiler, furnace, fireplace, oven or other gas-fired heating or cooking appliance is located. The flue shall be so constructed and located as not to be dangerous to the health or life of the occupants of any building or structure. Flue connections shall not be required for the following:

(1) Gas ranges and gas hot plates used in kitchens in dwellings or apartments, when such ranges or hot plates have been approved as safe for use without vents by an accredited testing laboratory or by an agency recognized as competent to pass upon such matters.

(2) Gas appliances, other than gas water heaters connected to a water supply system, which have a rated input of 5,000 BTU or less per hour for commercial uses only.

(3) Radiant heaters when located in a fireplace which has a flue which complies with the requirements of this section for flues for gas appliances, provided the face of the radiants of such heater is set back not less than three inches from the face of the fireplace.

(4) Portable stoves in which bottled gas, gasoline, kerosene or alcohol is used as the sole means of producing heat.

(f) Types of Flues for Gas Appliances. Type A flues are required for:

(1) All incinerators;

(2) All appliances which may be converted readily to the use of solid or liquid fuel;

(3) All boilers, furnaces and other appliances, except approved appliances which produce flue gas temperatures of 550 degrees Fahrenheit at the outlet of the draft hood when burning gas at the utility company's or the manufacturer's input rating.

(Ord. 1969-43. Passed 5-28-69.)

1442.18 BOLTING OF SILLS TO MASONRY WALLS.

All sills bearing on masonry walls shall be bolted to the masonry walls with one-half inch by sixteen-inch bolts bedded firmly in the masonry and spaced not more than eight feet apart.

Note: holes in sill plates shall be a minimum of one-inch in diameter to allow for expansion and contraction. Large washers must be used over the hole.

1442.19 FRAMING AND LUMBER.

(a) For the purpose of providing ordinary framing methods and spans in this Code, joist and rafter span tables have been inserted based on identified graded lumber. The unit fiber stress and modulus of elasticity shall be as recognized by the Department of Agriculture Forest Products Laboratories using a deflection factor not to exceed 1/360th of the span between supports.

(b) Floors shall be designed to support the dead load plus a live load of not less than forty pounds per square foot.

(c) All roofs for one and two-family dwellings shall be designed to sustain the dead load plus a live load of thirty pounds per square foot of roofs with a pitch of three and one-half to twelve, and forty pounds per square foot if less than three and one-half to twelve.

(d) All members shall be framed, anchored, tied and braced so as to develop the strength and rigidity necessary for the purposes for which they are used.

(e) Preparation, fabrication and installation of wood members and the glues, connectors and mechanical devices for the fastening thereof, shall conform to good engineering practices.

(f) The “National Design Specification for Stress Grade Lumber and Its Fastenings, 1962 Edition”, National Lumber Manufacturers Association, shall be accepted as good engineering practice, covering the design and use of stress-grade lumber, of glue-laminated lumber and of their fastenings.

(g) Lumber standards and grade markings are as follows:

(1) Softwood framing lumber and board lumber shall comply with the American Lumber Standards, SPR 16, and with specific grading requirements of the association recognized as covering the species used and under whose grading rules it is produced.

(2) All softwood framing lumber and board lumber shall be identified by the grade mark of a recognized association or independent inspection agency. Such association or independent inspection agency shall be certified by the Board of Review, American Lumber Standards Committee, Washington, D.C. When unit stresses for the species of wood used are other than those specified, the sizes of members and spans shall not exceed those determined by good engineering practice and shall be clearly set forth on all plans to be approved by the Building and Zoning Inspector.

(Ord. 1969-43. Passed 5-28-69.)

1442.20 SILLS.

(a) Sills shall be of the box or solid type of construction.

(b) All sill plates on the top of foundation walls and piers shall be leveled and sealed in mortar or shall rest on a hard, dense, impregnated fiber board of other approved material.

(c) Except as herein provided box sills shall consist of not less than a two-inch by eight-inch piece laid flat, and a piece of the same dimension as the joists, set on edge and securely spiked to the plate. When there is a thickness of not less than four inches of solid masonry under a sill, the piece laid flat may be not less than two inches by six inches. At least two 16d common nails shall be used through the upright of the sill to nail the sill to each joist end.

(d) For solid sills, the upright of the sill may be omitted and the studding shall have full bearing on the wall plate. Solid bridging, of the same thickness and depth as the joists, shall be placed and securely nailed between the joists at the inside face of the foundation so as to form an effective firestop for the space between the studding, joists and outside wall sheathing.

(e) Where studding does not bear directly on the wall plates and the floor joists run parallel to the foundation wall, solid bridging or blocking, of the same thickness and depth as the upright of the sill, shall be placed between the upright of the sill and the first joist running parallel to the wall, at intervals of not to exceed three feet and under all concentrated loads in the outside wall. The upright of the sill shall be spiked to such

bridging or blocking with not less than two 16d common nails and the first joist shall be spiked to the other end of the bridging in the same manner. A joist running parallel with the plate may be used in lieu of the bridging above, provided that such joist has not less than one-half inch bearing on the full length of the plate.
(Ord. 1969-43. Passed 5-28-69.)

1442.21 BEAMS AND GIRDERS.

Minimum fiber stress shall be 1,200 pounds. The modulus of elasticity shall be 1,760,000.

(a) Girders may be solid wood, built-up wood girders or structural steel.

(b) All joints of solid or built-up wood girders shall be made over piers or columns.

(c) Steel posts shall be of an approved type firmly bedded in concrete and have a flanged top firmly fastened to the underside of the girder. The width shall be equal to the width of the girder. Where an adjustor is used, the adjusting device should be immobilized.

(d) Maximum clear spans between supports under wood beams or girders in dwellings shall be as indicated in the following table.

SIZE OF FIRST FLOOR BEAMS
FOR
ONE-STORY DWELLINGS
TO CARRY FIRST FLOOR, CEILING AND PARTITIONS

Span of Beam (ft.)	Span of Joists (ft.)				
	12	13	14	15	16
8	6 x 8"	8 x 8"	8 x 8"	8 x 8"	8 x 8"
		6 x 10"	6 x 10"	6 x 10"	6 x 10"
9	8 x 8"				
	6 x 10"	6 x 10"	6 x 10"	6 x 10"	6 x 10"
10	8 x 10"	8 x 10"	8 x 10"	8 x 10"	8 x 10"
11	8 x 10"	8 x 12"	8 x 12"	8 x 12"	8 x 12"
	6 x 12"				
12	8 x 12"	6 x 14"	6 x 14"	6 x 14"	12 x 12"

(e) If the total of the spans of joists framing into the girder on both sides exceeds thirty-two feet, or if loads are concentrated, the size and span of the girder shall be determined by established engineering practice. Steel beams and girders and their spans shall be determined by established engineering practice.

(f) Wood beams or girders that bear on the masonry of an outside wall shall have a one-half inch air space or be treated with creosote or other approved protective.

(g) Built-up or laminated beams shall be bolted, spiked or fastened together and splices shall be made in such a manner that the unit stresses of such beam shall not be exceeded.

SIZE OF FIRST FLOOR BEAMS
FOR
TWO-STORY DWELLINGS
TO CARRY FIRST FLOOR, SECOND FLOOR AND PARTITIONS

Span of Beam (ft.)	Span of Joists (ft.)					
	12	13	14	15	16	
8	6 x 10"	8 x 10"	8 x 10"	8 x 10"	8 x 10"	
		6 x 12"	6 x 12"	6 x 12"	6 x 12"	
9	8 x 10"	8 x 10"	8 x 12"	10 x 10"	10 x 10"	
		6 x 12"				
10	6 x 12"					10 x 12"
	6 x 14"	6 x 14"	6 x 14"	6 x 14"	8 x 14"	
11	8 x 12"					
	6 x 14"	6 x 14"	8 x 14"	8 x 14"	8 x 14"	
12	10 x 12					
	8 x 14"	10 x 14"	10 x 14"	10 x 14"	12 x 14"	

These span tables are based on the use of construction grade lumber, with an allowable use of standard grade not to exceed twenty percent.
(Ord. 1969-43. Passed 5-28-69.)

1442.22 SPANS FOR JOISTS AND RAFTERS.

(a) The maximum spans for joists and rafters shall be as shown in the following tables. All lumber shall be as identified in Section 1442.19.

MAXIMUM SPANS FOR JOISTS AND RAFTERS

SPAN TABLES - FLOOR JOISTS

40 Pound Live Load and 20 Pound Dead Load
Unsupported Length

Nominal
Size in
Inches

Spacing
In Inches

D. Fir
Larch
Construction
Y. Pine

Western
Hemlock
Construction

Eastern Spruce Western White Spruce
Sitka Spruce
White Fir
Construction

Engelmann Construction

12
10' 6"
9' 8"
9' 0"
8' 0"

2 x 6
16
9' 8"
8' 9"
8' 0"
7' 0"

For Additions and Storage Sheds Only

12
14' 0"
12' 8"
12' 0"
10' 0"

2 x 8
16
12' 6"
11' 10"
11' 0"
8' 6"

12
17' 0"
16' 0"

15' 4"
12' 9"

2 x 10
16
15' 8"
14' 10"
14' 0"
11' 1"

12
20' 0"
18' 8"
18" 0"
15' 5"

2 x 12
16
18' 6"
17' 0"
16' 2"
13' 5"

SPAN TABLES - CEILING JOISTS

20 Pound Live Load and 10 Pound Dead Load
Unsupported Length

12
14' 4"
13' 8"
12' 10"

2 x 6
16
13' 0"

12' 5"
11' 2"

12
17' 4"
17' 8"
16' 8"
14' 3"

2 x 8
16
17' 0"
16' 6"
15' 6"
12' 4"

12
21' 10"
21' 2"
19' 10"
18' 0"

2 x 10
16
20' 4"
19' 8"
18' 6"
15' 6"

1442.22(a) (Continued)

MAXIMUM SPANS FOR JOISTS AND RAFTERS (Cont.)

SPAN TABLES - ROOF RAFTERS

30 Pound Live Load, 10 Pound Dead Load
3-1/2/12 to 6/12 Roof Pitch (See Note Below)
Horizontal Measurements
40 Pound Load

Nominal
Size in
Inches

Spacing
In Inches

D. Fir
Larch
Construction
Y. Pine

Western
Hemlock
Construction

Eastern Spruce
Western White
Spruce
Sitka Spruce

White Fir
Construction

Engelmann
Construction

12
15' 0"
14' 0"
12' 3"
8' 9"

2 x 6
16
13' 2"
12' 2"
10' 7"
7' 7"

12
19' 10"
18' 6"
16' 6"
13' 6"

2 x 8
16
17' 1"
15' 6"
14' 1"
11' 8"

12
24' 0"
22' 10"

20" 8"
17' 8"

2 x 10
16
22' 0"
20' 8"
17' 11"
15' 4"

NOTE: For a slope of less than 3-1/2/12, use the Floor Joist Span Tables for Roof Rafters. For a slope of over 6/12, the roof design must be submitted to the Building and Zoning Inspector.

(b) No member shall be cut, notched or bored in a manner which would cause the permitted unit stresses to be exceeded.

(1) Holes may be bored in the middle third of the depth and length of a horizontal member when such holes are not larger than one-fourth of the depth of such horizontal member and when knots are not a factor.

(2) Joists framing into the side of a beam or girder shall be hung in metal stirrups or rest on a two-inch by two-inch ledger strip. The notch in the joist that rests on the ledger strip shall not exceed one-fourth the depth of such joist.

(3) The top or bottom edges of joists may be notched not to exceed one-sixth of the joist depth, provided such notching is not within the middle third of any joist span.

(4) Any joist or horizontal member that has been notched or bored in excess of the above shall be reinforced or adequately supported.

(c) Floor joists shall be doubled under all bearing partitions which run parallel to the floor joists. Doubled joists shall be separated and blocked at four-foot intervals when piping or duct work occurs.

(d) Wood trimmers, headers and tail joists over six feet long shall be hung in approved metal hangers, unless supported on walls or girders, and shall be doubled. Headers and trimmers under four feet may be single if hung in approved hangers or on not less than a two-inch by two-inch ledger board.

(e) All horizontal members shall have a bearing equal to the working stresses permitted by this Code, and all members resting on masonry walls shall have a bearing of not less than four inches.

(f) Joists bearing on wood stud partitions or stud walls shall bear on wood plates of the same width as the studding or on one-inch by six-inch ribbon strips set into the building.

(g) Ends of lapped joists shall bear on girders or bearing partitions and shall be securely nailed to place and to each other.

Note: All horizontal members shall be nailed, spiked or fastened in a manner such that the unit stresses of such members shall not be exceeded. (Ord. 1969-43. Passed 5-28-69.)

1442.23 CRAWL SPACE.

A crawl space of not less than eighteen inches shall be provided under all floor joists, beams or girders to allow for repair to piping, etc. Such crawl space shall be vented by no less than two ventilators eight inches by sixteen inches, and shall be vapor-proofed with a cement scratch coat or polyethylene and gravel.

The subfloor may be one-inch sheathing boards laid diagonally or at right angles to floor joists securely nailed at all bearings. All joints are to be over joists one-half inch plywood may be used when floor joists do not exceed sixteen-inch centers, the outside grain of which shall run at right angles to joists.
(Ord. 1969-43. Passed 5-28-69.)

1442.24 ANCHORAGE.

(a) Joists and beams resting on masonry walls shall be securely anchored to such walls at intervals not to exceed six feet by metal anchors not less than one-fourth inch by one and one-fourth inch by sixteen inches long, securely anchored to the wall and the lower part of the joist.

(b) Girders shall be similarly anchored.

(c) Where wood joists, beams or other horizontal members run parallel to masonry walls such members shall be supported in a similar manner at intervals not to exceed eight feet and shall engage not less than three joists, beams or other members. (Ord. 1969-43. Passed 5-28-69.)

1442.25 FIRE PREVENTION.

(a) Joists, beams, etc., bearing in masonry walls shall have a diagonal fire cut such that the tops of such members enter such masonry walls not more than one inch.

(b) No wooden member shall be less than one and one-half inches from all chimneys or flues, the resultant open space to be filled with some noncombustible material.

(c) Headers and trimmers around chimneys shall be similar to those provided for in Section 1442.22(d). Headers supporting trimmer arches at fireplaces shall be not less than twenty inches from the face of the chimney breast, and the trimmers shall be not less than six inches from the inside face of the nearest flue.

(d) No woodwork shall be placed within four inches of the outside back face of a fireplace; nor shall combustible lathing, furring or studding be placed against a chimney, but this shall not prevent plastering directly on the masonry or on metal lath and metal furring.

(e) No wooden mantel or other woodwork shall hereafter be placed within eight inches of either side, nor within twelve inches of the top, of a fireplace opening.

(f) Crickets or chimney saddles shall be installed on the upper side of all chimneys that are not in contact with the ridge. (Ord. 1969-43. Passed 5-28-69.)

1442.26 BRIDGING.

(a) Cross bridging, to be not less than three square inches in cross-sectional area, or solid bridging of the same dimensions as the joists, shall be placed in all floor joist-spans at not to exceed eight-foot intervals.

(b) Other types of bridging, whose strength is equal to that set forth in subsection (a) hereof, may be used. (Ord. 1969-43. Passed 5-28-69.)

1442.27 CUT FINISH FLOORING.

For dwellings where the spacing of floor joists does not exceed sixteen inches on centers, cut finish flooring of not less than 25/32-inch thick tongue and groove, may be used without a subfloor, provided the ends of the flooring boards are cut over the joists.
(Ord. 1969-43. Passed 5-28-69.)

1442.28 EXTERIOR FRAME WALLS.

(a) All exterior wood stud walls shall have the strength and rigidity equivalent to two-inch by four-inch studs spaced sixteen inches on centers securely fastened to plates top and bottom and diagonally braced at corners with one-inch by four-inch braces let into the outside faces of the studs at approximately forty-five degrees and extending from the wall to the plate. However, the studding in the exterior walls of accessory buildings, and of one-story dwellings of not more than 720 square feet of area, where drywall or paneling is used, may be spaced not more than sixteen inches on centers. Braces shall extend in opposite directions on each side of the corner and shall be securely nailed to each stud and to the sill and place. When openings occur near the corners, one-inch by four-inch knee braces let into the outside face of the studs shall be installed above and below the openings at approximately forty-five degrees and extending across not less than three studs.

Corner bracing may be omitted when wood sheathing is used, laid diagonally at an approximate angle of forty-five degrees and extending in opposite directions on each side of the corners. All bracing may be omitted when four by eight-foot sheets of plywood or approved insulation boards are used.

