

ORDINANCE NO. 25-73

By: 

To enact a Building Maintenance Code.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BEXLEY, OHIO:

ARTICLE I. TITLE, PURPOSE AND SCOPE

Section 1. Title. This ordinance hereinafter referred to as "this code" shall be known as the "Building Maintenance Code of the City of Bexley".

Section 2. Purpose. Within the scope of this Code as hereinafter defined, the purpose of this Code is to establish minimum standards necessary to make all dwelling structures, safe, sanitary, free from fire and health hazards, and fit for human habitation and beneficial to the public welfare; to establish minimum standards governing the maintenance of dwelling structures in such condition as will not constitute a blighting or deteriorating influence on the neighborhood and the community; to protect property values and to maintain the character and appearance of the community and neighborhoods within the community; to fix responsibilities for owners and occupants of dwelling structures with respect to sanitation, repair and maintenance; to establish additional standards for multiple dwellings, to authorize the inspection of dwelling structures, to establish enforcement procedures, to authorize the vacation or condemnation of dwelling structures unsafe or unfit for human habitation; and to fix penalties for violations.

ARTICLE II. DEFINITIONS

Section 1.

Communal Kitchen. A "Communal Kitchen" is a kitchen within a dwelling building used by the occupants of more than one dwelling unit or shared or used by any person other than the members of one family.

Dwelling Structure. A "Dwelling Structure" is a building or structure or that part of a building or structure, used or designed or intended to be used, all or in part, for residential purposes.

Dwelling. A "Dwelling" is a building intended or designed to be occupied by not more than two (2) families living separately and independent of each other.

Dwelling Unit. A "Dwelling Unit" is a group of rooms arranged, maintained or designed to be occupied by a single family and shall consist of a complete bathroom with toilet, lavatory and tub or shower facilities; one, and one only, complete kitchen or kitchenette with cooking, refrigeration and sink facilities; and living and sleeping facilities; all of which are used exclusively by such family and by any authorized persons occupying such dwelling unit with the family. Where the required facilities for a dwelling unit are not contiguous, the Building Inspector shall determine whether such facilities constitute a dwelling unit. The words "Dwelling Unit", "apartment", and "suite" shall be considered synonymous.

Family. "Family" is a single individual living upon the premises as a separate housekeeping unit; or a collective body of persons living together upon the premises as a single housekeeping unit in a domestic relationship based upon birth, marriage or other domestic bonds.

Habitable Room. A "Habitable Room" is a room or enclosed floor space used or intended to be used for living, sleeping or eating purposes, excluding

bathrooms, toilet rooms, laundries, pantries, dressing rooms, boiler rooms, basements, and areas used for kitchen purposes. Wherever living, sleeping, or eating space is included in a room or area also used for kitchen purposes, the Building Inspector shall determine the portion of the floor area used for kitchen purposes and such portion, so determined, shall not constitute habitable floor area in determining the habitable floor area of a dwelling unit.

Occupant. An "Occupant" is a person over one (1) year of age, living, sleeping, cooking or eating in, or having actual possession of a dwelling unit or a room.

Operator. An "Operator" is a person who has charge, care or control of a dwelling structure.

Owner. "Owner" is the owner or owners of the premises including the holder of title thereto subject to contract of purchase, a vendee in possession, a mortgage or receiver in possession, a lessee or joint lessee of the whole thereof, or any agent or any other person, firm, corporation or fiduciary directly in control of the premises. ~~The person, firm or corporation who signs the application for a Certificate of Occupancy for any premises shall be deemed prima facie to be the owner of said premises as defined herein.~~

Premises. As used in this Code the term "Premises" shall describe a lot, parcel or plot of land including the buildings or structures thereon.

Secondary or Appurtenant Structure. As used in this Code the Term "Secondary or Appurtenant Structure" shall describe a structure, the use of which is incidental or accessory to that of the main building, and which is attached thereto or located on the same premises.

Supply or Supplied. As used in this Code the terms "Supply" or "Supplied" shall mean paid for, furnished, or provided by, or under the control of the owner or operator.

Double House. A "Double House" is a detached dwelling arranged, intended or designed to be occupied by but two families living side by side with a party wall between.

Two-Family Dwelling. A "Two-Family Dwelling" is a detached dwelling arranged, intended or designed to be occupied by but two families, one of which has its principal living rooms on the first floor, the other of which has its principal living rooms on the second floor.

