

CODIFIED ORDINANCES OF TROTWOOD

PART THIRTEEN - BUILDING CODE

TITLE ONE - Technical Codes Adopted

Chap. 1301. Ohio Building Code.

Chap. 1305. Ohio Residential Code for One, Two and Three Family Dwellings.

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CODIFIED ORDINANCES OF TROTWOOD

PART THIRTEEN - BUILDING CODE

TITLE ONE - Technical Code Adopted

Chap. 1301. Ohio Building Code.

Chap. 1305. Ohio Residential Code for One, Two and Three Family Dwellings.

CHAPTER 1301 Ohio Building Code

<p>1301.01 Adoption.</p> <p>1301.02 Purpose.</p> <p>1301.03 Scope.</p> <p>1301.04 Compliance.</p> <p>1301.05 Existing structures.</p>	<p>1301.06 Violations.</p> <p>1301.07 Stop work order.</p> <p>1301.08 Conflict.</p> <p>1301.09 Enforcement.</p> <p>1301.99 Penalty.</p>
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CROSS REFERENCES

See sectional histories for similar State law

Removal of unsafe structures - see Ohio R.C. 715.26(B), 715.261

Power to enact further and additional regulations - see Ohio R.C. 3781.01

Authorization by Board of Building Standards - see Ohio R.C. 3781.12

Enforcement - see Ohio R.C. 3781.03, 3781.031, 3781.10(E), 3781.102, 3781.19

Final jurisdiction - see Ohio R.C. 3781.04

Application - see Ohio R.C. 3781.06, 3781.10(E), 3781.11(A)

Submission of plans - see Ohio R.C. 3791.04

Dead bolt locks in apartment buildings - see Ohio R.C. 3781.103

Smoke detection system for apartments and condominiums - see Ohio R.C. 3781.104

Automatic sprinkler systems - see Ohio R.C. 3781.105, 3791.041 et seq.

Fire suppression systems - see Ohio R.C. 3781.108

Use of public buildings by handicapped persons - see Ohio R.C. 3781.111

Energy conservation - see Ohio R.C. 3781.181, 3781.182, 3781.21

Abandoned service stations - see Ohio R.C. 3791.11 et seq.

Safety standards for refuse containers - see Ohio R.C. 3791.21

1301.01 ADOPTION.

There is hereby adopted by the Municipality, the Ohio Building Code (OBC) and related codes as adopted by the Ohio Board of Building Standards, Department of Industrial Relations, effective January 1, 2002, and as identified and published in Division 4101:1 et seq. of the Ohio Administrative Code (OAC).

1301.02 PURPOSE.

The purpose of the Ohio Building Code is to establish uniform minimum requirements for the erection, construction, repair, alteration, and maintenance of buildings, including construction of industrialized units. Such requirements shall relate to the conservation of energy, safety, and sanitation of buildings for their intended use and occupancy with consideration for the following:

- (a) Performance. Establish such requirements, in terms of performance objectives for the use intended.
- (b) Extent of Use. Permit to the fullest extent feasible, the use of materials and technical methods, devices, and improvements which tend to reduce the cost of construction without affecting minimum requirements for the health, safety, and security of the occupants of buildings without preferential treatment of types or classes of materials or products or methods of construction.
- (c) Standardization. To encourage, so far as may be practicable, the standardization of construction practices, methods, equipment, material and techniques, including methods employed to produce industrialized units.

The rules of the Board of Building Standards and proceedings shall be liberally construed in order to promote its purpose. When the Building Official finds that the proposed design is a reasonable interpretation of the provisions of this Code, it shall be approved. Materials, equipment and devices approved by the Building Official pursuant to Section 118 of the Ohio Building Code shall be constructed and installed in accordance with such approval.

