

AN ORDINANCE
**AMENDING CODIFIED ORDINANCE SECTION 1344.04 REGARDING BASIC
STANDARDS FOR RESIDENTIAL AND COMMERCIAL BUILDING,**

BE IT ORDAINED by the Council of the City of Bay Village, Ohio:

SECTION 1. That Codified Ordinance 1344.04 which presently reads as follows:

“1344.04 BASIC STANDARDS FOR RESIDENTIAL AND COMMERCIAL BUILDING
OCCUPANCY.

~~(a) *Compliance with Occupancy Restrictions.* No owner, operator or agent shall maintain, rent, lease or offer for rental or lease and no person shall occupy any dwelling, dwelling unit, apartment house or commercial building, or any part thereof, which does not comply with the provisions of this chapter.~~

~~(b) *Finished Livable Floor Area.*~~

~~(1) *Defined.* “Finished livable floor area” means the sum of the floor area completed for year-around use.~~

~~(2) *Standards.* No floor area in any dwelling or dwelling unit or part thereof shall be considered as constituting “finished livable floor area” unless such floor area meets at least the following minimum standards:~~

~~A. *In a one-floor dwelling, or in the first floor area of any other dwelling unit, the clear ceiling height shall be seven feet.*~~

~~B. *Finished livable floor area of the half-story of a one and one-half story dwelling shall be the floor area enclosed within the inner face of walls having a minimum height of five feet.*~~

~~C. *Every dwelling unit shall contain at least 150 square feet of finished livable floor area for the first occupant thereof and at least 100 additional square feet of finished livable floor area for every additional occupant thereof, but in no case shall any dwelling unit contain less than the minimum number of square feet of finished livable floor area as required by City ordinance. Every dwelling shall contain at least 70 sq. ft. of bedroom area for the first occupant and at least 50 additional sq. ft. of bedroom area for every additional occupant thereof. Access to a bedroom shall not be through a bedroom and/or through a bathroom.*~~

~~D. *In no case shall any dwelling contain less than 600 square feet of finished livable floor area.*~~

~~(b) *Habitable Rooms Below Grade.* No room which has its floor below grade level shall be occupied as a habitable room unless it shall conform to all of the following standards in addition to all other requirements of this chapter for habitable rooms:~~

~~(1) *The rooms shall have been originally designed and constructed or legally converted to use as a habitable room.*~~

~~(2) *The walls and floor enclosing the room shall be maintained in such condition as to prevent the seepage or leakage of water into the room.*~~

~~(3) *All required openings for light and ventilation shall be located entirely above the adjoining grade level, provided, however, that such openings may face upon an areaway or window well where the width of such well, measured perpendicularly to the building wall at such opening, is not less than the distance from the bottom of the window to the finished grade at such window.*~~

~~(4) *The height of the finished ceiling of such room above the average adjoining ground level shall be more than fifty percent of the clear ceiling height of the room.*~~

~~(d) **Required Window Area.** Every habitable room shall be provided with two or more exits, being either two doors or one door and one or more windows deemed to face directly to the outdoors without facing a light-obstructing structure located less than three feet from the window. The aggregate glass area of such required windows shall be not less than eight percent of the habitable floor area of the room served by them.~~

~~(e) **Required Ventilation Area.** Every habitable room shall be provided with natural ventilation by one or more openable windows, two or more doors or approved equivalent. The aggregate openable area of such ventilation openings shall be not less than four percent of the finished livable floor area of the room served by them.~~

~~(f) **Kitchens, Bathrooms and Water-Closet Compartments.** Every kitchen, bathroom and water-closet compartment shall be provided with natural light and ventilation. However, where an approved exhaust ventilation system and approved artificial light is installed, no natural light or ventilation shall be required.~~

~~(g) **Required Dwelling Unit Facilities.**~~

~~(1) — Every dwelling unit shall contain no fewer than the following sanitary facilities in operating condition within a room or rooms which shall afford privacy to any occupant thereof:~~

~~A. A water-closet.~~

~~B. A bathtub or shower.~~

~~C. A lavatory.~~

~~(2) Every dwelling unit shall be provided with one complete kitchen or kitchenette with approved cooking, refrigeration and sink facilities. No such kitchen facilities shall be placed within any water-closet compartment or within any bathroom.~~

~~(3) All such facilities shall have floor covering installed that are impervious to water and can be easily cleaned.~~

(h) Connection of Fixtures.