(b) Exterior wood stud walls shall have corner posts, either built up or solid, of not less than three two by fours in section.

(c) Studs in exterior frame walls may run from the sill to the roof line, provided they do not exceed twenty feet in length, but such studs shall be continuous in length without splicing. Floor joists supported on exterior frame walls shall bear on one inch by sixteen inch ribbons let into the inside face of the studs. Joists bearing on ribbons shall be securely nailed to the studs. Where the wall height exceeds twenty feet, a doubled two-inch by four-inch bearing plate shall be installed continuous at the second floor level.

(d) Top plates shall not be less than doubled two by fours which shall lap at all corners and at all intersecting partitions. All such laps shall be securely spiked.

(e) All bearing plates for roof rafters framing onto masonry walls shall be bolted to the masonry walls with one-half inch by eighteen-inch bolts, bedded firmly in the masonry, and spaced not more than eight feet apart. When masonry occurs directly over a joist or rafter extending in a wall, wood plates shall not be used, but the joist or rafter shall bear on not less than four inches of solid masonry and be anchored.

(f) When studding does not bear directly on the foundation wall plate, such studding shall have full bearing on a foot plate of the same thickness and width as the studding, and the plate shall be continuous, except where omissions are necessary to provide for wall openings, ducts, etc. Foot plates shall bear over the full width of the

upright of the sill and shall be nailed to each joist with not less than one 16d common nail when joists bear on the wall or plate below, and with one 16d common nail for each sixteen inches of length of the plate where joists run parallel to the plate. The bottom of all studs shall be toe-nailed into the plate with not less than four 8d common nails.

(g) Top plates shall be not less than doubled two by fours which shall lap at all corners and at all intersecting partitions. All such laps shall be securely spiked. Top plates shall be nailed on one at a time. The first plate shall be nailed with two 16d common nails to each stud and the second or upper top plate shall be nailed every sixteen inches between studs. Where plates are cut or notched, the same shall be adequately reinforced.

(h) For ordinary conditions of framing, all exterior stud frame walls shall be sheathed or tongued and grooved, or shiplap siding not less than three-quarter of an inch thick (actual) shall be used. When wood sheathing is laid diagonally, it shall be applied at approximately forty-five degrees and extend in opposite directions on each side adjoining at a corner, and corner bracing shall not be required in such cases.

(i) For ordinary conditions of framing, wood sheathing boards shall not be less than one-inch thick, applied solid with each board drawn up tight and securely nailed at each stud or bearing point. If less than ten-inch boards are used, they shall be double nailed, and if boards ten inches and over are used, nails shall not be more than four inches center to center with not less than three nails for a ten-inch board at each stud or bearing point. Jointing shall occur over the center of and parallel to the studs. Any other structural sheathing material may be used in frame construction which, when subjected to a wall racking test approved equal to that of the Forest Products Laboratory of the United States Department of Agriculture, Forest Service, develops a strength and rigidity equivalent or better than that of horizontal wood sheathing as above specified.

End-matched tongue and groove boards may be used for sheathing if no two adjoining boards break joints over the same stud space, and if each board shall bear on at least two studs.

(j) Wood sheathing used in connection with stucco finish shall be applied horizontally and the frame shall be substantially braced.

(k) When shingles are applied over other than wood sheathing boards, one-inch by two-inch nailing strips shall be used, nailed to the studs over the building paper and spaced according to the shingle exposure.

(l) Wood sheathing boards shall be installed, and laid close, under rigid shingle siding where the shingle butt thickness is less than three-eighths of an inch.

(m) All sheathing shall be covered on the exterior side with water-resisting building paper or saturated asphalt felt or be adequately treated to repel moisture. When such paper or felt is used, each lap shall be not less than four inches with not less than a four-inch lap on water-resisting material around openings. All exterior openings in frame walls shall have strips of water-resisting building paper or saturated asphalt felt installed behind the exterior trim unless adequate provision is made against water penetration.

(n) An exposed wall which is less than four feet distant from a lot line, other than the street line, shall have a fire-resistance rating of not less than one hour, provided that the material of the weather surface may be similar to that of the other exterior walls of the building.

(o) An exposed wall which is less than ten feet distant from a wall of another building of frame construction on the same lot shall have a fire-resistance rating of not less than one-hour, provided that the material of the weather surface may be similar to that of the other exterior walls of the building, and provided that the aggregate area of the two buildings does not exceed one and one-half times the limiting area fixed by this Code for either building. (Ord. 1969-43. Passed 5-28-69.)

1442.29 WINDOW AREA.

The aggregate glass area of windows required by this chapter shall be not less than one-tenth of the floor area of the room or area served by them, provided that for habitable rooms less than 100 square feet in area the glass area shall be not less than ten square feet, and for bathrooms the glass area shall be not less than three square feet in area. (Ord. 1969-43. Passed 5-28-69.)

1442.30 LINTELS AND HEADERS.

(a) All windows and door openings shall have studs doubled on jambs. The inner stud shall be cut to receive the lintel or header of the opening and shall extend in one piece from the lintel or header to the bearing.

(b) Lintels or headers over all openings shall be doubled and shall be set on edge. Spans for lintels or headers shall not exceed the following for sizes given:

Spans up to 4 feet: two 2 x 4's
Spans more than 4 feet to 5-1/2 feet: two 2 x 6's
Spans more than 5-1/2 feet to 7 feet: two 2 x 8's
Spans more than 7 feet to 8 feet: two 2 x 10's
Spans over 8 feet to be designed for required loading.
In lieu of lintels, adequate trussed construction may be used.
Spans over 8 feet must have a double jack under each side of the header.
(Ord. 1969-43. Passed 5-28-69.)

1442.31 INTERIOR PARTITIONS.

(a) Bearing partition studs shall be as required in this Code for strength and stability and shall be not less than two by fours spaced not more than sixteen inches on center set the four-inch way except where specifically permitted otherwise.

(b) Nonbearing partition studs may be two by fours spaced sixteen inches on center set the two-inch way for walls around closets and chimneys, for walls not exceeding six feet of unsupported length which contain openings, and for walls exceeding six feet, provided they are devoid of openings.

(c) All openings in interior bearing partitions shall have jambs and heads doubled-framed the same as required for exterior openings. Jambs and heads of openings in nonbearing partitions shall be two by fours doubled.

(d) The top plates of all bearing partitions shall be doubled. All partition plates shall lap at all intersecting partitions and at outside walls, and shall be securely spiked.

(e) When partitions frame on top of the joists or subfloor, the studs shall bear on a sole plate at least two inches thick. When such sole plates are parallel to supporting joists and are not directly over joists, adequate blocking or solid bridging shall be installed to transmit the weight of the partition and its load to the joists. Such blocking or bridging shall be placed under all concentrated loads.

(f) Where nonbearing partitions run parallel to the second floor joists, a lathing member shall be placed above the partition plate and the same shall be wide enough to provide nailing surface for ceiling lath.

(g) Wood-bearing partitions in cellars or basements must be properly moisture treated or six inches above the concrete floor.

(h) No stud shall be cut more than half its depth to receive piping and duct work. If more depth is required, the partition studs shall be increased or reinforced accordingly. Where the running of piping and duct work necessitates the cutting of plates, proper provision, acceptable to the Building and Zoning Inspector, shall be made for tying together and supporting all structural members affected by such cutting.

(i) Corners for all rooms shall be framed solid for lath or other interior finish.

(j) All interior partitions connecting to masonry walls shall have the end stud anchored to the masonry with not less than three and one-half inch bolts in each story height, or such stud may have other means of anchorage equivalent to the above when approved by the Building and Zoning Inspector.

(k) Partitions similar to those described in this section may be used for similar purposes, provided they are constructed to develop a strength and rigidity equivalent to that provided for such partitions in this section and as required elsewhere in this Code.

(l) Walls or partitions separating two residences of frame construction shall be of construction having a fire-resistance rating of not less than one hour.
(Ord. 1969-43. Passed 5-28-69.)

1442.32 CEILING JOISTS AND HEIGHT.

(a) Ceiling Joists.

(1) Ceiling joists shall, wherever possible, serve as ties for the rafters and shall be securely nailed to the rafters.

(2) Where ceiling joists serve as collar beams and occur above the midpoint of the rafter, adequate provision shall be made for tying the lower end of the rafter to the floor construction. When the installation of this tie is not possible because of structural conditions, the rafter size shall be increased and trusses shall be added in an amount sufficient to support the roof load without thrust and undue bending in the lower end, and the size of the collar beams shall be not less than that of the rafters.

(b) Ceiling Height.

(1) Unless otherwise provided, every habitable room shall have one or more windows opening directly onto a street, onto a yard not less than four feet wide, or onto a court conforming to the requirements of this Code,

(2) Ceiling heights for habitable rooms shall be not less than the following:

A. For residential occupancy for living rooms, dining rooms and kitchens, over not less than seven-eighths of the required floor area for each room: seven feet, eight inches.

B. For sleeping rooms and bathrooms, over not less than seven-eighths of the required floor area of each room: seven feet, six inches.

C. For other rooms used for residential occupancy, seven feet.

(Ord. 1969-43. Passed 5-28-69.)

1442.33 BATHROOM VENTILATION.

Every bathroom shall contain a window or ventilating shaft which extends to and through the roof.
(Ord. 1969-43. Passed 5-28-69.)

1442.34 FLOOR AREA; CEILINGS.

Habitable rooms for residential occupancy shall be not less than eight feet wide in any part, and shall contain not less than eighty square feet of clear floor area, except that one such room in every dwelling shall contain not less than 125 square feet of clear floor area. Ceilings of such rooms shall be not less than four feet above the adjacent finished outside grade.

(Ord. 1969-43. Passed 5-28-69.)

1442.35 ATTIC ACCESS.

An opening not less than twenty-two inches by thirty inches for access into each attic space shall be provided to allow for inspection and repair.

(Ord. 1969-43. Passed 5-28-69.)

1442.36 ROOF RAFTERS.

(a) Collar beams of one inch by six inches or two inches by four inches shall be installed on at least each third pair of roof rafters and shall be securely nailed to the rafters. The maximum spacing of collar beams, four feet on center.

COLLAR BEAM TABLE

Building Width (ft.)	Spacing of Collar Beams (on center)
24	4 feet
26	32 inches
28	16 inches

(b) In flat roof construction, when the ceiling is suspended from the roof, the spans of the roof joists shall be as required for floor joists. The ceiling joists shall be not less than two by fours of the same spacing as the roof joists and supported by not less than one-inch by four-inch hangers spaced not more than six feet on center and securely nailed to the sides of the roof and the ceiling joists.

(c) Maximum spans for roof rafters shall be as indicated unless stress grade lumber with a different stress is used.

(d) Rafters shall be securely spiked to the wall plate. Opposing rafters shall be framed directly opposite each other at the ridge. There shall be a ridge board at all ridges and a valley rafter at all valleys. The depth of the ridge board and valley rafter shall be not less than the cut end of the abutting rafters. Valley rafters shall be not less than two inches thick for spans under twelve feet and not less than four inches thick for spans over twelve feet.

(e) All openings in roof construction for dormer windows which are not supported on partitions shall be framed with double rafters and headers.

(f) Requirements for headers and trimmers for roof framing around chimneys shall be the same as the requirements for floors, except that for a sloping roof where the headers are less than four feet in length and the chimney is either at the ridge or at the eaves, the trimmers may be single.

(Note: For spans of roof rafters refer to the schedules set forth in Sections 1442.21 and 1442.22.) (Ord. 1969-43. Passed 5-28-69.)

1442.37 ROOF AND CEILING TRUSSES.

(a) Trusses shall be designed to support a roof load of thirty pounds per square foot, plus twenty pounds of wind load, and to support of fifteen pounds per square feet ceiling load.

(b) Trusses shall be rigid frames, the stresses of which are capable of mathematical or graphical determination. All compression members and tension members shall be designed and joined in a manner that will properly transmit all stresses at the joint without exceeding the working stresses of this Code. All joints in trusses shall be provided with steel straps, plates, fish plates or plywood gussets glued and nailed or bolted in a manner that will properly transmit the stresses through each joint. All trusses must be properly secured with an approved metal fastener, and proper lateral support shall be given to all trusses. (Ord. 1969-43. Passed 5-28-69.)

1442.38 ROOF SHEATHING.

Roof rafters shall be covered with one-inch roof sheathing not more than twelve inches in width, laid close for tile, slate, asbestos-cement or asphalt shingles, or one-inch by three-inch shingle lath for wood shingle roof, spaced according to shingle exposure. All roof sheathing and shingle lath shall be securely nailed to rafters at each bearing. Boards over eight inches wide shall be triple-nailed. Twelve-inch sheathing must be secured with four 8d common nails.

End-matched, tongue and groove boards may be used for roof sheathing, provided that no two adjoining boards break joints over the same rafter space, and provided that each board shall bear on at least two rafters. Approved exterior plywood, one-half inch on sixteen-inch centers, may be used for roof sheathing.

Supplementary Data:

Dead load for shingle roof, including framing: six to ten pounds per square foot.

Dead load for slate roof, including framing: twelve to fifteen pounds per square foot.

Dead load for tile roof, including framing: twenty to thirty pounds per square foot.

Dead load for tar and gravel roof, including framing: ten to twelve pounds per square foot.

(Ord. 1969-43. Passed 5-28-69.)

1442.39 ROOF VENTILATION.

All attics and spaces between flat roofs and ceilings shall be ventilated by screened louvers or other means approved by the Building and Zoning Inspector. The ratio of free ventilating area to area of ceiling shall not be less than 1/250.

(Ord. 1969-43. Passed 5-28-69.)

1442.40 ROOFING MATERIAL.

Tile, slate, asbestos-cement and asphalt shingle roofs shall be installed according to the manufacturer's direction.

(a) Asphalt Shingles. Asphalt shingles which are classified as "Class under the test specifications of Underwriters' Laboratories, Inc." shall be accepted as meeting the requirements of this Code, and shall be of the following minimum weight:

(1) Hexagon and square butt strip shingles: 235 pounds per square.

(2) Individual shingles: 300 pounds per square.

(3) Shingles without the Underwriters' Laboratories, Inc., label will not be permitted to be used under this Code.

(b) Slate. When slate is installed, exposure shall not exceed the following:

(1) Ten-inch slate - not over 3.5 inches to the weather.

(2) Twelve-inch slate - not over 4.5 inches to the weather.

(3) Fourteen-inch slate - not over 5.5 inches to the weather.

(4) Sixteen-inch slate - not over 6.5 inches to the weather.

(5) Eighteen-inch slate - not over 7.5 inches to the weather.

(c) Asbestos-Cement Shingles. Asbestos-cement shingles and tiles shall be applied with the exposures recommended by the manufacturers.

(d) Built-Up Asphalt and Tar. Built-up asphalt and tar and gravel covering for flat roofs shall be applied according to the directions furnished by the manufacturer and shall carry the regular manufacturer's guarantee for the type of roof used.

(e) Wooden Shingles. Wooden shingles shall be tapered shingles, clear and free of defects for two-thirds of the length of the shingles as measured from the butts. The combined thickness of each five shingles, measured at the butts, shall be not less than two inches. The maximum area to be covered shall be 2,500 square feet. Not less than fifteen feet of clear distance shall be maintained between the building and adjacent buildings.

(f) Other Types of Roofing. Other types of roof covering, such as sheet metal, canvas, etc., may be used when the type and weight of the material and methods of application are approved by the Building and Zoning Inspector.

(g) Over-Roofing. The placing of new roofing conforming to this Code over existing roofing is removed for a distance of at least two inches along all drip edges of the roof and replaced by strips of weatherproof material over which the new roofing shall extend. (Ord. 1969-43. Passed 5-28-69.)

1442.41 STAIRS.

(a) Main stairways shall have not less than six feet, eight inches, of continuous, clear headroom measured vertically from the tread line.

(b) In figuring the stair run, the treads shall be not less than nine inches wide, risers shall be not more than eight and one-eighth inches high, and tread shall be so proportioned to riser that an easy run is obtained. The width of tread, including the nosing, shall be not less than nine and one-half inches.

(c) The cutting and framing of all structural members, such as stringers and landings, shall be such that the development of their full strength will not be impaired. Stringers shall have solid bearing at the top and bottom. The minimum effective depth of wooden stair stringers shall be three and one-half inches.

(d) If winders are used, the width of treads at eighteen inches from the converging end shall be not less than the tread width on the straight stair run. All risers shall be the same height for each story.