Commercial Building. Any building other than a dwelling structure, this includes any building part of which is residential; including churches, schools, filling stations.

ARTICLE III. BASIC STANDARDS FOR RESIDENTIAL OCCUPANCY.

Section 1. Leasing for Residential Occupancy, Restrictions. No owner, operator or agent shall rent or lease or offer for rental or lease any dwelling unit, dwelling structure, or any part thereof which does not comply with the provisions of this Code.

Section 2. Required Dwelling Unit Facilities. Every dwelling unit shall be provided with a kitchen sink installed in connection with the main cooking facilities of the dwelling unit. No such kitchen sink shall be placed within any water closet compartment or within any bathroom containing a water closet.

Communal kitchens are prohibited.

Section 3. Connection of Fixtures.

A. All plumbing fixtures in a dwelling structure shall be supplied with running

water from the municipal water system.

B. Every dwelling unit shall have a reasonable supply of running hot water properly connected to all plumbing fixtures requiring hot water.

C. All plumbing fixtures in a dwelling structure shall be so designed and installed as to prevent contamination of the water supply system.

ARTICLE IV. MAINTENANCE RESPONSIBILITIES.

Section 1. Responsibilities of Maintenance.

A. Owner. The owner of every multiple dwelling as defined herein shall be responsible for the maintenance thereof in good repair and safe condition as required by the terms of this Code. The owner shall also be responsible for maintaining in a clean and sanitary condition the shared or common areas of the premises.

B. Occupant. The occupant of a dwelling unit in any dwelling structure shall be responsible for maintaining in a clean and sanitary condition that part of the dwelling unit, dwelling structure or premises which he occupies and controls. In addition, said occupant shall be responsible for maintaining in good and safe working order the equipment and appliances which he owns.

Section 2. General Maintenance Requirements.

A. All dwelling 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 such structure or part of any feature thereof was designed or intended to be used.

B. All equipment and facilities appurtenant to a dwelling structure or dwelling unit shall be maintained in good and safe working order.

Section 3. Maintenance of Foundations.

A. All foundations of every dwelling structure shall be maintained structurally sound and in good repair.

B. All openings into the foundations of every dwelling structure shall be protected against the entrance of rodents.

Section 4. Maintenance of Roofs, Gutters and Downspouts. All roofs of every dwelling structure shall be maintained weathertight and shall be equipped with gutters and downspouts to a public storm sewer or the street or alley. However, this requirement shall be waived for existing buildings if, in the opinion of the Building Inspector, the drainage does not create a nuisance on public or private property.

Section 5. Maintenance of Exteriors of Dwelling Structures, Secondary or Appurtenant Structures.

A. All exterior parts of every dwelling structure, including exterior walls, parapet walls, decorative additions, chimneys, and all other exterior structures, either above or below the roof line, shall be maintained in a safe condition, weathertight, and so as to resist decay or deterioration from any cause.

B. Any dwelling structure or secondary or appurtenant structure whose exterior surface is bare, deteriorated, tumble-down, decaying, disintegrating or in poor repair must be repaired or razed.

1. All buckled, rotted or decayed walls, doors, windows, porches, floors, steps, railings, trim and their missing members must be replaced and put in good condition.

C. Any dwelling structure or secondary or appurtenant structure whose exterior surface is deteriorated, decaying, disintegrating or whose exterior surface has weathered with dirt and grime or has been impaired through peeling or flaking of the paint or other protective coating shall be repaired or repainted or resurfaced.

1. All exterior surfaces shall be replaced or repaired in good condition preparatory to repainting or coating.

2. All bare exterior surfaces which are flaking or crumbling shall be replaced or sealed in a good and workmanlike manner.

3. All new or repaired exterior bare surfaces shall be painted or coated.

4. All exterior surface weathered with dirt and grime or which are peeling or flaking shall be painted or covered with protective coating or surface.

(a) Presentation of evidence that all exterior surfaces have, not more than five (5) years prior to the date of inspection, been properly prepared and painted with at least one coat of good exterior paint or covered with any other protective coating or surface shall be prima facie evidence of the exterior being in good condition.

Section 6. Infestation by Pests. All dwelling structures and the premises thereof shall be maintained free from sources of breeding, harborage and infestation by insects, vermin or rodents.