(1) All plumbing fixtures in a dwelling structure shall be supplied with running water from the City water supply system where available.

(2) Every dwelling unit shall have an approved supply of running hot water properly connected to all plumbing fixtures normally requiring hot water.

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

(4) All plumbing fixtures in a dwelling structure shall be connected to a public sanitary sewer or an approved septic tank when a public sanitary sewer is not available.

(i) Rubbish and Garbage Disposal.

(1) Every occupant of a dwelling unit shall dispose of all his rubbish in a clean and sanitary manner by placing it in approved receptacles or in other approved rubbish disposal facilities.

(2) Every occupant of a dwelling unit shall dispose of all his garbage and other organic waste, which might provide food for insects and rodents, in a clean and sanitary manner by placing it in approved non-leakable, non-absorbent, covered garbage storage receptacles or in other approved garbage disposal facilities. Such facilities shall not be placed where they are visible from a public right-of-way.

~~(j) **Heating Capacity.** Every dwelling unit shall be provided with approved heating facilities capable of maintaining an average temperature of seventy degrees Fahrenheit in all habitable rooms, kitchens, bathrooms and water-closet compartments when the outdoor temperature~~

~~falls below 65 degrees Fahrenheit, without forcing the facilities to operate in excess of their design capacity.~~

~~(k) **Flue Connections Required.** Every appliance or piece of equipment burning solid, liquid or gaseous fuel, where permitted, shall be connected to an approved smoke pipe and flue, provided however, that any appliance approved for use without such connections is exempted from the requirements of this subsection.~~

~~(l) **Prohibited Locations of Heating Equipment.** No water heaters which burn solid, liquid or gaseous fuel shall be located in any bedroom or any room used for sleeping purposes.~~

~~(m) **Electrical Facilities Required.** Every dwelling structure shall be provided with approved electrical service, outlets and fixtures, which shall be installed and maintained so as to be free of any potential source of ignition of combustible material or any potential source of electrical hazard. Such facilities shall be approved as being adequate to supply the requirements of lighting, appliances and equipment of the structure concerned. Each habitable room shall contain a switched light fixture and at least one separate receptacle outlet. Exterior light fixtures shall be sized, installed and directed so as not to crea~~

(n) Maintenance.

(1) Responsibilities. The owner and/or occupant of every apartment house, and rental dwelling or his appointed agent or agents, shall be responsible for maintaining in a clean and sanitary condition the shared or common areas of the premises. The owner or his appointed agent and the occupant therein shall also be held responsible for the maintenance, in a clean and sanitary condition, of each of the dwelling units.

(2) General requirements.

- A. All structures and all parts thereof, both exterior and interior, shall be maintained in good repair.
- B. All equipment and facilities accessory to a structure or dwelling unit shall be maintained in good and safe working order.

(3) Foundations.

- A. All foundations of every structure shall be maintained structurally sound and in good repair.
- B. All foundations of every structure shall be maintained in such condition as to prevent the seepage or leaking of water within the space enclosed within such foundations.
- C. All openings into the foundations of every structure shall be protected against the entrance of rodents.

(4) Roofs, gutters and downspouts. All roofs of every structure shall be maintained weathertight and shall be equipped with gutters and downspouts, and kept free of accumulation and growth of undesirable vegetation, or debris such as, but not limited to, seasonal leaves, fallen tree branches, vegetation etc.

(5) Exteriors of dwelling and accessory structures.

- A. All exterior parts of every structure shall be maintained weathertight and shall be maintained so as to resist decay or deterioration from any cause. This includes exterior walls, parapet walls, chimneys and all other exterior structures, either above or below the roof line.
- B. Any structure or accessory structure whose exterior surface is deteriorated, decaying, disintegrating or in poor repair must be repaired or razed.