(e) Open basement stairs shall have treads not less than two inches thick unless a middle stringer is installed.

(f) Substantial handrails shall be provided on at least one side of each stairway.
(Ord. 1969-43. Passed 5-28-69.)

1442.42 VENTILATION OF ROOMS BELOW GRADE.

Every room, the ceiling of which is below grade or less than four feet above grade, and in which one or more persons are regularly employed or congregate, shall, unless provided with windows as required for habitable rooms, be provided with an approved means of mechanical ventilation as prescribed in this chapter, except for basements of dwellings used only for domestic purposes.
(Ord. 1969-43. Passed 5-28-69.)

1442.43 GARAGES.

(a) Attached to a Dwelling.

(1) The floor level of the garage must be not less than six inches below the level of any floor of any room or stairway landing leading to a basement or cellar in which there is any direct-fired heating device or a gas fixture or gas equipment capable of igniting gasoline vapors when a doorway from the garage connects directly with said room or stairway landing. In lieu of the difference in floor level, a six-inch high curb may be used.

(2) There shall be no openings in the wall or partition separating the garage from the dwelling, except a doorway which shall be protected with a fire-retarding door, which door shall be one of the following:

A. A kalamein door.

B. A hollow metal door.

C. A solid core, flush-type wood door, not less than one and three-eighths inches thick.

Every such door shall be equipped with an approved self-closing device. A glass panel may be used in any of the doors mentioned in above, provided the glass is wired glass not less than one-fourth of an inch in thickness. The glass shall be held in place by metal clips or metal angles.

(3) The walls and ceilings of an attached private garage of frame construction shall be protected by noncombustible materials having not less than a three-quarter hour fire resistance.

Note: Among other constructions, the following have a three-quarter hour fire resistance when applied to wood framing:

A. One-half inch of gypsum plaster on three-eighths inch gypsum lath, for stud space sixteen inches on center.

B. One-half inch of gypsum wallboard with the stud spaces filled with mineral wool (for walls and partitions).

C. One-half inch of gypsum wallboard approved by the American Insurance Association (A.I.A.) and so identified.

(4) No opening shall be permitted in the ceiling unless the same is protected with tin-clad or metal covers. The metal for tin-clad covers shall be not less than 30 gauge and shall extend around the edges, ends and both faces of the cover. The hatchway casing shall also be fully protected with not less than 30 gauge metal as required for the cover.

(5) The floor shall be of noncombustible and impervious material.

(6) No pits are permitted in the garage.

(7) If there is an eight-inch thick masonry wall between the house and the garage, extending not less than two feet above the roof of the garage, the walls and ceiling of the garage need not be protected.

(8) There shall be no heating or other device with an open flame located within the garage.

(9) The ceiling and walls of an attached garage must be protected and the fire door and door closer must be installed before the garage is used for any purpose. When constructed as part of a new house, the garage must be completed as the same time as the house and before occupancy.

(10) Private garages, when attached to other buildings, shall be located on the lot within the limits provided by ordinance for such other buildings, unless otherwise required in this Code or by the Zoning Code.

(b) Detached From a Dwelling.

(1) Location. Private garages, which are not attached to other buildings and are of frame construction, shall be located not less than six feet on the one side and a minimum of 18 feet between adjacent structures. The garage must be at least five feet from the rear lot line. Private garages of frame construction shall be located not less than six feet from openings not protected with approved devices of protection.

(2) Height. No detached private garage shall exceed one story or 15 feet in height, except that balconies properly designed may be constructed in such garages for the storage of any residential accessories, such as door and window screens used on the premises and otherwise.

(3) Construction.

A. A detached garage shall be constructed, as regards its structural construction, as required by this Code for dwellings, except that when frame construction is used and the walls are not to be plastered, not more than one two by four stud need be used at a corner of the outside walls, and studding may be spaced not to exceed 16 inches on center.

B. Foundation walls shall be placed as required.

C. All sills bearing on masonry walls shall be bolted to such masonry with not less than one-half inch by 16-inch bolts bedded firmly in the masonry and located near each corner,

(c) Foundations.

(1) For buildings and structures of frame construction which are less than 16 feet from the sills to the plates or eaves, foundations shall extend not less than 30 inches below such grade.

(2) For private garages of masonry construction and similar accessory buildings not over one story high and not over 660 square feet in area, foundations shall extend not less than two feet below grade.

(3) A concrete slab foundation for unattached garages and other accessory buildings may be six-inch bank run gravel with a four-inch slab reinforced with six by six No. 10 wire mesh or six-inch bank run gravel and six inches of concrete without reinforcement. A minimum four- inch shoulder shall be provided for framing plate.

(Ord. 1969-43. Passed 5-28-69.)

(d) Floor Area; Width; Masonry Block; Brick Veneer; Screening for Mechanical Equipment.

(1) No attached or detached private garage shall have a floor area of greater than 660 square feet or a width greater than 30 feet, or a depth greater than 24 feet, as measured from outside walls.

(2) If concrete or masonry blocks are used as a finished perimeter wall surface on all building structures, the outer surface shall be brick veneer.

(3) No mechanical equipment of any kind shall be fully exposed on all four sides to a public highway. All such equipment shall be screened or hidden with appropriate material covering a minimum of two-thirds of the item units.

(e) Floor Drains. All floor drains shall be connected to the sanitary sewer system.
(Ord. 1972-36. Passed 5-24-72; Ord. 2002-82. Passed 11-25-02.)

1442.44 EGRESS.

(a) Every dwelling shall have a safe, unobstructed means of egress leading to a safe and open space at ground level.

(b) In all one and two-family dwellings of more than two rooms, every occupied room, exclusive of areas used solely for storage, shall have at least two means of egress, at least one of which shall be a door providing means of unobstructed travel to the outside of the building at street level, and not more than one of which may be a window. No room or space shall be occupied which is accessible only by a ladder or folding stairs, or through a trap door.

(c) No required path of travel to the outside from any room shall be through another bedroom, nor through a bathroom or other space subject to locking.

(d) No exterior door providing a means of egress shall be less than 32 inches in width. Every area containing a sleeping room shall have a door between it and the remainder of the building.

(e) Every sleeping room, unless it has a door leading directly outside of the building, shall have at least one outside window, which can be opened from the inside without the use of tools, to provide a clear opening of not less than 22 inches in the least of its dimensions, and 576 square inches in area, with the bottom of the opening not more than three feet, six inches above the finished floor.

(f) Every building having a floor area of 800 square feet or more shall have at least two exit doorways remote from each other.
(Ord. 1969-43. Passed 5-28-69.)

1442.45 LATH, PLASTER AND DRYWALL.

(a) Grounds. Where lath and plaster are used, all grounds for doors, windows and other openings must be not less than three-quarters of an inch by three-quarters of an inch. Base grounds must be not less than three-quarters of an inch by two inches.

(b) Cornerites and Corner-Beads. All corners and ceiling angles shall have cornerites and all outside corners and arches shall have installed corner-beads nailed into solid framing.

(c) Lath. Where lath and plaster are used, the minimum thickness for gypsum lath shall be three-eighths of an inch for studs or ceiling joists sixteen inches on center. Where metal lath is used, it must be installed according to A.I.A. Standards.

(d) Nails. Nails for lathing must be thirteen gauge, one and one-eighth inch blue nails with nineteen sixty-fourths inch flat heads for three-eighths inch lath and a similar nail one-eighth of an inch longer for one-half inch lath. Gypsum lath, sixteen inches wide, shall be secured by four nails per lath in each support. The same schedule applies when using No. 16 U. S. gauge galvanized wire staples with a seven-sixteenths inch wide crown and seven-eighths inch legs.

(e) Plaster. Plaster must consist of two coats, a brown and finish coat, for gypsum lath; and three coats, a scratch, brown and finish coat, for metal lath. All plaster must be mixed and installed according to A.I.A. standard manufacturer's specifications.

(f) Drywall. When drywall is used, a minimum of three-quarter hour fire rating must be obtained. A minimum of one-half inch shall be used on studs or ceiling joists sixteen inches on center. Attached garages, or any garage within six feet of a house, must be lath and plaster or drywall, the same as the main dwelling. When paneling is used, either gypsum lath or drywall must be installed before the paneling is applied. The material used must be of fireproof grade.
(Ord. 1969-43. Passed 5-28-69.)

1442.46 GUTTERS AND DOWNSPOUTS.

Every building shall be provided at all times with proper eave or cornice gutters and approved material for conducting all water from the roof into an underground drain to a storm or a combination sewer, or to a street gutter if no such sewer is accessible, except that this requirement shall not apply to minor buildings on the same lot with, and accessory to, a dwelling, such as a private detached garage, when the water from the roof of such accessory building does not damage the foundation of any building or structure. Where it is not possible to dispose of roof water in a manner described above, such water shall be disposed of in a manner approved by the Building and Zoning Inspector. In no case shall water from roofs be allowed to flow upon a sidewalk. All roof gutters, wherever possible, shall drain to the front of the building or dwelling and shall slope at least one inch per fifteen feet in length. Downspouts or leaders shall be one square inch in area for each 150 square feet of roof surface, but in no case shall a downspout of less than three inches in diameter be used.
(Ord. 1969-43. Passed 5-28-69.)

1442.47 INTERIOR WALL COVERING FOR DWELLINGS; INSULATING MATERIALS.

Interior wall coverings for dwellings, and insulating materials and their accessories for all buildings, shall be of a type which will not create an undue hazard to life or property and, in that respect, shall be subject to the approval of the Building and Zoning Inspector and the Fire Chief.

(Ord. 1969-43. Passed 5-28-69.)

1442.48 MATERIALS OF DOUBTFUL QUALITY.

If there is reason to doubt the quality of a material to be used in a building or structure, the Building and Zoning Inspector may require tests to be made to establish its suitability or to determine whether it conforms to the intent and purpose of this Code.

(Ord. 1969-43. Passed 5-28-69.)

1442.49 ELECTRICAL WIRING.

Electrical wiring and devices shall be installed in accordance with the National Electrical Code, the current edition.

(Ord. 1969-43. Passed 5-28-69.)

1442.50 PLUMBING.

Plumbing and wet heat shall be installed in accordance with the Ohio Plumbing Code, the current edition.

(Ord. 1969-43. Passed 5-28-69.)

1442.51 WARM AIR HEATING.

Warm air heating appliances and air conditioning shall be installed in accordance with the National Warm Air and Air Conditioning Code, the current edition.

(Ord. 1969-43. Passed 5-28-69.)

1442.99 PENALTY.

(EDITOR'S NOTE: See Section 1440.99 for general Residential Building Code penalty if no specific penalty is provided.)

CHAPTER 1444
Point of Sale Exterior Inspection

1444.01 Home sales; Certificate required; presentation to buyer; contents of Certificate.
1444.02 Application for and issuance of Certificates; orders to correct; noncompliance; effective period of Certificates.
1444.03 Compliance document.
1444.04 Fees.
1444.05 Reliance on Certificate and compliance document.
1444.99 Penalty.

CROSS REFERENCES

Conveyances - see Ohio R.C. Ch. 5301
Zoning inspections - see P. & Z. 1262.05(d)
Building inspections - see B. & H. 1420.04, 1440.20
Exterior property maintenance standards - see B. & H. Ch. 1490
Fire inspections - see F.P. 1610.09

1444.01 HOME SALES; CERTIFICATE REQUIRED; PRESENTATION TO BUYER; CONTENTS OF CERTIFICATE.

The owner of any single-family residential building, structure or premises entering into an agreement to sell or otherwise convey an interest in such building, structure or premises shall obtain from the Building and Zoning Inspector a Certificate of Exterior Inspection, and present such bona fide Certificate or an exact copy thereof to any prospective purchaser or grantee prior to the time of transfer of title to the purchaser. The Certificate shall list thereon all known violations of Chapter 1476 as well as other informational material relating to such inspection.
(Ord. 1995-11. Passed 2-22-95.)

1444.02 APPLICATION FOR AND ISSUANCE OF CERTIFICATES; ORDERS TO CORRECT; NONCOMPLIANCE; EFFECTIVE PERIOD OF CERTIFICATES.

(a) Application for a Certificate of Exterior Inspection required by the provisions of this chapter shall be made by the owner or an agent for the owner of the building, structure or premises to be sold. The owner or occupant thereof shall, upon the filing of the application, permit the Building and Zoning Inspector or any authorized Building

Inspector of the Building Department access to the real property upon request during the hours of 9:00 a.m. to 8:00 p.m., Monday through Saturday of each week, except legal holidays, for the purpose of making an exterior inspection of the land, building or structure. The failure to permit access to the real property for the said exterior inspection during the period provided for herein and upon identification of the Inspector(s) shall be deemed a violation of this chapter.

(b) The following schedule for issuing a Certificate shall be followed, except where a longer period is required because of causes beyond the control of the Village:

(1) Within ten working days after receipt of the application and required fee, the Building and Zoning Inspector or any authorized Building Inspector of the Building Department shall cause an exterior inspection of the designated property to be made.

(2) The Building and Zoning Inspector shall then issue a Certificate within five working days after gaining access to the subject property, which Certificate shall contain the following information:

A. The street address, permanent parcel number or other identifying characteristics of the property;

B. The name and address of the owner of the property;

C. A list of violations of the maintenance standards contained in Chapter 1476 of these Codified Ordinances existing at the time of such exterior inspection, if any.

(c) Except in the case of danger to the health or safety of the public, the Certificate shall contain an order from the Building and Zoning Inspector to correct any Building and Housing Code violations noted on the Certificate, which shall be corrected by the owner of the property within sixty days of the issuance of the Certificate, unless, for good cause shown, the Building and Zoning Inspector has extended the time for compliance.

(d) If the owner of a property does not correct the violations enumerated in the Certificate prior to the time the title is transferred to the purchaser, then the purchaser will be required to correct the violations contained in the Certificate of Exterior Inspection within the time allotted in the notice given to the prior owner or as extended by the Building and Zoning Inspector.

(e) If, pursuant to subsection (d) hereof, the title to the property is transferred prior to the correction of the violations enumerated in the Certificate to the Village's satisfaction, there shall be deposited in escrow, prior to transfer, a written statement agreed to by the owner and the purchaser setting forth their respective responsibilities for correcting the violations enumerated in the Certificate which remain uncorrected and setting forth the sum of money which is sufficient to correct the respective violations.

(f) Nothing in this chapter shall be construed as limiting the authority of the Village, at any time, to proceed against the current owner of record to require corrections of Code violations.

(g) The Certificate shall be valid for a period of one year from the date of issuance, unless an extension is approved by the Building and Zoning Inspector. In case of resale within the one-year period, the Certificate shall be transferred to any subsequent bona fide purchaser and shall be valid for the remainder of that period.
(Ord. 1995-11. Passed 2-22-95.)

1444.03 COMPLIANCE DOCUMENT.

(a) At the request of the property owner or his or her agent, the Village shall issue a letter or other written document signed and dated by the Building and Zoning Inspector stating that the violations listed on a specific Certificate of Exterior Inspection have been corrected to the Village's satisfaction, when, in fact, all such violations have been so corrected.

(b) At the request of the property owner or his or her agent, the Village may issue a letter or other written document signed and dated by the Building and Zoning Inspector stating that some, but not all, of the violations listed on a specific Certificate have been completed to the Village's satisfaction.
(Ord. 1995-11. Passed 2-22-95.)

1444.04 FEES.

The fee charged for the Certificate of Exterior Inspection shall be fifty dollars ($50.00). The fee shall be paid at the time the application for the Certificate is filed with the Village.
(Ord. 1995-11. Passed 2-22-95; Ord. 2000-42. Passed 4-12-00; Ord. 2004-32. Passed 6-23-04.)

1444.05 RELIANCE ON CERTIFICATE AND COMPLIANCE DOCUMENT.

(a) In issuing a Certificate of Exterior Inspection under this chapter, the Village does not thereby insure, warrant or guarantee to the holder thereof, to his or her assignees, or to any other interested party, that such Certificate contains all of the violations of the Codified Ordinances of the Village. Such Certificate should be considered by all parties as the Village's best effort to make known to owners and purchasers of real estate the known exterior maintenance violations on a given property at the time the exterior inspection is made. A copy of this subsection, or a digest thereof, shall be contained in each Certificate.