Section 7. Exterior Property Areas. No owner or operator of any premises shall maintain or permit to be maintained at or on the exterior property areas of said premises any condition which deteriorates or debases the appearance of the neighborhood; or reduces property values in the neighborhood; or adversely alters the appearance and general character of the neighborhood; or creates a fire, safety or health hazard; or which is a public nuisance; including but not limited to the following:

A. Broken or dilapidated fences, walls, or other structures.

B. Broken, uneven, or improperly maintained walks or driveways.

C. Out of use or non-useable appliances, automobile parts.

D. Rugs, rags, or other materials hung on lines or in other places on said premises, which materials are not being used for general household or house-keeping purposes; broken, dilapidated, or unusable furniture, mattresses or other household furniture, plastic materials, paints, miscellaneous coverings, and/or any other materials, including those described in this section of the ordinance, placed at or on the premises in such a manner as to be unsightly, grotesque or offensive.

Section 8. Secondary or Appurtenant Structures. All secondary or appurtenant structures shall be maintained in good repair and free from health, accident and fire hazards or shall be removed from the premises.

All roofs of every secondary or appurtenant structure shall be equipped with gutters and downspouts connected directly or indirectly to a public storm sewer excepting, however, that if the roof area served by a specific downspout does not exceed five hundred (500) square feet, measured horizontally, and the drainage does not, in the opinion of the Building Inspector, cause excessive erosion or water damage or does not create a nuisance on public or private property, this requirement shall be waived.

Section 9. Janitor, Custodian or Agent. In any multiple dwelling in

which the owner thereof does not reside, there shall be designated by the owner, a janitor, custodian, agent, operator, or other responsible person, who shall be considered the agent.

Section 10. Commercial Buildings. Maintenance responsibility for all commercial buildings are subject to the same conditions as any dwelling structures.

Section 11. Commercial Buildings, Damaged. Any commercial building which is damaged by fire, explosion, weather or any other reason must be repaired and returned to its original intended use or so that it is compatible with existing or neighboring buildings. or be torn down. Work on said structure must be started within 60 days unless given an extension of time by the Board of Zoning Appeals.

Section 12. Commercial Structures with Dwelling Space. Any commercial building which is partially dwelling structure, such as apartments above or on the same floor as stores or offices shall be subject to the same maintenance responsibility as dwelling structures, including any empty stores, apartments, or buildings.

Section 13. Commercial Building tenants. Maintenance responsibility of commercial building tenants shall be to keep the premises, which include the public sidewalks, free and clear of all trash, litter, bottles, cans, obstructions, snow, ice, etc.

ARTICLE V. COMPLIANCE.

Section 1. Responsibility for Compliance. The owner as defined in this code shall be responsible for compliance with all of the provisions of this code except where the responsibility therefor is specifically placed elsewhere.

ARTICLE VI. ENFORCEMENT.

Section 1. Inspection. The Building Inspector and other city department heads and their representatives are hereby authorized to make or cause to be made inspections of all structures or premises used for dwelling purposes and all secondary or appurtenant structures to determine whether such structures or premises conform to the provisions of this code.

Section 2. Identification of Inspectors. The Building Inspector and his authorized agents and inspectors shall be supplied with official identification and shall show such identification, upon request, when entering any dwelling structure or premises.

Section 3. Notice of Violation.

A. Whenever the Building Inspector shall find any structure or premises, or any part thereof, to be in violation of this provision of this Code, he shall give or cause to be given to the owner, agent or person in charge of such structure or premises a written notice stating the violations therein. Such notice shall order the owner within a stated time to repair, improve or vacate the structure or premises concerned.

B. If the person to whom a notice of violation is addressed cannot be found within the City after reasonable and diligent search, then notice shall be sent by certified mail to the last known address of such person and a copy of such notice shall be posted in a conspicuous place on the structure or premises to which it relates. Such mailing and posting shall be deemed legal service of notice.

Section 4. Non-compliance with Notice.

A. Whenever the owner, agent, occupant or operator of a structure or premises fails, neglects or refuses to comply with any notice of the Building Inspector, the Building Inspector may issue a notice to such owner, agent, occupant or

operator ordering the structure or premises, or part thereof, to be vacated, or he may advise the City Solicitor of the circumstances and request the City Solicitor to institute an appropriate action at law to compel compliance, or both. Such notice shall be delivered, mailed or posted in the same manner as provided in Section 3, paragraph C.