C. All buckled, rotted, decayed or deteriorated walls, doors, windows, porches, floors, steps, ceilings, soffits, posts, sills and their missing members must be replaced and put in good condition. All replacement materials must match and conform to the original design or be replaced completely.

D. All exterior wood including pressure treated lumber or exterior unfinished surfaces, excluding those woods approved for use in their natural state, must be sealed and painted or surface-covered with other approved protective coating or treated to prevent rot and decay. All exterior walls and surfaces must be properly protected against the weather where such are defective or lack weather protection.

E. Any structure or accessory structure whose exterior surface is deteriorated, decaying or disintegrating shall be repaired or resurfaced.

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

F. All previously painted, stained or covered surfaces which are cracking, peeling, flaking or are in disrepair due to weathering or discoloration shall be repaired, cleaned and repainted or coated.

(6) Interior walls and floors.

A. All interior walls and floors of every structure shall be maintained free of holes and any loose or deteriorated material, as determined at the time of inspection.

(7) Infestation by pests. All structures and the premises thereof shall be maintained in such a manner as to discourage breeding, harborage and infestation by insects, vermin or rodents.

(8) Exterior property areas. Exterior property areas of all premises shall be kept free of any object, material, condition, or debris such as, but not limited to, seasonal leaves, fallen tree branches, unkempt landscaping and the lack of grass or dying grass, including the excess overgrowth of trees, bushes, shrubbery, hedges, etc., which may create a health, accident or fire hazard or which is a public nuisance or which constitutes a blighting or deteriorating influence on the neighborhood. Driveways, trees and fences shall be maintained so as not to constitute a blighting, deteriorating and/or hazardous effect in the neighborhood.

(9) Accessory structures. All accessory structures such as, but not limited to, sheds, barns, garages, etc., shall either be maintained in good repair and free from health, accident and fire hazards or shall be removed from the premises.

(10) Compost piles. Nothing in this chapter shall be so construed as to prevent persons from creating and maintaining a compost pile or piles as permitted by Health Department regulations provided such materials are not stored in quantities or locations prohibited by any other provision of this Code. All such compost materials shall:

A. Not be visible from the street;

B. Not constitute a public nuisance or nuisance to neighbors;

C. Not create a health or fire hazard;

D. Not be stored in the front or side yards;

E. Be stored at least five feet off the property line;

F. Be permitted if the compost pile or piles are enclosed by a barrier not to exceed four feet in height;

G. Not be in excess of one percent (1%) of the square footage of the lot or seventy-five feet, whichever is less; and

H. Not impede any natural watercourse or drainage runoff from property or any adjoining property.

~~(e) — Access and Egress. Every dwelling unit shall be provided with direct and approved means of access and egress to the outside of the dwelling structure without passing through any part of any other dwelling unit. (Ord. 07-34. Passed 4-26-07.)~~

be and the same is hereby amended to read:

“1344.04 BASIC STANDARDS FOR RESIDENTIAL AND COMMERCIAL BUILDING OCCUPANCY

(a) Connection of Fixtures.

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(b) Rubbish and Garbage Disposal.

- (1) Every occupant of a dwelling unit shall dispose of all his rubbish in a clean and sanitary manner by placing it in approved receptacles or in other approved rubbish disposal facilities.
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- E. Be stored at least five feet off the property line;
- F. Be permitted if the compost pile or piles are enclosed by a barrier not to exceed four feet in height;
- G. Not be in excess of one percent (1%) of the square footage of the lot or seventy-five feet, whichever is less; and
- H. Not impede any natural watercourse or drainage runoff from property or any adjoining property.”

and present Section 1344.04 is hereby repealed.

SECTION 2. That this Council finds and determines that all formal actions of

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this Council concerning and relating to the passage of this ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and of any committee that resulted in those formal actions were in meetings open to the public in compliance with law.

SECTION 3. That this ordinance shall be in full force and take effect at the earliest time permitted by law.

PASSED:

PRESIDENT OF COUNCIL

CLERK

APPROVED:

MAYOR

7/26/13 jc