(b) In issuing a Compliance Document under the provisions of this chapter, the Village does not thereby insure, warrant or guarantee the quality of repairs or standard of work exhibited in the correction of violations listed on a Certificate of Exterior Inspection. Such document should be construed only as a statement by the Village that some or all of the violations listed on the Certificate have been corrected to the Village's satisfaction. A copy of this subsection, or a digest thereof, shall be contained in each Compliance Document.
(Ord. 1995-11. Passed 2-22-95.)

1444.99 PENALTY.

Any person who participates in a transaction in which a Certificate of Exterior Inspection is required but not obtained is guilty of a minor misdemeanor and shall be fined not more than one hundred dollars ($100.00) for each offense. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.
(Ord. 1995-11. Passed 2-22-95.)

2001 Replacement

TITLE SIX - Miscellaneous Building Regulations

Chap. 1462. Barbecue Pits.
Chap. 1463. Carbon Monoxide Detectors.
Chap. 1464. Certificates of Occupancy.
Chap. 1466. Dish-Type Satellite Antennas.
Chap. 1470. Fire-Resistance Ratings.
Chap. 1472. Landscaping.
Chap. 1474. Numbering of Buildings.
Chap. 1475. Numbering on Mailboxes.
Chap. 1476. Registration of Contractors.
Chap. 1478. Smoke Detectors.
Chap. 1480. Outdoor Patios at Commercial Establishments Where Smoking is Permitted.

CHAPTER 1462
Barbecue Pits

1462.01 Construction; permit required; fee; location.
1462.99 Penalty.

CROSS REFERENCES

Residential Districts - see P. & Z. Ch. 1266
Ohio Fire Code - see F.P. Ch. 1610

1462.01 CONSTRUCTION; PERMIT REQUIRED; FEE; LOCATION.

Before the construction of a permanent type of barbecue pit is started, a permit shall first be obtained by the owner, or his or her agent, from the Building and Zoning Inspector. The fee for such permit shall be fifteen dollars ($15.00). The application for the permit shall be made in writing and shall include a sketch showing the location of the pit relative to the nearest building.

If a permanent type of barbecue pit is constructed closer than twenty feet from any building, the chimney for the pit must extend two feet higher than the highest portion of any building within twenty feet of the pit.

1462.99 PENALTY.

Whoever violates any of the provisions of this chapter is guilty of a minor misdemeanor and shall be fined not more than one hundred dollars ($100.00) for each offense. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.

1997 Replacement

CHAPTER 1463
Carbon Monoxide Detectors

1463.01 Installation required.
1463.99 Penalty.

CROSS REFERENCES

Smoke detector systems for apartment buildings and condominiums - see Ohio R.C. 3781.104
Venting of heaters and burners - see GEN. OFF. 660.01
Open burning - see GEN. OFF. 660.08
Emergency alarms - see S.U. & P.S. Ch. 1068
Smoke detectors - see B. & H. Ch. 1478

1463.01 INSTALLATION REQUIRED.

All residential dwellings constructed in the Village on or after March 1, 1996, shall have installed, prior to the issuance of an occupancy permit therefor, carbon monoxide detectors pursuant to the specifications and requirements of the Building Department.
(Ord. 1996-3. Passed 1-24-96.)

1463.99 PENALTY.

Whoever violates any of the provisions of this chapter is guilty of a minor misdemeanor and shall be fined not more than one hundred dollars ($100.00) for each offense. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.
(Ord. 1996-3. Passed 1-24-96.)

CHAPTER 1464
Certificates of Occupancy

1464.01 Certificate required.
1464.02 Conditions of issuance.
1464.03 Time of application and issuance.
1464.04 Record and copies.
1464.05 Posting notice.
1464.06 Fee.
1464.99 Penalty.

CROSS REFERENCES

Conditional zoning permits - see P. & Z. 1220.03
Zoning certificates - see P. & Z. 1262.01 et seq., 1280.04
Conditional zoning certificates - see P. & Z. 1262.05(f), 1276.01
Nonconforming uses - see P. & Z. Ch. 1274

1464.01 CERTIFICATE REQUIRED.

No vacant land and no building erected, added to or altered shall be occupied or used in whole or in part, nor shall any owner or tenant of any land or building hereafter change the use classification or enlarge the use of any building or any premises, without a certificate of occupancy from the Building and Zoning Inspector issued in accordance with the authority hereinafter provided. However, nothing in this section shall prevent the continuance of the present occupancy or use of any premises or of any existing building.
(Ord. 1976-113. Passed 9-4-77.)

1464.02 CONDITIONS OF ISSUANCE.

The Building and Zoning Inspector is hereby authorized to issue a certificate of occupancy upon completion of the following conditions:

(a) All provisions of this chapter have been satisfied.
(b) The erection, addition or alteration has been completed in accordance with this Building and Housing Code.
(c) He or she has received a certificate from the Municipal Engineer showing that all street improvements have been installed and that ordinances relating to the needs or occupancy of the property have been complied with.

2013 Replacement

(d) He or she has received a certificate from the Summit County Health Department showing that all the requirements of such Department have been complied with.
(e) A zoning certificate has been obtained from the Municipality.
(f) The premises has been approved by the Fire Department after being inspected by the Fire Department.
(Ord. 1976-113. Passed 9-14-77; Ord. 2000-68. Passed 6-28-00.)

1464.03 TIME OF APPLICATION AND ISSUANCE.

(a) All certificates of occupancy shall be applied for coincidentally with the application for a zoning permit. Such certificates shall be issued within ten days after the provisions of Section 1464.02 have been complied with.

(b) In those instances where zoning permits have been issued prior to the effective date of this section, applications for certificates of occupancy shall be made to the Building and Zoning Inspector prior to occupancy and shall be issued as hereinbefore provided.
(Ord. 1976-113. Passed 9-14-77.)

1464.04 RECORD AND COPIES.

The Building and Zoning Inspector shall maintain a record of all certificates of occupancy and a copy thereof shall be furnished upon request to any person having a proprietary or tenancy interest in the building or premises affected.
(Ord. 1976-113. Passed 9-14-77.)

2013 Replacement

1464.05 POSTING NOTICE.

The Building and Zoning Inspector shall cause a notice substantially identical to the following to be posted on all premises requiring the issuance of a certificate of occupancy:

NOTICE

Under Section 1464.01 of the Building and Housing Code of the

MUNICIPALITY OF NORTHFIELD

This property may not be occupied or otherwise

used until a CERTIFICATE OF OCCUPANCY has been

issued by the Building and Zoning Inspector.

Any individual, firm or corporation using or occupying these premises without such a certificate will be subject to prosecution.

Building and Zoning Inspector

(Ord. 1976-113. Passed 9-14-77.)

1464.06 FEE.

The fee for the issuance of a certificate of occupancy required by this chapter shall be fifty dollars ($50.00).
(Ord. 1995-32. Passed 4-12-95.)

1464.99 PENALTY.

Whoever violates any of the provisions of this chapter is guilty of a minor misdemeanor and shall be fined not more than one hundred dollars ($100.00) for each offense. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.
(Ord. 1976-113. Passed 9-14-77.)

CHAPTER 1466
Dish-Type Satellite Antennas

1466.01 Dish-type satellite antenna defined.
1466.02 Permit required.
1466.03 Permit application; fee.
1466.04 Notice and hearing.
1466.05 Construction requirements.
1466.06 Screening and aesthetics.
1466.99 Penalty.

CROSS REFERENCES

Interrupting or impairing television - see Ohio R.C. 2909.04
Regulation of political broadcasts - see Ohio R.C. 3599.09
Liability for false advertising of foods, drugs or cosmetics - see Ohio R.C. 3715.54(B)
Cable television service defined - see GEN. OFF. 642.01(a)
Cable television included within definition of services - see GEN. OFF. 642.01(r)
Wireless telecommunications facilities - see P. & Z. Ch. 1284

1466.01 DISH-TYPE SATELLITE ANTENNA DEFINED.

"Dish-type satellite antenna" means any antenna and its appurtenances designed or used to receive or transmit signals from or to satellite stations, including spherical or parabolic dish-type antennas. (Ord. 1985-35. Passed 10-9-85.)

1466.02 PERMIT REQUIRED.

No person, firm or corporation shall erect a dish-type satellite antenna in the Municipality without first obtaining the approval of the Planning Commission and securing a permit therefor from the Building and Zoning Inspector in accordance with the provisions of this chapter. (Ord. 1985-35. Passed 10-9-85.)

1466.03 PERMIT APPLICATION; FEE.

The Building and Zoning Inspector shall issue a permit required by Section 1466.02, provided the applicant:

(a) Submits a written application, with a plot plan of the lot, premises or parcel attached, showing the exact location of the proposed dish-type satellite antenna; a description of the kind of dish-type satellite antenna; the plans and specifications showing the elevations, where it is to be erected, and the

dish-type satellite antenna itself; and sufficient details to show the method of assembly and construction. Each application shall indicate the owner of the premises, the occupant of the premises and the contractor or other person to be permitted to construct or erect the proposed dish-type satellite antenna.

(b) Submits with each application the sum of thirty-five dollars ($35.00), which represents the permit fee. The permit fee shall cover the costs of reviewing the construction plans and specifications and processing the application.

(c) Obtains the approval of the Planning Commission.

(Ord. 1985-35. Passed 10-9-85.)

1466.04 NOTICE AND HEARING.

(a) The Building and Zoning Inspector shall schedule a public hearing with the Planning Commission and the applicant for a dish-type satellite antenna. The date of such hearing shall be sent by ordinary U.S. mail, at least ten days prior to the hearing, to the applicant, the owner of the property where the dish-type satellite antenna is to be erected, and all owners of real estate adjoining such property.

(b) All written objections shall be presented to the Inspector in writing at least twenty-four hours prior to the Commission hearing.

(Ord. 1985-35. Passed 10-9-85.)

1466.05 CONSTRUCTION REQUIREMENTS.

(a) No dish-type satellite antenna shall be constructed in any front or side yard. All such antennas shall be constructed to the rear of the residence or main structure.

(b) No dish-type satellite antenna, including its concrete base slab or other substructure, shall be constructed less than fifteen feet from any property line or easement.

(c) No dish-type satellite antenna shall be constructed upon the roof top of any garage, residential dwelling, church, school, apartment building, hospital or other commercial building or structure, except when screened from general view.

(d) A dish-type satellite antenna shall not exceed a grade height of fifteen feet and shall not exceed a diameter of twelve feet.

(e) Only metal support, galvanized construction, or its equal, shall be allowed.

(f) Only a concrete base or caissons, depending on soil conditions, shall be employed in line with the grade.

(g) The structure shall be designed to withstand wind force of up to eighty-five miles per hour in a manner conforming with good engineering practices.

(h) Any driving motor shall be limited to 110-volt maximum power design and be encased in protective guards.

(i) If guy lines are to be used, they shall be confined within a screened area.

(j) All wiring shall conform to the National Electrical Code, the current edition.

(k) All structural supports shall be in conformity with this Building and Housing Code.
(Ord. 1985-35. Passed 10-9-85.)

1466.06 SCREENING AND AESTHETICS.

(a) The Planning Commission shall determine the adequacy of screening and the effect on surrounding properties based upon the screening plan submitted by the applicant and upon these factors:

(1) The location of the screened area;
(2) Impairment of the line of vision from contiguous residences;
(3) The size, quality and quantity of screening, including walls, fences and plantings; and
(4) Objections from neighbors.

(b) No lettering, numerals, symbols, pictorials signs or designs shall be permitted on any surface of the dish-type satellite antenna.
(Ord. 1985-35. Passed 10-9-85.)

1466.99 PENALTY.

Whoever violates any of the provisions of this chapter is guilty of a misdemeanor of the fourth degree and shall be fined not more than two hundred fifty dollars ($250.00) or imprisoned not more than thirty days, for each offense. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.

CHAPTER 1470
Fire-Resistance Ratings

1470.01 Multifamily buildings.
1470.02 Business and industrial buildings.
1470.99 Penalty.

CROSS REFERENCES

Residential Districts - see P. & Z. Ch. 1266
Business Districts - see P. & Z. Ch. 1268
Industrial Districts - see P. & Z. Ch. 1270
Construction materials and methods for one, two and three-family dwellings - see B. & H. Ch. 1442
Fire prevention - see B. & H. 1442.25
Ohio Fire Code - see F. P. Ch. 1610

1470.01 MULTIFAMILY BUILDINGS.

(a) All structural elements, including walls, floors and tenant separation or party walls, of a multifamily building, shall be constructed of noncombustible materials that have a fire-resistance rating of a minimum of two hours.

(b) All exterior and load-bearing wall construction shall be of masonry or equivalent.

(c) All floors shall be of precast concrete, poured concrete or other material having a minimum of two hour fire-resistance rating.
(Ord. 1986-48. Passed 6-4-86.)

1470.02 BUSINESS AND INDUSTRIAL BUILDINGS.

(a) All structural elements, including walls, floors and office walls, that separate the office from the business or industrial part of business and industrial buildings, shall be constructed of noncombustible materials that have a fire-resistance rating of a minimum of two hours.

(b) all exterior and load-bearing wall construction shall be of masonry or equivalent.

(c) All floors shall be of precast concrete, poured concrete or other material having a minimum of a two hour fire-resistance rating.
(Ord. 1986-48. Passed 6-4-86.)

1470.99 PENALTY.

Whoever violates any of the provisions of this chapter is guilty of a minor misdemeanor and shall be fined not more than one hundred dollars ($100.00) for each offense. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.

CHAPTER 1472
Landscaping

1472.01 Maximum time frame for installation of landscaping for new construction.
1472.99 Penalty.

CROSS REFERENCES

Injuring vines, bushes, trees or crops - see GEN. OFF. 642.04
Trees and shrubbery generally - see S.U. & P.S. Ch. 1024
Weed control - see GEN. OFF. 660.17

1472.01 MAXIMUM TIME FRAME FOR INSTALLATION OF LANDSCAPING FOR NEW CONSTRUCTION.

Unless otherwise directed by the Planning Commission or Council, any landscaping required to be installed pursuant to these Codified Ordinances, regulations of Summit County, or pursuant to any variance, conditional use, or other order or directive from the Planning Commission or Council, shall be completed and installed within eight months from the date of issuance of the occupancy permit for the premises.
(Ord. 2000-52. Passed 4-26-00.)

1472.99 PENALTY.

Whoever violates any of the provisions of this chapter is guilty of a minor misdemeanor and shall be fined not more than one hundred dollars ($100.00) for each offense. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.
(Ord. 2000-52. Passed 4-26-00.)

CHAPTER 1474
Numbering of Buildings

1474.01 Numbering required.
1474.02 Height of numbers.
1474.99 Penalty.

CROSS REFERENCE

Power to regulate building numbering - see Ohio R.C. 715.26
Numbering on mailboxes - see B. & H. Ch. 1475

1474.01 NUMBERING REQUIRED.

All property owners of single, double or multiple residential dwellings, all owners of apartment buildings, and all owners of any and all buildings in which businesses are operated, shall be required to post a house, apartment or building number in the front yard or attached to the dwelling, apartment or building, in such a manner that the number can be clearly and quickly identified from the street for each dwelling, apartment or building.
(Ord. 1973-88. Passed 12-12-73.)

1474.02 HEIGHT OF NUMBERS.

The house, apartment or building number shall not exceed, overall, six inches in height.
(Ord. 1973-88. Passed 12-12-73.)

1474.99 PENALTY.

Whoever violates any of the provisions of this chapter shall be warned upon a first offense and shall be guilty of a minor misdemeanor and fined not more than one hundred dollars ($100.00) for a second or subsequent offense.
(Ord. 1973-88. Passed 12-12-73.)

CHAPTER 1475
Numbering on Mailboxes

1475.01 Display of house numbers on mailboxes.
1475.02 Failure to comply; violation notices.
1475.99 Penalty.

CROSS REFERENCE

Power to regulate building numbering - see Ohio R.C. 715.26
Numbering of buildings - see B. & H. Ch. 1474

1475.01 DISPLAY OF HOUSE NUMBERS ON MAILBOXES.

Each residence of the Municipality shall display on its mailbox the house address in letters no smaller than three inches. The address shall be clearly displayed in a color that contrasts sufficiently with the color of the mailbox and shall be plainly visible from a distance of 50 feet by daylight and 50 feet at night by headlight illumination. The owner or occupier shall be responsible for assuring that his or her residence or residences comply with this chapter.
(Ord. 2000-15. Passed 2-9-00.)

1475.02 FAILURE TO COMPLY; VIOLATION NOTICES.

The owner or occupier of a residence in violation of this chapter shall be given written notice that he or she has ten days to come into compliance with this chapter or that he or she will be charged with a violation of this chapter. If the owner or occupier so served fails to correct the violation in the time set forth in the notice, he or she may be cited for the violation in accordance with Section 1475.99.
(Ord. 2000-15. Passed 2-9-00.)