B. Whenever the owner, agent, operator or occupant of a structure or premises fails, neglects or refuses to comply with a notice to vacate issued by the Building Inspector, the Building Inspector may request the Mayor to enforce the orders of such notice of vacation and cause the structure or premises, or part thereof, to be vacated in accordance with the terms of such notice.

C. Whenever the owner, agent, or operator of a structure fails, neglects or refuses to comply with a notice to demolish such structure, or a part thereof, or a secondary or appurtenant structure, issued in accordance with the provisions of this Code, and when such structure is determined by the Building Inspector to constitute a public nuisance in that it is injurious to the public health, safety or welfare, the Building Inspector may request the City Solicitor to prepare legislation stating such determination and authorizing the Mayor to enter into a contract for the demolition of such structure, or part thereof, or to take such other action as may be necessary to abate the nuisance. The Building Inspector shall further give notice informing the owner, agent or operator of such determination and action.

Section 5. Cases of Emergency. Whenever, in the opinion of the Building Inspector, the condition of a structure or premises, or part thereof, constitutes an immediate hazard to human life or health, he shall declare a case of emergency and shall order immediate vacation of the structure or premises, or part thereof.

Section 6. Placards. Whenever the Building Inspector orders a structure or premises, or part thereof, to be vacated, he shall cause to be posted at each entrance to such structure or premises, or part thereof, a placard ordering such vacation. No person shall deface or remove such placard, until the repairs or demolition are completed, without permission of the Building Inspector. No person shall enter or use any structure or premises so placarded except for the purpose of making the required repairs or demolishing the structure or premises.

Section 7. Expenses and Costs. Any expenses or costs incurred under the provisions for demolition contained in this Code shall be paid by the owner of the structure or premises.

If said expenses and costs of demolition are not paid by the owner of the structure or premises within thirty (30) days after written notice from the City to do so, said expense and cost shall be recovered by an action at law or may be assessed against the lands of the owner and shall become a lien thereon, and shall be collected in the manner provided by law for assessments.

Section 8. The Board of Zoning Appeals. The Board of Zoning Appeals, as established by ordinance, shall be the board of appeals for this ordinance.

Section 9. Rules and Regulations - Existing Codes. The Building Inspector is hereby authorized to adopt such written rules and regulations as may be necessary for the proper interpretation and enforcement of this Code. Such rules and regulations shall be submitted to the Board of Zoning Appeals for approval and no such rules or regulation shall be adopted without such approval.

Such rules and regulations, upon adoption by the Board of Zoning Appeals, shall be on file with the Building Inspector for public examination.

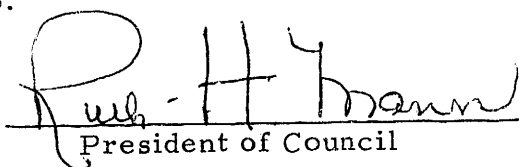
Section 10. Penalty. Whoever violates any provision of this Code or any rule or regulation promulgated thereunder or fails to comply therewith or with any written notice of written order issued thereunder, or whoever interferes with, obstructs, or hinders the Building Inspector, other city department heads

or their representatives, while attempting to make an inspection pursuant to this Code, shall be punished by a fine of any sum not to exceed One Hundred (\$100.00) Dollars. Each day such violation occurs or continues shall constitute a separate offense.

Section 11. Other Legal Action. The imposition of any penalty shall not preclude the City Solicitor from instituting an appropriate action or proceeding in a court of proper jurisdiction to prevent an unlawful repair or maintenance; or to restrain, correct, or abate a violation, or to prevent the occupancy of a building, structure, or premises, or to require compliance with the provisions of this Code, or other applicable laws, ordinances, rules or regulations, or the orders or determinations of the Building Inspector or the Board of Zoning Appeals.

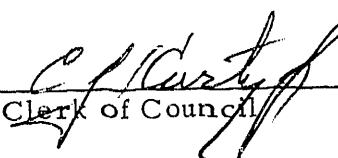
Section 12. This ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed: November 13th, 1973.



President of Council

Attest:



Clerk of Council

Approved: November 13th, 1973



MAYOR

First reading - October 9, 1973

Second reading - October 23, 1973

Third reading - November 13, 1973

Effective December 14, 1973

*posted
11-14-73*