1475.99 PENALTY.

Whoever violates any provision of this chapter is guilty of a minor misdemeanor, and shall be fined not more than one hundred dollars ($100.00) for each offense. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.
(Ord. 2000-15. Passed 2-9-00.)

CHAPTER 1476
Registration of Contractors

1476.01 Definitions.
1476.02 License required.
1476.03 License bond.
1476.04 License application.
1476.05 Investigation.
1476.06 Fee.
1476.07 Effective period of license.
1476.08 Revocation of license for substandard work, labor or material.
1476.09 Revocation of license for misrepresentation.
1476.10 Exhibition of license.
1476.11 Enforcement by Building and Zoning Inspector and Police Department.
1476.12 Appeals.
1476.13 Homeowner's exemption.
1476.14 Reciprocity with other jurisdictions.
1476.99 Penalty.

CROSS REFERENCES

Electrical contractors and public improvements - see Ohio R.C. 153.02, 153.03
Plumbing - see Ohio R.C. Ch. 3703
Construction Industry Examining Board - see Ohio R.C. Ch. 4740
Permits required for snow removal contractors - see B.R. & T. 878.01
Administration and enforcement of Residential Building Code - see B. & H. Ch. 1440

1476.01 DEFINITIONS.

As used in this chapter:

(a) "Contractor" includes any person, whether a resident in the Municipality or not, taking orders for or engaged in the business of construction as a general contractor, subcontractor or mechanical contractor, including, but not limited to, those involved in heating, air conditioning, electrical, carpentry, cement, asphalt, drywall, excavating, floor covering, garage door, general building, gutter installation, landscaping, lot clearing, insulation, masonry, painting, piping, plumbing, refrigeration, roofing, sheet metal, siding, wall covering, trenching and excavating work.

(b) "Person" includes the singular and the plural and also includes any person, firm, corporation, association, partnership or other organization.
(Ord. 1993-59. Passed 12-8-93.)

1476.02 LICENSE REQUIRED.

No person shall engage in the business of building or contracting, as defined in Section 1476.01(a), within the Municipality without first obtaining a license therefor issued by the Building and Zoning Inspector. Only one license is required hereunder even though such contractor may be engaged in work in more than one construction trade as a general contractor or subcontractor.
(Ord. 1993-59. Passed 12-8-93.)

1476.03 LICENSE BOND.

At the time that any building contractor, whether a general contractor or subcontractor, applies for a contractor's license, he or she shall post a bond with sufficient surety, by an insurance company authorized to issue bonds in the State, binding the building contractor. The principal and surety shall bind themselves jointly and severally unto the Municipality and unto any property owner within the Municipality upon whose premises such building contractor has contracted to work. For contractors that work solely in residential districts in the Municipality, the amount of the bond shall be ten thousand dollars ($10,000). For contractors that perform work in business, and commercial districts in the Municipality, the amount of the bond shall be twenty-five thousand dollars ($25,000). In the event the bond amounts specified in this section are modified in the middle of a calendar year, contractors that have previously posted bonds pursuant to this section for that particular calendar year are not required to increase the amount of their bond for that year.
(Ord. 1993-59. Passed 12-8-93; Ord. 2004-33. Passed 6-23-04; Ord. 2012-45. Passed 6-28-12.)

1476.04 LICENSE APPLICATION.

Applicants for license under this chapter must file with the Building and Zoning Inspector a sworn application in writing on a form to be furnished by the Inspector. Such form shall provide for the following information:

(a) The name and a description of the applicant;
(b) The address (legal and local) of the applicant;
(c) The Federal identification number, if any, of the applicant;
(d) A brief description of the nature of the business and contracting work to be performed;
(e) The names, addresses and telephone numbers of the persons for whom the applicant completed his or her last three jobs and the completion dates of those jobs;
(f) A list of municipalities in which the applicant holds licenses;
(g) Whether the applicant's business license or registration in any municipality has ever been suspended or revoked.
(Ord. 1993-59. Passed 12-8-93.)

1476.05 INVESTIGATION.

(a) Upon receipt of an application for a license, the original shall be referred to the Building and Zoning Inspector, who shall cause such investigation of the applicant's business as he or she deems necessary for the protection of the public good.

(b) If, as a result of the investigation, the applicant's business responsibility is found to be unsatisfactory, the Inspector shall endorse on the application his or her disapproval and his or her reasons for the same, and return the application to the Mayor, who may notify the applicant that his or her application is disapproved and that no license will be issued.

(c) If, as a result of the investigation, the character and business responsibility of the applicant are found to be satisfactory, the Inspector shall endorse on the application his or her approval, execute a license certificate addressed to the applicant for the carrying on of the business applied for, and, upon payment of the prescribed license fee, deliver to the applicant his or her license certificate. The license certificate shall contain the signature of the Building and Zoning Inspector and shall show the name and address of the licensee; the building specialty for which the license is issued; the kind of work, labor and materials to be sold thereunder; the amount of the fee paid; the date of issuance; the length of time the same shall be operative; and the license number and other identifying description deemed necessary and appropriate by the Inspector. The Inspector shall keep a permanent record of all licenses issued.
(Ord. 1993-59. Passed 12-8-93.)

1476.06 FEE.

The fee for the license to be issued for the types of building contractors listed below, during each calendar year or part thereof, shall be as indicated:

Type of Building Contractor	Fee in Any Calendar Year or Part Thereof
Heating/air conditioning sheet metal	$100.00
Electrical	$100.00
Carpentry	$100.00
Cement and asphalt	$100.00
Drywall	$100.00
Excavating/trenching	$100.00
Floor covering (except carpeting)	$100.00
Garage door	$100.00
General building	$100.00

Type of Building Contractor	Fee in Any Calendar Year or Part Thereof
Gutter installation	$100.00
Insulation	$100.00
Landscaping (provided however, that regular or routine maintenance of established yard or landscaping areas, such as mowing, weeding, trimming, isolated or annual planting, etc., are exempt)	$100.00
Lot clearing	$100.00
Masonry	$100.00
Painting	$100.00
Piping and plumbing	$100.00
Refrigeration	$100.00
Roofing	$100.00
Siding	$100.00

(Ord. 1993-59. Passed 12-8-93; Ord. 2002-20. Passed 4-10-02; Ord. 2012-04. Passed 1-25-12.)

1476.07 EFFECTIVE PERIOD OF LICENSE.

A license issued any time during a calendar year shall be valid, unless revoked as provided herein, until the end of the calendar year. All licenses issued under this chapter shall expire on December 31 in the year of issuance.

1476.08 REVOCATION OF LICENSE FOR SUBSTANDARD WORK, LABOR OR MATERIAL.

In the event that any licensed building contractor provides any property owner or occupant within the Municipality, in connection with any construction contract, any work, labor or material which is deemed to be faulty by the Building and Zoning Department, and fails to correct such work, labor or material within sixty days of notice by the Building and Zoning Inspector, in writing, the Inspector shall summarily revoke such building contractor's license and notify such building contractor to that effect, in writing, at such building contractor's address as listed on the application form.
(Ord. 1993-59. Passed 12-8-93.)

2013 Replacement

1476.09 REVOCATION OF LICENSE FOR MISREPRESENTATION.

Licenses issued under this chapter may be revoked by the Building and Zoning Inspector or the Mayor for any of the following reasons:

(a) Misrepresentation or false statements contained in the application for the license;

(b) Misrepresentation or false statements made in the course of carrying on the business of a contractor or subcontractor;

(c) Any violation of this chapter;

(d) Conviction of any felony or misdemeanor involving moral turpitude;

(e) Conducting the business of a contractor or subcontractor in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety or general welfare of the public.

(Ord. 1993-59. Passed 12-8-93.)

1476.10 EXHIBITION OF LICENSE.

All building contractors are required to exhibit their license at the request of any resident or at the request of the Building and Zoning Inspector or any member of his or her staff.

(Ord. 1993-59. Passed 12-8-93.)

1476.11 ENFORCEMENT BY BUILDING AND ZONING INSPECTOR AND POLICE DEPARTMENT.

The Building and Zoning Inspector shall require any person engaged in building construction work in the Municipality, who is not known by such Inspector or his or her staff, or by a police officer, to be duly licensed, to produce his or her building contractor's license, and the Inspector and the Police Department shall enforce this chapter against any person found to be violating the same.

(Ord. 1993-59. Passed 12-8-93.)

1476.12 APPEALS.

Any person aggrieved by an action of the Building and Zoning Inspector or the Mayor in denying an application for a license, or in revoking a license, shall have the right to appeal to Council. The appeal shall be taken by filing with Council, within fourteen days after such action by the Inspector or the Mayor, a written statement setting forth fully the grounds for the appeal. Council shall set a time and place for hearing on the appeal, not later than thirty days after receipt of such notice, and shall give notice of the date of hearing to the appellant as well as to the Inspector and the Mayor. The decision and order of Council on the appeal shall be final.

(Ord. 1993-59. Passed 12-8-93.)

1476.13 HOMEOWNER'S EXEMPTION.

(a) The provisions of this chapter shall not apply to a homeowner desiring to perform work on his or her own premises as long as such work is actually performed by the homeowner or a member of his or her immediate family and as long as the work is performed without compensation and on the premises on which the homeowner is in actual residence.

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(b) Any work performed by a homeowner shall be subject to all of the provisions of this Building and Housing Code and to all inspections required under this Code.
(Ord. 1993-59. Passed 12-8-93.)

1476.14 RECIPROCITY WITH OTHER JURISDICTIONS.

(a) The Building and Zoning Inspector may issue reciprocal license privileges to an applicant demonstrating a current license or registration in a jurisdiction outside the Municipality if the license or registration was issued from a municipal or county governmental entity utilizing similar application procedures.

(b) An applicant granted permission to exercise his or her license within the Municipality pursuant to this section shall pay the same fees as Municipal license holders and shall be subject to the same conditions upon the exercise of such license, including revocation of the license, as Municipal license holders.
(Ord. 1993-59. Passed 12-8-93.)

1476.99 PENALTY.

Whoever violates any of the provisions of this chapter is guilty of a misdemeanor of the first degree and shall be fined not more than one thousand dollars ($1,000) or imprisoned not more than six months, or both, for each offense. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.
(Ord. 1993-59. Passed 12-8-93.)

2013 Replacement

CHAPTER 1478
Smoke Detectors

1478.01 Installation required.
1478.99 Penalty

CROSS REFERENCES
Smoke detector systems for apartment buildings and condominiums - see Ohio R.C. 3781.104
False alarms - see GEN. OFF. 648.07, 648.08
Emergency alarms - see S.U. & P.S. Ch. 1068
Carbon monoxide detectors - see B. & H. Ch. 1463
Ohio Fire Code - see F.P. Ch. 1610

1478.01 INSTALLATION REQUIRED.

(a) As used in this chapter, "smoke detector" means an approved device that detects visible or invisible particles of combustion and emits an audible signal indicating a fire condition.

(b) The owners of each new and existing structure intended for habitation shall install smoke detectors at the direction and approval of the Building and Zoning Inspector and/or the Fire Chief.

(c) Required smoke detectors shall receive their primary power from the building wiring when such wiring is served from a commercial source, and when primary power is interrupted, shall receive power from a battery. Wiring shall be permanent and without a disconnecting switch other than those required for overcurrent protection. Smoke detectors may be battery operated when installed in buildings without commercial power or in existing parts of buildings which undergo alterations, repairs or additions.

(d) Smoke detectors shall be installed at the following locations:

(1) In the basement directly above and centered in the landing immediately preceding the first stair riser to the floor above.

(2) In the area(s) immediately outside any bedroom or area designed to be used for sleeping.

(3) In any detached garage, any part of which is within twenty feet of a dwelling unit.

(4) In any attached garage.

(5) On the first floor of any dwelling unit which has all bedrooms or areas designed for sleeping on the second floor.

(6) In structures undergoing alterations, repairs or additions that require a permit or when one or more sleeping rooms are added or created in existing structures.

(7) At any other location approved or directed by the Building and Zoning Inspector and/or the Fire Chief.

(e) This section shall be deemed to be satisfied by the installation of an approved security system incorporating fire detection devices located as required above and having an uninterrupted power source.

(f) All smoke detection devices mandated by this section shall be maintained in good working order; failure to do so shall be deemed to be a violation of this section.

(g) The Building and Zoning Inspector and the Fire Chief shall enforce this section. Every owner or occupant shall, upon request, permit the Building and Zoning Inspector, any authorized building inspector of the Building and Zoning Department, or any authorized member of the Fire Department, access to real property, upon request, during the hours of 9:00 a.m. to 8:00 p.m., Monday through Saturday of each week, excepting legal holidays, for the purpose of making inspections to enforce this section. The failure to allow access to real property for inspection during the period provided for herein, upon identification of the personnel authorized herein to make inspections, shall be deemed to be a violation of this section.

(h) With regard to all existing dwelling units whose owners or occupants are required to install battery-operated smoke detectors, no citation for failure to install the same shall be issued by the Building and Zoning Inspector and/or the Fire Chief for a period of six months subsequent to the passage of this section. Written notice of violations, however, may be issued.

(i) The Fire Chief, under the direction and supervision of the Mayor, is hereby authorized and directed to develop a program, if feasible, wherein members of the Fire Department are allowed to assist in the installation of smoke detectors in existing residential dwellings for elderly or handicapped individuals.
(Ord. 1994-24. Passed 6-22-94; Ord. 2004-31. Passed 6-23-04.)

1478.99 PENALTY.

Whoever violates any of the provisions of this chapter is guilty of a minor misdemeanor and shall be fined not more than one hundred dollars ($100.00) for each offense. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.

CHAPTER 1480
Outdoor Patios at Commercial Establishments Where Smoking is Permitted

1480.01 Outdoor smoking patios at commercial establishments.
1480.02 Procedure for approval.
1480.99 Penalty.

1480.01 OUTDOOR SMOKING PATIOS AT COMMERCIAL ESTABLISHMENTS.

The following standards shall apply to the design and appearance of any "outdoor patio" on commercial properties where smoking is permitted pursuant to Ohio R.C. 3794.01(I) and 3794.03(F).

(a) The width and general proportions of the structure shall compliment the adjacent buildings so that an overall harmonious appearance is created. The height of such structures must be at least four feet in height but no greater than six feet in height.

(b) Such fences and structures shall be weather resistant and shall consist of board on board wood or vinyl in a board on board style.

(c) Colors and textures shall be appropriate for the size and scale of the proposed structure and shall be harmonious with adjacent structures.

(d) Architectural details and ornamentation shall be meaningful to the overall design and appropriate for the size and scale of proposed structures and harmonious with other architectural details and ornamentation, including those used on adjacent structures.

(Ord. 2008-28. Passed 5-28-08.)

1480.02 PROCEDURE FOR APPROVAL.

All permit applications and plans for such structures shall be submitted to and filed with the Building and Zoning Inspector for his review. If such plans do not conform with the applicable zoning, setback and other requirements, such application shall be sent to the Planning Commission and Council for its review and approval in accordance with the standards set forth in Section 1480.01 of this chapter and any other applicable ordinances. (Ord. 2008-28. Passed 5-28-08.)

1480.99 PENALTY.

Whoever violates any of the provisions of this chapter is guilty of a misdemeanor of the fourth degree. (Ord. 2008-28. Passed 5-28-08.)

TITLE EIGHT - Housing

Chap. 1490. Maintenance Standards.
Chap. 1492. Notification of Foreclosure Filing.
Chap. 1494. Fair Housing.

CHAPTER 1490
Maintenance Standards

1490.01 Responsibilities of owners and occupants.
1490.02 General maintenance requirements.
1490.03 Foundations.
1490.04 Roofs, gutters and downspouts.
1490.05 Maintenance of exteriors.
1490.06 Infestation by pests.
1490.07 Containment of trash and debris at construction sites.
1490.075 Exterior property areas.
1490.08 Removal or replacement of defective conditions.
1490.09 Enforcement and authorized inspections.
1490.10 Notice of violations.
1490.99 Penalty.

CROSS REFERENCES

Safety, sanitation and health - see GEN. OFF. Ch. 660
Filthy accumulations - see GEN. OFF. 660.04
Foundations in R-1 and R-2 Districts - see P. & Z. 1266.06, 1266.13
Construction of foundations of dwellings - see B. & H. 1442.08 et seq.
Roofs - see B. & H. 1442.36 et seq.
Gutters and downspouts - see B. & H. 1442.46

1490.01 RESPONSIBILITIES OF OWNERS AND OCCUPANTS.

(a) Owners. The owner of every human habitation, building, structure or premises shall be responsible for maintaining it in a clean and sanitary condition.

(b) Occupants. The occupant of any human habitation, building, structure or premises shall also be responsible for maintaining in a clean and sanitary condition the parts of the habitation, building, structure or premises which he or she occupies or controls.
(Ord. 1995-10. Passed 2-22-95.)

1490.02 GENERAL MAINTENANCE REQUIREMENTS.

(a) All human habitations, buildings and other structures and all parts thereof, both exterior and interior, shall be maintained in good repair and shall be capable of performing the function for which the structure or part or any feature thereof was designed or intended to be used.

(b) All equipment and facilities appurtenant to such structures shall be maintained in good and safe working order.
(Ord. 1995-10. Passed 2-22-95.)

1490.03 FOUNDATIONS.

(a) All foundations of any human habitation or of any building shall be maintained in structurally sound condition and in good repair.

(b) All foundations of any human habitation or of any building shall be maintained in such condition as to prevent seepage or leakage of water into the space enclosed within such foundations.

(c) All openings into the foundations of any human habitation or of any building shall be protected against the entrance of rodents.

(d) Where parts of any human habitation and of any building supported on masonry piers require substantial repair or replacement due to sagging, settling or failure of supporting piers, the same shall be replaced with a foundation conforming to the Building Code of the Village.
(Ord. 1995-10. Passed 2-22-95.)

1490.04 ROOFS, GUTTERS AND DOWNSPOUTS.

All roofs of any human habitation and of any building shall be maintained weathertight, and roof drainage shall be handled by suitable collectors and downspouts connected to a public storm sewer. Where a storm sewer or other storm drainage outlet is not available, downspouts may discharge onto splash blocks or other devices, provided that no excess water will flow onto adjoining property or over sidewalks. Connection of any pipe carrying roof water or yard drainage to a sanitary sewer is prohibited.
(Ord. 1995-10. Passed 2-22-95.)

1490.05 MAINTENANCE OF EXTERIORS.

(a) All exterior walls of any human habitation or of any building shall be maintained weathertight and so as to resist decay or deterioration from any cause.

(b) Any human habitation, building or other structure whose exterior surface is bare, deteriorated, decayed, disintegrated or in poor condition must be repaired or razed.

(1) All buckled, rotted or decayed walls, doors, windows, porches, floors, steps, railings, posts, sills, trim and their missing members must be replaced and put in good condition.

(2) All replacements must match and conform to the original design or be replaced completely.

(3) All exterior wood or exterior unfinished surfaces must be sealed and painted, or the surface covered with other approved protective coating, or treated to prevent rot and decay, and conform to and match the existing paint or surface covering and the original design or a replacement thereof. All exterior walls and surfaces must be properly protected against the weather where such are defective or lack weather protection, including lack of paint or surface covering, or have deteriorated due to lack of proper protective covering.

(c) Any human habitation, building or structure whose exterior surface is deteriorated, decayed or disintegrated, or whose exterior surface is weathered with dirt and grime, or has been impaired through peeling or flaking of the paint or other protective coating, shall be replaced or repaired, repainted or resurfaced.

(1) All exterior surfaces shall be replaced or repaired in good condition before repainting or coating.

(2) All bare exterior surfaces which are flaking or crumbling shall be replaced or sealed in a good, workmanlike manner.

(3) All new or repaired bare surfaces shall be painted or coated.

(Ord. 1995-10. Passed 2-22-95.)

1490.06 INFESTATION BY PESTS.

All premises shall be maintained free from sources of breeding, harborage and infestation by insects, vermin or rodents. (Ord. 1995-10. Passed 2-22-95.)

1490.07 CONTAINMENT OF TRASH AND DEBRIS AT CONSTRUCTION SITE.

(a) All trash and debris associated with or resulting from construction of either residential, commercial or industrial structures shall be contained on the construction site in a stable and secure enclosure approved by the Building and Zoning Inspector. The building permit holder shall maintain the enclosure and site so as to control litter and debris at all times and remove and dispose of the debris in an approved landfill. The enclosure shall be kept behind or within the structure unless it is not accessible for disposal. In the event it is not accessible for disposal, the enclosure shall be placed in the least visible accessible location, which shall be determined by the Building and Zoning Inspector. The enclosure shall be removed from the site prior to the issuance of the occupancy permit.

(b) Violations occurring as a result of noncompliance with the provisions of subsection (a) hereof may result in the issuance of a stop-work order until the site is brought into compliance. (Ord. 1997-51. Passed 8-13-97.)

1490.075 EXTERIOR PROPERTY AREAS.

(a) No owner, operator or tenant of any premises shall maintain or permit to be maintained at or on the exterior property areas of such premises any condition which deteriorates or debases the appearance of the neighborhood or creates a fire, safety or health hazard, including, but not limited to, the following:

(1) Broken or dilapidated fences, walls or other structures;

(2) Broken, uneven or improperly maintained walks or driveways;

(3) Unusable, dilapidated appliances, trailers, motor vehicles and parts thereof, and boats; and

(4) Rags, rugs or other materials hung on lines or in other places on such premises, which materials are not being used for general household or housekeeping purposes; broken, dilapidated or unusable furniture, mattresses or other household furnishings; plastic materials, paints, miscellaneous coverings or any other materials, including those described in this section, placed at or on the premises in such a manner as to be patently unsightly, grotesque or offensive to the senses.

(b) Each owner, operator or tenant of any premises shall maintain his or her lawns and landscaping so as not to constitute a blighting or deteriorating effect on the neighborhood, and shall not permit weeds or grass to exceed eight inches in height.

(c) In the event the Building and Zoning Inspector determines that an owner, operator or tenant is in violation of this section, the Building and Zoning Inspector shall notify the offender that the violation shall be remedied within ten days. If the Building and Zoning Inspector determines that ten days is not sufficient time in which to remedy the violation, the Building and Zoning Inspector may give the offender up to sixty days to remedy the violation. If the property is not brought into compliance within the time specified by the Building and Zoning Inspector, the owner, operator or tenant shall be deemed to be in violation of this section.
(Ord. 1997-49. Passed 8-13-97.)

1490.08 REMOVAL OR REPLACEMENT OF DEFECTIVE CONDITIONS.

(a) All structures shall either be maintained in good repair and free from health, accident and fire hazards or shall be removed from the premises.

(b) Where foundations of structures have deteriorated or settled to the point where wall plates or studs are rotting, they shall be replaced with foundations as required under the Building Code of the Village.
(Ord. 1995-10. Passed 2-22-95.)

1490.09 ENFORCEMENT AND AUTHORIZED INSPECTIONS.

(a) This chapter shall be enforced by the Building and Zoning Department and the Building and Zoning Inspector. Every owner or occupant shall, upon request, permit the Building and Zoning Inspector or any authorized Building Inspector of the Building and Zoning Department access to real property during the hours of 9:00 a.m. to 8:00 p.m., Monday through Saturday of each week, excepting legal holidays, for the purpose of making inspections within or outside of any building or structure necessary to enforce this chapter. The failure to allow access to real property within or outside of buildings or structures for inspection during the period provided for herein, upon identification of the Inspector(s), shall be deemed a violation of this chapter.

(b) The owner of any building, structure or premises, who enters into an agreement to convey an interest in such building, structure or premises, shall obtain from the Building and Zoning Inspector a Certificate of Exterior Inspection, pursuant to the requirements of Chapter 1444 of these Codified Ordinances, entitled "Point of Sale Exterior Inspection."
(Ord. 1995-10. Passed 2-22-95.)

1490.10 NOTICE OF VIOLATIONS.

(a) When written notice of a violation of any of the provisions of this chapter is sent by the Building and Zoning Inspector to the owner or occupant of the premises on which such violation exists, with an order to correct the violation indicated in such notice, which notice is mailed to the last known address of the owner or occupant, such owner or occupant shall correct the violation within seven to thirty days, as designated by the Building and Zoning Inspector, of the date noted upon such written notice. The failure by the owner or occupant to correct such violation within the period set forth in the written notice provided shall be deemed to be a violation of this chapter. An owner or occupant of the premises on which such violation exists, upon a showing before the Planning Commission that the period to correct such violation, if not extended, will cause a substantial hardship on the owner or occupier, shall be granted a thirty-day extension of time to correct the violation by the Planning Commission.
(Ord. 1998-83. Passed 10-28-98.)

(b) In the event that the Building and Zoning Inspector determines that a violation of this chapter, upon inspection, is, in the opinion of such Building and Zoning Inspector, so dangerous as to threaten life or serious physical injury to persons, such Inspector may immediately shut off or disconnect any appliance, equipment or facility or otherwise make the same inoperable. In such event, the Inspector shall place a red tag thereon, indicating that the appliance, equipment or facility shall not be operated until repaired, modified or altered. Until necessary repairs, alterations or modifications are made, and until further inspection and approval by the Building and Zoning Department, the continued operation or use of any appliance, equipment or facility after being "red tagged" as provided for herein, and without later repair, modification or alteration and subsequent approval by the Building and Zoning Department, shall be deemed to be a violation of this chapter. (Ord. 1995-10. Passed 2-22-95.)

1490.99 PENALTY.

(a) Except as otherwise provided in this section, whoever violates any of the provisions of this chapter is guilty of a misdemeanor of the second degree and shall be fined not more than seven hundred and fifty dollars ($750.00) or imprisoned not more than ninety days, or both, for each offense.

(b) Any organization, as defined in Section 606.09(d) of the General Offenses Code, shall be fined in the amount set forth in subsection (a) hereof for any violation of this chapter. Any appropriate officer, agent or employee of such organization shall be subject to all penalties prescribed herein in accordance with Section 606.10 of the General Offenses Code for any violation.
(Ord. 1995-10. Passed 2-22-95.)

(c) Whoever violates Section 1490.075 is guilty of a misdemeanor of the first degree and shall be fined not more than one thousand dollars ($1,000) or imprisoned not more than six months, or both, for each offense.
(Ord. 1997-49. Passed 8-13-97.)

CHAPTER 1492
Notification of Foreclosure Filing

1492.01 Definitions.
1492.02 Notice to Municipality of foreclosure filing.
1492.03 Person responsible for maintenance.
1492.99 Penalty.

1492.01 DEFINITIONS.

(a) "Person" means a natural person or any legal entity, including, but not limited to, a corporation, firm, partnership, trust, or association.

(b) "Vacant" means that no person actually resides in any part of the building or that no person conducts a lawful business in any part of the building.
(Ord. 2005-63. Passed 11-21-05.)

1492.02 NOTICE TO MUNICIPALITY OF FORECLOSURE FILING.

Any person who files a complaint for foreclosure involving real property located within the Municipality on which there is a building or structure shall notify the Municipality of the filing of the foreclosure complaint and shall file a copy of the complaint with the Finance Director within ten days after the filing of that complaint with the relevant court. The notice to the Municipality shall be on a form prescribed by the Municipality.
(Ord. 2005-63. Passed 11-21-05.)

1492.03 PERSON RESPONSIBLE FOR MAINTENANCE.

(a) If the building or structure on the property that is the subject of the foreclosure is vacant at the time the foreclosure complaint is filed, then the person filing the foreclosure complaint shall notify the Municipality of the name, address and phone number(s) for the person who will be responsible for maintaining the property.

(b) If the building or structure on the property that is the subject of the foreclosure becomes vacant at any time after the foreclosure complaint is filed, then the person who filed the foreclosure complaint shall notify the Municipality of the name, address and phone number(s) of the person who will be responsible for maintaining the property.
(Ord. 2005-63. Passed 11-21-05.)

1492.99 PENALTY.

No person shall fail to file a complete copy of a foreclosure complaint involving real property located within the Municipality on which there is a building or structure with the Finance Director within ten days after filing the complaint with the relevant court; and/or notify the Municipality of the name, address and phone number(s) of the person who will be responsible for maintaining the property as required by this chapter. Whoever violates this section is guilty of failure to file notice of a foreclosure complaint, a misdemeanor of the fourth degree.

(Ord. 2005-63. Passed 11-21-05.)

2006 Replacement

CHAPTER 1494
Fair Housing

1494.01 Purpose.
1494.02 Definitions.
1494.03 Unlawful discriminatory housing practices.
1494.04 Exemptions.
1494.05 Fair housing board; powers; duties; responsibilities.
1494.051 Discrimination review committee; duties; responsibilities.
1494.06 Complaints.
1494.07 Investigation of complaints.
1494.08 Conciliation process.
1494.09 Hearings.
1494.10 Hearing decisions.
1494.11 Injunctive relief.
1494.12 Remedial actions.
1494.13 Judicial relief.
1494.14 Intimidation or interference in housing.
1494.15 Pattern or practice of discrimination.
1494.16 Prohibitions against real estate steering.
1494.17 Additional remedies.
1494.18 Scope/severability.
1494.19 Unlawful discriminatory public accommodations practices.
1494.20 Complaints.
1494.21 Remedies and beliefs.

1494.01 PURPOSE.

It is hereby declared to be the purpose of this chapter to provide, within constitutional limitations, fair housing throughout Northfield (hereinafter, the Municipality or Village), to assure that all persons have full and equal opportunity to consider all available housing and lending options for themselves and their families within the City without discrimination based on race, religion, color, sex, sexual orientation, national origin, age, disability, ethnic group, Vietnam-era or disabled veteran status, familial status, marital status or ancestry, and to promote a stable community.
(Ord. 2009-06. Passed 1-14-09.)

1494.02 DEFINITIONS.

As used herein:

(a) "Aggrieved person" includes any person who:
  (1) Claims to have been injured by a discriminatory housing practice; or
  (2) Believes that such persons will be injured by a discriminatory housing practice that is about to occur.

(b) "Covered multi-family dwellings" means buildings consisting of four or more units, if such buildings have one or more elevators, and ground floor units in other buildings consisting of four or more units.

(c) "Disability:"
  (1) Means, with respect to a person:
    A. A physical or mental impairment that substantially limits one or more major life activities, including the functions of caring for oneself such as: performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and/or working;
    B. A record of a physical or mental impairment; or
    C. Being regarded as having a physical or mental impairment.
  (2) Does not include current, illegal use of, or addiction to, a controlled substance, as defined in 21 U.S.C. Section 802.

(d) "Discrimination Review Committee" means the Committee of the Fair Housing Board established by Section 1494.051.

(e) "Fair Housing Board" is the board appointed by the Mayor overseeing the activities of the foregoing chapter.

(f) "Familial status" refers to the status of:
  (1) One or more individuals (who have not attained the age of 18 years) being domiciled with:
    A. A parent or another person having legal custody of such individual or individuals; or
    B. The designee of such parent or other person having such custody, with the written permission of such parent or other persons.
  (2) Any person who is pregnant or is in the process of securing legal custody of any individual who has not attained the age of 18 years.

(g) "Housing for older persons" means:
  (1) Housing provided under any State or Federal program that the Secretary of the United States Department of Housing and Urban Development (hereafter HUD) determines is specifically designed and operated to assist elderly persons (as defined in the State or Federal program);
  (2) Housing intended for, and solely occupied by, persons 62 years of age or older; or
  (3) Housing intended and operated for occupancy by at least one person 55 years or older per unit. The determination as to whether housing qualifies as housing for older persons under this definition shall be consistent with regulations promulgated by the Secretary of HUD, provided at least the following factors are present:
    A. The existence of significant facilities and services specifically designed to meet the physical or social needs of older persons or if the provision of such facilities and services is not practicable, that such housing is necessary to provide important housing opportunities for older persons; and

B. That at least 80% of the units are occupied by at least one person 55 years of age or older per unit; and

C. The publication of, and adherence to, policies and procedures which demonstrate an intent by the owner or manager to provide housing for persons 55 years of age or older.

(4) Housing shall not fail to meet the requirements for housing for older persons by reason of:

A. There being persons residing in such housing as of the date of enactment of the Fair Housing Act of 1988 who do not meet the age requirements of division (i)(2) or (3) of this section; provided that the new occupants of such housing meet the age requirements of division (g)(2) or (3); or

B. There being unoccupied units, provided that such units are reserved for occupancy by division (g)(2) or (3).

(h) "Lending institution" means any bank, savings and loan association, insurance company, or other organization or person regularly engaged in the business of lending money or guaranteeing insurance in connection with the purchase, sale or rental of dwellings.

(i) "Person" means one or more individuals, partnerships, associations, organizations, corporations, legal representatives, trustees, trustees in bankruptcy, receivers, and other organized groups of persons. It also includes, but is not limited to, any owner, lessor, assignor, builder, manager, broker, salesman, appraiser, agent, employee, and lending institution.

(j) "Property," as used herein, means any building, structure, facility or portion thereof, which is used, occupied or is intended, arranged or designed to be used or occupied:

(1) As the residence, dwelling unit, or sleeping place of one or more individuals, groups, or families whether or not living independently of each other, and includes any housing accommodations held or offered for sale or rent by a real estate broker, salesman, or agent, or by any other person pursuant to authorization of the owner, by the owner, or by such person's legal representative;

(2) For the purpose of operating a business, an office, a manufactory or public accommodation; or

(3) Any vacant land offered for sale, lease or held for the purpose of constructing or locating thereon any such building, structure, facility, business concern or public accommodation.

(k) "Protected group" or "protected class" refers fo persons who are or may be discriminated against on the basis of race, religion, color, sex, sexual orientation, national origin, age, disability, ethnic group, Vietnam-era or disabled veteran status, familial status, marital status or ancestry.

(l) "Public accommodation" or "place of public accommodation" means any inn, restaurant, eating house, barbershop, public conveyance by air, land, or water, theater, store or other place for the sale of merchandise or provision of services, amusement or accommodation of which the accommodations, advantages, facilities, or privileges are offered or available to the public.

(m) "Purchase" means to obtain property through sale.

(n) "Real estate broker" means a real estate agent or salesperson, or a limited real estate broker or salesperson as defined in Ohio R.C. 4735.01.

(o) "Rent" or "rental" means to lease, sublease, assign or otherwise grant or obtain the right to occupy property not owned by the occupant in return for consideration, or a contract or option to do any of the foregoing.

(p) "Sale" or "sell" means to convey, exchange, transfer or assign legal or equitable title to, or beneficial interest in, property in return for consideration, or a contract or option to do any of the foregoing.

(q) "Sexual orientation" means a person's actual or perceived homosexuality, bisexuality or heterosexuality, by orientation or practice.

(r) "Solicitation" or "solicit" means the mailing or delivery of any printed matter or any oral communication either in person or by telephone to the owner or occupant of property by any real estate broker, agent, sales representative or other person for any of the following purposes:

(1) Advertising the accomplishments and/or abilities of the real estate broker, agent, sales representative or other person to sell or rent property;

(2) Requesting or suggesting that the owner or occupant list his property for sale or rent; or

(3) Offering to purchase or rent the owner's property.

(s) "Unlawful discriminatory housing practices" means any act prohibited by Section 1494.03, but shall not include special outreach efforts conducted by, or under the authority of units of local government (including agencies, departments and commissioners thereof) or non-profit fair housing corporations or agencies to administer the programs and activities relating to housing and urban development in a manner which affirmatively furthers the policies of this chapter.

(t) "Watch area" means an area of the Municipality designated by the Fair Housing Board exhibiting certain conditions of change which have historically led to panic selling, racial change and/or incidents with considerations of the factors listed in Section 1494.16(b).

(Ord. 2009-06. Passed 1-14-09.)

1494.03 UNLAWFUL DISCRIMINATORY HOUSING PRACTICES.

It shall be an unlawful discriminatory housing practice for any person to:

(a) Refuse to sell, transfer, assign, rent, lease, sublease, finance, or negotiate after the making of a bona fide offer, or otherwise deny or make unavailable, because of membership in a protected class, a property to any person;

(b) Represent to any person, because of membership in a protected class, that a property is not available for sale, rental, inspection, purchase, transfer, assignment, lease or sublease when, in fact, it is available;

(c) Discriminate against any person in making available such a transaction, or in the terms or conditions of such a transaction, if such person's business includes engaging in residential real estate-related transactions, because of race, color, religion, sex, sexual orientation, national origin, age, disability, ethnic group, Vietnam-era or disabled veteran status, familial status, marital status or ancestry. As used in this section, the term "residential real estate-related transaction" means any of the following:

(1) The making or purchasing of loans or providing other financial assistance:

A. For purchasing, constructing, improving, repairing, or maintaining a dwelling;

B. Secured by residential real estate.

(2) The selling, brokering or appraising of real property;

(d) Discriminate against any person in the terms or conditions of selling, renting, transferring, assigning, brokering, leasing or subleasing any property, or in furnishing facilities, services or privileges in connection with the ownership, occupancy or use of any property because of membership in a protected class or because of the racial composition or presence of any other protected groups in the area in which the dwelling is located;

(e) Discriminate against any person in the provision of property and casualty, including but not limited to fire, extended coverage, renter's or homeowner's insurance ("insurance") or insurance-related services because of membership in a protected class of a current or prospective purchaser, renter, or occupant, or of other residents in the area or community, by any one or more of the following practices:

(1) Making insurance or insurance related services unavailable or making them available on different terms or conditions;

(2) Refusing to sell or renew or by canceling insurance or an insurance policy;

(3) Varying the terms or conditions under which an insurance policy or insurance related service is available;

(4) Establishing different qualifications, requirements or standards for making insurance or insurance-related services available;

(5) Offering different service, facilities or privileges in the provision of insurance or insurance-related services;

(6) Discouraging potential applicants from applying for insurance, including but not limited to utilizing different sales and marketing practices, except as provided in Section 1494.02(s);

(7) Evaluating, settling, or paying insurance claims;

(f) Refuse to consider the combined income of both husband and wife for the purpose of extending mortgage credit to a married couple or either member thereof;

(g) Print, publish or circulate, or cause to be printed, published or circulated, any statement or advertisement, or make or cause to be made any written or oral statement, relating to the sale, transfer, assignment, rental, lease, sublease or acquisition of any property or the loan of money, whether or not secured by mortgage or otherwise, for the acquisition, construction, rehabilitation, repair or maintenance of a property, which indicates any preference, limitation, specification or discrimination based upon protected group membership, or an intention to make any such preference, limitation, specification or discrimination;

(h) Include in any sale, transfer, rental, lease or sublease of a property any restrictive covenant based on protected group membership, or honor or exercise, or attempt to honor or exercise any such restrictive covenant;

(i) Induce or solicit or attempt to induce or solicit including, but not limited to a property listing, sale, rental or transaction by representing that a change has occurred or may occur with respect to the protected class or classes of the area in which the property is located, or induce or solicit or attempt to induce or solicit such listing, sale, or transaction by representing that the actual or anticipated presence of persons of any protected class in the area will or may have results such as:

(1) The lowering of property values;

(2) A change in the composition of the area in which the property is located based upon a protected class or classes;

(3) An increase in criminal or anti-social behavior in the area;

(4) A decline in the quality of the schools serving the area.

(j) Coerce, injure, intimidate, threaten or interfere with any parson in the exercise or enjoyment of, or on account of that person's having exercised or enjoyed or having aided or encouraged any other person in the exercise or enjoyment of any right granted or protected by this section;

(k) Discriminate against any person because of protected group status in appraising the value of any property in connection with the sale, brokering or rental or because of the composition of the area based upon protected class or classes;

(l) Deny any person access to, or membership or participation in, any multiple-listing service, real estate brokers' association or other service association or facility relating to the business of selling or renting housing accommodations or commercial property, or to discriminate against any person in the terms or conditions of such access, membership or participation, on account of membership in a protected class;

(m) Refuse to permit, at the expense of a disabled person, reasonable modifications to existing premises occupied or to be occupied by such person, if such modifications

may be necessary to afford such person full enjoyment of the premises, except that, in the case of a rental, a landlord may, where it is reasonable on a renter's agreement, which can include the establishment of an escrow account, to restore the interior of the premises to the condition that existed prior to the modification, reasonable wear and tear expected;

(n) Refuse to make reasonable accommodations in rules, policies, practices or services, when such accommodations may be necessary to afford a disabled person equal opportunity to use and enjoy a dwelling including associated public and common use areas;

(o) Construct covered multi-family dwellings that do not provide for accessibility and usability for physically disabled persons in compliance with 42 U.S.C. § 3604(f)(3)(c);

(p) Discriminate in any manner against any other person because that person has opposed any unlawful practice defined in this section, or because that person has made a charge, testified, assisted or participated in any manner in any investigation, proceeding or hearing under Ohio R.C. 4112.01 to 4112.07;

(q) Aid, abet, incite, compel or coerce the doing of any act declared by this section to be an unlawful discriminatory practice, or obstruct or prevent any person from complying with Ohio R.C. 4112.01 to 4112.11, 42 U.S.C. § 3601 et seq., or any order issued pursuant thereto, or attempt to directly or indirectly to commit any act declared by this section to be an unlawful discriminatory practice.

(Ord. 2009-06. Passed 1-14-09.)

Statutory reference:

Unlawful discriminatory practices, see Ohio R.C. 4112.02

1494.04 EXEMPTIONS.

The provisions of this chapter shall not be construed to:

(a) Prohibit a religious or denominational institution, organization, society or association or nonprofit charitable or education organization that is operated, supervised or controlled by or in connection with a religious organization, from limiting the sale, rental or occupancy of dwellings which it owns or operates for other than commercial purposes to persons of the same religion or from giving preference to such persons, unless membership in such religion is restricted on account of race, color or national origin, nor shall anything in this chapter prohibit a private club not in fact open to the public, which as an incident to its primary purpose or purposes, provides lodging which it owns or operates for other than a commercial purpose, from limiting the rental or occupancy of such lodgings to its members or from giving preference to its members;

(b) Require any person selling or renting property to modify such property in any way at his or her expense, provided that such person does not refuse to permit

reasonable modifications by a disabled person, which are necessary for that person to fully enjoy the premises in which he or she resides, when such modifications are made at the expense of the disabled person, which permission may be reasonably based on the disabled person's promise, pursuant to Section 1494.03(o), to restore the premises to the condition in which it previously existed before granting permission for such modification, nor shall this chapter be construed to relieve any disabled person of any obligation generally imposed on all persons, regardless of disability, in a written lease, rental agreement or contract of purchase or sale, or to forbid distinctions based on the inability to fulfill the terms or conditions, including financial obligations, of the lease, agreement or contract, so long as such distinctions are not based on the disability, or on the landlord's refusal to make reasonable modifications in the lease, agreement or contract conditions for the purpose of denying a disabled person equal opportunity to the use and enjoyment of the premises.

(c) Prohibit the restriction of a sale or rental of a property on the basis of disability when such a property is authorized, approved, financed and subsidized, in whole or in part, for the benefit of disabled persons by a unit of the local, State or Federal government, so long as such restrictions do not discriminate against an otherwise qualified disabled person;

(d) Require that a property be made available to an individual whose tenancy would constitute a direct threat to the health or safety of other individuals or whose tenancy would result in substantial physical damage to the property of others;

(e) Prohibit the application of any reasonable local, State or Federal restrictions regarding the maximum number of occupants permitted to occupy a property;

(f) With regard to familial status, apply to properties provided under any State or Federal program provided that HUD has determined that such program or housing is exempt, which determination shall be conclusive, or to housing for older persons;

(g) Prohibit a person engaged in the business of furnishing appraisals of real property to take into consideration factors other than membership in protected class.

(Ord. 2009-06. Passed 1-14-09.)

Statutory reference:

Unlawful discriminatory practices, see Ohio R.C. 4112.02

1494.05 FAIR HOUSING BOARD; POWERS; DUTIES; RESPONSIBILITIES.

There is hereby created a Fair Housing Board, which shall consist of five members appointed by the Mayor. The Mayor shall further designate one of the Board members to serve as Chairperson. No person shall be appointed to the Fair Housing Board who is employed by or has any interest in any firm, association, company or corporation engaged in the sale or rental of real estate in the Village. The Fair Housing Board shall have the responsibility to administer the provisions of this chapter and to adjudicate complaints

alleging violations of any section. The Fair Housing Board shall have and may exercise the following powers to implement the purposes of this chapter:

(a) To hold adjudicative hearings, make findings of fact, issue orders, enforce such orders and seek judicial and/or administrative relief with respect to any such complaints in accordance with the provisions of this chapter;

(b) To subpoena witnesses, compel their attendance, administer oaths, take sworn testimony and, in connection therewith, to require the production for examination of any documents relating to any matter under investigation or in question before the Fair Housing Board, and enforce such powers by proper petition to any court of competent jurisdiction;

(c) To adopt such rules and regulations as the Fair Housing Board may deem necessary or desirable for the conduct of its business and to carry out the purposes of this chapter;

(d) To do such other acts as are necessary and proper to perform those duties with which the Fair Housing Board is charged under this chapter, including the provision of referral services for the community;

(e) To collect, analyze and study the results of investigations made under this chapter and report to the Mayor and Village Council on or before January 31 of each calendar year on the working of this chapter for the purposes of advising on and recommending amendments to this chapter;

(f) To conduct a continuing program of education and community organization throughout the Village;

(g) To initiate an investigation without the filing of an official complaint, provided a majority of the Fair Housing Board elects to proceed based upon reasonable cause to believe that violations of this chapter are occurring or have occurred. The Fair Housing Board shall have the same powers following this initiated investigation as it has with an investigation based on the filing of a complaint;

(h) To enter into cooperative agreements with other governmental agencies to effectuate the purposes of this chapter;

(i) To refer persons allegedly aggrieved by unlawful discriminatory housing practices to the Ohio Civil Rights Commission or other governmental or private agencies, as appropriate.

(Ord. 2009-06. Passed 1-14-09.)

1494.051 DISCRIMINATION REVIEW COMMITTEE; DUTIES; RESPONSIBILITIES.

(a) There is hereby created a Discrimination Review Committee which shall consist of three members of the Fair Housing Board designated by the Mayor. The Mayor shall further designate one of the Committee members to serve as Chairperson. No person shall be appointed to the Discrimination Review Committee who has any interest in any firm,

association, company or corporation engaged in the sale or rental of real estate in the Village.

(b) The Discrimination Review Committee shall have the responsibility to hear cases brought before the Fair Housing Board and such other duties as may be set forth in this chapter. The Discrimination Review Committee shall make recommendations as to findings of fact, as to whether the respondent has violated Section 1494.03, and as to remedial actions that may be appropriate under Section 1494.12.

(c) The Fair Housing Board shall promulgate appropriate rules and regulations for the operation of the Discrimination Review Committee.
(Ord. 2009-06. Passed 1-14-09.)

1494.06 COMPLAINTS.

(a) Any aggrieved person may allege that a violation of Section 1494.03 has occurred by filing with the Fair Housing Board, within one year of the alleged violation, a sworn, written complaint setting forth his or her grievance. The complaint shall state the name and address of the aggrieved party (hereinafter the "complainant"), the name and address of the person(s) alleged to have committed a violation of Section 1494.03 (hereinafter the "respondent"), a description and address of the property involved in the discriminatory incident and the particular facts thereof and such other information as may be required by the Board. A complaint may be amended at any time prior to the hearing conducted pursuant to Section 1494.09, and thereafter only with permission of the Fair Housing Board. Upon the filing of a complaint, the Fair Housing Board shall acknowledge the receipt of the complaint and serve notice thereof to the complainant, which notice shall also contain information as to the time limits, notice of procedural rights and obligations and choice of forum provided in this chapter.

(b) Within ten days after a complaint has been received by the Fair Housing Board, it shall serve or cause to be served, in person or by certified mail, a copy of the complaint on the respondent alleged to have committed a violation of Section 1494.03. Along with the service of the complaint, the Fair Housing Board shall advise the respondent, in writing, of his or her procedural rights and obligations under this chapter. The respondent may file a written verified answer to the complaint with the Fair Housing Board within ten days after receipt of notice of said complaint, and thereafter only with permission of the Fair Housing Board.

(c) The Mayor, with the advice of the Fair Housing Board, may appoint a Fair Housing Administrator of the Fair Housing Board. The Administrator shall have such duties and

responsibilities as may be provided by the Fair Housing Board, including, but not limited to, receipt and processing of complaints on behalf of the Fair Housing Board.
(Ord. 2009-06. Passed 1-14-09.)

1494.07 INVESTIGATION OF COMPLAINTS.

(a) Investigations shall be commenced within 30 days after a complaint has been received. Conciliation, pursuant to Section 1494.08, shall be attempted beginning with the filing of the complaint and ending with the filing of a charge or a dismissal of the complaint. If conciliation has failed and the investigation has been completed, the Discrimination Review Committee shall determine that:

(1) There are reasonable grounds to believe that a violation of Section 1494.03 has occurred, in which case the Fair Housing Administrator shall issue a charge stating the facts forming the basis for the finding of reasonable grounds to believe discrimination occurred or is about to occur under Section 1494.03. The Fair Housing Administrator shall then forward the complaint to the Fair Housing Board for a hearing, pursuant to Section 1494.09; or

(2) There are no reasonable grounds to believe that a violation of Section 1494.03 has occurred, in which case the Fair Housing Administrator shall prepare and issue a written notice of dismissal, within five days of the finding of no reasonable grounds, by serving a copy of the notice of dismissal by certified mail on the parties. The notice of dismissal shall advise the complainant of his or her right to appeal under this section. Within 14 days of receipt of notice of dismissal, the complainant may request, in writing, reconsideration by the Discrimination Review Committee of the dismissal. By a majority vote, the Discrimination Review Committee may affirm or reverse the dismissal. If the Discrimination Review Committee reverses, it shall refer the complaint to the Fair Housing Administrator for conciliation and other actions consistent with this chapter.

(b) The Fair Housing Board shall complete the investigation within 100 days after receipt of the complaint, unless impracticable, in which case the Fair Housing Board shall inform, in writing, the complainant and the respondent of the reasons why the investigation cannot be completed within the time prescribed.

(c) The Fair Housing Board may be assisted in the investigation by a fair housing agency or other organization or person under contract with the Village. Upon request of the Fair Housing Board, the Fair Housing Board Administrator may assign employees of the Fair Housing Board to assist in the investigation.
(Ord. 2009-06. Passed 1-14-09.)

1494.08 CONCILIATION PROCESS.

(a) During the period beginning with the filing of such complaint and ending with the filing of a charge or a dismissal by the Fair Housing Board, the Fair Housing Board shall, to the extent feasible, engage in conciliation with respect to such complaint. As appropriate, the Administrator shall:

(1) Notify the complainant and respondent of the time, place and date of the conciliation conference at least ten days prior thereto, and both parties shall appear at the conciliation conference in person or by attorney; and

(2) Attempt to resolve the complaint by methods of conferment, conciliation and persuasion with all interested parties and such representatives as the conferences shall be informal and not be made public unless the parties agree thereto in writing. The terms of conciliation agreed to by the parties shall be reduced to writing and incorporated into a consent agreement to be signed by the parties, subject to approval by the Fair Housing Board. The terms of the conciliation agreement shall be made public, unless the complainant and the respondent agree otherwise and the Fair Housing Board determines that disclosure is not required to further the purposes of this chapter.

(b) A conciliation agreement may provide for binding arbitration of the dispute arising from the complaint. Any such arbitration that results from a conciliation agreement may award appropriate relief, including monetary relief.

(Ord. 2009-06. Passed 1-14-09.)

1494.09 HEARINGS.

(a) Within 30 days after the complaint is received by the Fair Housing Board pursuant to Section 1494.07(a)(1), the Discrimination Review Committee shall, upon due and reasonable notice to all parties, hold a hearing on the complaint. Parties to the hearing shall be the complainant and respondent and such other persons as the Fair Housing Board may deem appropriate. The hearing shall be open to the public. At the time it determines to hold such hearing, the Fair Housing Board shall serve upon the respondent a summons requiring the attendance of named persons and the production of relevant documents and records.

(b) At any time prior to the conclusion of the hearing, the parties may request the Fair Housing Board to issue subpoenas for individuals or documents in the Fair Housing Board's name. Failure to comply with a summons or subpoena shall constitute a violation of this chapter. The parties may appear before such Board in person or by duly authorized representatives any be represented by legal counsel. The parties shall have the right to present witnesses and to cross-examine witnesses, and all testimony and evidence shall be given under oath or by affirmation.

(c) If a charge is issued pursuant to Section 1494.07(a)(1), either the complainant or the respondent, in lieu of participating in the administrative hearing process, as outlined in this Section 1494.09, may elect to have the case heard in a civil action. Such civil action shall be maintained on behalf of the aggrieved person at the expense of the Fair Housing Board. Such election must be made within 20 days after the receipt of the charge.
(Ord. 2009-06. Passed 1-14-09.)

1494.10 HEARING DECISIONS.

(a) Within 30 days of the close of the hearing, the Discrimination Review Committee shall deliver its recommendations to the Fair Housing Board. The Fair Housing Board shall have 30 days to adopt, reject or amend the recommendations of the Discrimination Review Committee. The Fair Housing Board's decision shall be rendered in the form of a written order which shall include findings of fact and a statement as to whether the respondent has violated Section 1494.03 and such remedial actions as the Fair Housing Board may order pursuant to Section 1494.12. The order shall be served upon the parties by certified mail within 15 days of the date of the decision. The order shall be available for public inspection, and a copy shall be provided to any person upon request and payment of reproduction costs.

(b) If the Discrimination Review Committee is unable to make a recommendation to the Fair Housing Board within the prescribed time frame in division (a) of this section, the Administrator shall notify the Fair Housing Board, the complainant and the respondent in writing of the reasons for not doing so.
(Ord. 2009-06. Passed 1-14-09.)

1494.11 INJUNCTIVE RELIEF.

At any time after the filing of a complaint referred to in Section 1494.07, the Fair Housing Board may request the Municipality's Director of Law to petition the appropriate court for temporary or preliminary relief pending final determination of the proceedings under this chapter, or as otherwise necessary to carry out the purposes of this chapter, including an order or decree restraining the respondent from doing or causing any act which would render ineffectual any order or action by the Fair Housing Board.
(Ord. 2009-06. Passed 1-14-09.)

1494.12 REMEDIAL ACTIONS.

(a) If the Fair Housing Board finds that the respondent has not violated Section 1494.03, its order under Section 1494.10 shall dismiss the complaint.

(b) If the Fair Housing Board finds that the respondent has violated Section 1494.03, its order under Section 1494.10 shall provide for the taking of such remedial action, as it deems appropriate, which may include but not be limited to:

(1) Directing the respondent to cease and desist from violations of Section 1494.03 and to take such affirmative steps as necessary to effectuate the purposes of this chapter;
(2) Initiating, at the Fair Housing Board's expense, an appropriate court action for the enforcement of Section 1494.03, and for such other or further relief as the court may deem appropriate including, but not limited to, injunctive relief, compensatory damages, punitive damages to the complainant and/or attorney's fees and costs incurred by the complainant and/or the Fair Housing Board and/or the Municipality; such court action shall be required in the event the respondent does not voluntarily comply with remedial actions ordered by the Fair Housing Board;
(3) Initiating proceedings based upon violation of Federal or State law and/or regulations;
(4) Initiating proceedings with any contracting agency, in the case of any violation of Section 1494.03 by respondent in the course of performing under a contract or subcontract with the State or any political subdivision or agency thereof, or with the United States of America or any agency or instrumentality thereof, for the purpose of terminating such contract or any portion thereof, or obtaining other relief;
(5) Initiating proceedings with the State of Ohio, where applicable, to revoke, suspend or refuse to renew the license of any person found to have violated any provision of Section 1494.03;
(6) Directing the respondent to reimburse the complainant and/or the Municipality, as applicable for his or her actual and reasonable expenses incurred and to be incurred as a result of each violation found, including, but not limited to, expenses for moving and temporary storage of household furnishings, additional expenses in connection with the purchase or rental of a dwelling for alternative accommodations, and reasonable attorneys' fees and costs;
(7) Directing the respondent to reimburse the Municipality for its actual reasonable direct expenses incurred and to be incurred as a result of each violation found including reasonable attorneys' fees and costs;
(8) Assessing compensatory damages, as appropriate, or arrange to have adjudicated in court, at the Fair Housing Board's expense, the award of compensatory damages against the respondent;
(9) Assessing civil penalties, as appropriate, or arranging to have adjudicated in court at the Fair Housing Board's expense, the award of punitive damages against the respondent. For purposes of this chapter, “civil penalties” are defined as penalties assessed against the respondent to vindicate the public interest in an amount:

A. Not exceeding fifty thousand dollars ($50,000) for a first violation; and
B. Not exceeding one hundred thousand dollars ($100,000) for any subsequent violation.

(10) Such other further relief as the Fair Housing Board may deem appropriate for enforcement of Section 1494.03.

(c) The Fair Housing Board shall make a final administrative disposition of a complaint within one year after the complaint has been filed, unless it is impracticable to do so, in which case the complainant and respondent shall be notified, in writing, of the reasons why disposition of the complaint cannot be made within the time prescribed.

(d) Nothing herein shall be construed to prevent the Municipality, at its own expense, from initiating appropriate court action on behalf of the complainant in order to enforce the provisions of this chapter.

(e) The complainant and the respondent shall have the right to appeal an adverse final determination by the Board to the Summit County Common Pleas Court pursuant to Ohio R.C. Chapter 2506, or in such other forum or court of competent jurisdiction as provided by law.
(Ord. 2009-06. Passed 1-14-09.)

1494.13 JUDICIAL RELIEF.

The Municipality, the complaint, or any person aggrieved by a violation of any provision of this chapter may at any time within one year from the date of the alleged violation and in lieu of proceeding with the administrative process set forth in this chapter, apply to any court of competent jurisdiction for appropriate relief including, but not limited to:

(a) Injunctive relief or an order otherwise compelling compliance with this chapter;
(b) Compensatory damages and/or punitive damages;
(c) Reasonable attorneys' fees and costs to complainant and/or the Municipality as applicable; and/or
(d) Such other or further relief as is appropriate for the enforcement of this chapter and elimination of violations thereof.
(Ord. 2009-06. Passed 1-14-09.)

1494.14 INTIMIDATION OR INTERFERENCE IN HOUSING.

No person, whether or not acting under color of law, shall by force or threat of force willfully injure, intimidate or interfere with, or attempt to injure, intimidate or interfere with any of the following:

(a) Any person because of race, religion, color, sex, sexual orientation, national origin, age, disability, or ethnic group, Vietnam-era or disabled veteran status, familial

status, marital status or ancestry and because that person is or has been selling, purchasing, renting, financing, occupying, contracting, or negotiating for the sale, purchase, rental, financing, or occupation of any property; or applying for or participating in any service, organization, or facility relating to the business of selling or renting housing accommodations;

(b) Any person because that person is, or has been, or is considering:

(1) Participating, without discrimination on account of race, religion, color, sex, sexual orientation, national origin, age, disability, ethnic group, Vietnam-era or disabled veteran status, familial status, marital status or ancestry, in any of the activities, services, organizations or facilities described in division (a) of this section;

(2) Affording another person or class of persons opportunity of protection or protection so to participate;

(c) Any person because that person is, or is considering lawfully aiding or encouraging other persons to participate, without discrimination on account of race, religion, color, sex, sexual orientation, national origin, age, disability, ethnic group, Vietnam-era or disabled veteran status, familial status, marital status or ancestry, in any of the activities, services, organizations or facilities described in division (a) of this section, or participating lawfully in speech.

(Ord. 2009-06. Passed 1-14-09.)

1494.15 PATTERN OR PRACTICE OF DISCRIMINATION.

Whenever the Fair Housing Board has reasonable cause to believe that any person or persons are engaged in a pattern or practice of resistance to a person's or persons' full enjoyment of the rights granted by Section 1494.03 or 1494.18 of this chapter, or that any group of persons has been denied any of the rights granted by such section and the denial raises an issue of public policy, the Fair Housing Board may refer the matter to the Director of Law for commencement of a civil action in a court of competent jurisdiction on behalf of the Municipality. The Director of Law may seek any relief considered necessary to ensure the full enjoyment of the rights granted by this chapter.

(Ord. 2009-06. Passed 1-14-09.)

1494.16 PROHIBITIONS AGAINST REAL ESTATE STEERING.

No person who receives or expects to receive pecuniary gain from the sale or rental of housing accommodations shall:

(a) Influence or attempt to influence any other person who purports or represents himself or herself to be a prospective purchaser, occupant or tenant of housing accommodations to refrain from purchasing or renting housing accommodations by referring to race, religion, color, sex, sexual orientation, national origin, age, disability, ethnic group, Vietnam-era or disabled veteran status, familial status,

marital status or ancestry, of occupants or prospective occupants of other housing accommodations in the neighborhood;

(b) Influence or attempt to influence, by any words, acts, or failure to act any person who purports or represents himself to be a prospective seller, purchaser, occupant, landlord or tenant of housing accommodations, in connection with the sale or rental of housing accommodations, so as to promote or tend to promote the continuance or maintenance of segregated housing or so as to retard, obstruct or discourage integrated housing on or in any street, block or neighborhood;

(c) Discriminate against any person who purports or represents himself to be a prospective seller, purchaser, occupant, landlord or tenant of housing accommodations by any influence, suggestion, act or failure to act, or accord any differential treatment among such persons, in connection with the sale or rental of housing accommodations or in the furnishing of information, services, or facilities relative thereto because of the race, religion, color, sex, sexual orientation, national origin, age, disability, ethnic group, Vietnam-era and disabled veteran status, familial status, marital status or ancestry of any person.

(Ord. 2009-06. Passed 1-14-09.)

1494.17 ADDITIONAL REMEDIES.

This chapter shall not prevent the Municipality or any person from exercising any right or seeking any remedy to which that person might otherwise be entitled, or from filing any complaint with any other agency or court of law or equity.

(Ord. 2009-06. Passed 1-14-09.)

1494.18 SCOPE/SEVERABILITY.

(a) Scope. The provisions of this chapter shall apply to all property, as defined herein, located within the territorial limits of the Village of Northfield, Ohio.

(b) Severability. If any provision of this chapter is held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, the remaining provisions of the chapter shall not be invalidated.

(Ord. 2009-06. Passed 1-14-09.)

1494.19 UNLAWFUL DISCRIMINATORY PUBLIC ACCOMMODATIONS PRACTICES.

It shall be an unlawful discriminatory practice in a place of public accommodation for any person who is the owner, operator, lessee, manager, administrator, servant, agent or employee of any place of public accommodation:

(a) To refuse, deny, segregate, discriminate or make a distinction, directly or indirectly, in offering its goods, services, facilities or accommodations to any person because of membership in a protected class;

(b) To refuse, deny, segregate, separate, discriminate, or make a distinction, directly or indirectly in any way, against any person in the full or equal use and enjoyment of the services, facilities, privileges, advantages or enforcement powers of the City, or any unit or office thereof, because of membership in a protected class;

(c) For any person, whether or not specifically prohibited from discriminating under any provisions of this section, to aid, abet, incite, compel, or coerce the doing of any act declared to be an unlawful discriminatory practice by this section, or to attempt to do so;

(d) To coerce, intimidate, threaten, retaliate against, or otherwise interfere with any person, or attempt to do so, because he or she has promoted the provisions of this section, or because he or she has filed a complaint, testified, or assisted in any proceeding, investigation or hearing authorized by Sections 1494.07 through 1494.09 or by appropriate State or Federal law;

(e) Nothing in this section shall prohibit a religious or denominational institution, organization, society or association or any nonprofit charitable or educational organization that is operated, supervised or controlled by or in connection with a religious organization, from limiting its offerings of goods, services, facilities and accommodations to persons of the same religion, or from giving preference to such persons, provided that such offerings mentioned about are not, in fact, offered for commercial purposes;

(f) Nothing in this section shall prohibit the establishment of programs or other public accommodations designed and operated for a particular age group. However, such public accommodations shall not discriminate on the basis of membership in a protected class.

(Ord. 2009-06. Passed 1-14-09.)

1494.20 COMPLAINTS.

Any aggrieved person may allege that a violation of Section 1494.01 has occurred by filing a complaint with the Fair Housing Board in the time, manner and form prescribed under Section 1494.06 for complaints of unlawful practices under Section 1494.03. The Fair Housing Board and its Discrimination Review Committee each shall have the same powers, duties and responsibilities with respect to a complaint alleging a violation of Section 1494.03 as it has under Sections 1494.05 through 1494.10 with respect to a complaint alleging a violation of Section 1494.03, except as may be inapplicable or required by the context or by law.

(Ord. 2009-06. Passed 1-14-09.)

1494.21 REMEDIES AND RELIEFS.

The Municipality, the Fair Housing Board, any person aggrieved by a violation of Section 1494.03 and any respondent thereto shall have the same rights, powers, duties and responsibilities with respect to remedies and relief for violations of Section 1494.03 as they have under Section 1494.11 through Section 1494.13 with respect to a violation of Section 1494.03, except as may be inapplicable or required by the context or by law.
(Ord. 2009-06. Passed 1-14-09.)