(OBC 101.3)

1301.03 SCOPE.

The provisions of the Ohio Building Code shall apply to the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance, removal and demolition of every building or structure or any appurtenances connected or attached to such buildings or structures. No building or its equipment or accessories, to which the rules of the Board of Building Standards apply shall be erected, constructed, or installed, except in conformity with the rules of the Board. Exceptions:

- (a) Detached one-, and two-, and three-family dwellings and structures incidental to those dwellings which are not constructed as industrialized units shall comply with local residential codes, of any, adopted by the authority having jurisdiction. This exception does not include the energy provisions required in "Chapter 13, Energy Efficiency" of the OBC (see Sections 3781.06, 3781.181 and 3781.182 of the Ohio Revised Code);
- (b) Buildings owned by and used for a function of the United States Government;

- (c) Buildings or structures which are incident to the use for agricultural purposes of the land on which said buildings or structures are located, provided such buildings or structures are not used in the business of retail trade; for the purposes of this section, a building or structure is not considered used in the business of retail trade if fifty percent or more of the gross income received from sales of products in the building or structure by the owner or operator is from sales of products produced or raised in a normal crop year on farms owned or operated by the seller. (See Sections 3781.06 and 3781.061 of the Ohio Revised Code);
- (d) Agricultural labor camps;
- (e) Type A or Type B family day-care homes;
- (f) Buildings or structures which are designed, constructed and maintained in accordance with federal standards and regulations and are used primarily for federal and state military purposes where the U.S. Secretary of Defense, pursuant to 10 U.S.C. Sections 18233(a)(1) and 18237, has acquired by purchase, lease, or transfer, and constructs, expands, rehabilitates, or corrects and equips, such buildings or structures as he determines to be necessary to carry out the purposes of Chapter 1803 of the U.S.C.;
- (g) Manufactured homes constructed under "24 CFR Part 3280", "Manufactured Home Construction and Safety Standards".
(OBC 101.2)

1301.04 COMPLIANCE.

(a) No owner or any other person shall construct, erect, build or equip any building or structure to which the Ohio Building Code is applicable, or make any addition thereto or alteration thereof, except in case of repairs for maintenance without affecting the construction, sanitation, safety or other vital feature of such building or structure, without complying with this chapter, Ohio R.C. Chapters 3781 and 3791 or the Ohio Building Code, or fail to comply with any lawful order issued pursuant thereto.
(ORC 3791.01, 3791.02)

(b) No architect, builder, engineer, plumber, carpenter, mason, contractor, subcontractor, foreman or employee shall violate or assist in violating this chapter, Ohio R.C. Chapters 3781 and 3791 or the Ohio Building Code, or fail to comply with any lawful order issued pursuant thereto.
(ORC 3791.01, 3791.03)

(c) No owner or any other person shall proceed with the construction, erection, alteration or equipment of any building or structure to which the Ohio Building Code is applicable without complying with this chapter and the plan and specification submission and processing requirements of the Municipality, and until plans or drawings, specifications and data have been approved, or the industrialized unit has been inspected at the point of origin.
(ORC 3791.04)

1301.05 EXISTING STRUCTURES.

The provisions of Chapter 34 of the Ohio Building Code shall control the alteration, repair, addition, and change of occupancy of any existing structure.

The occupancy of any structure currently existing on the date of adoption of this Code shall be permitted to continue without change provided the alleged occupancy can be shown to have existed for more than two years and there are no orders of the Building Official pending, no evidence of fraud, or no serious safety or sanitation hazard.

Buildings constructed in accordance with plans which have been approved prior to the effective date of this Code are existing buildings.
(OBC 102.6)

1301.06 VIOLATIONS.

(a) Adjudication Orders Required Before Legal Proceedings. Before the Municipality attempts to enforce Chapters 3781 and 3791 of the Ohio Revised Code or any rules adopted pursuant thereto, by any remedy, civil or criminal, it shall issue an adjudication order within the meaning of Sections 119.06 to 119.13 of the Ohio Revised Code or a stop work order as provided in Section 1301.07. Every adjudication order shall:

- (1) Cite the law or rules directly involved and shall specify what appliances, site preparations, additions, or alterations to structures, plans, materials, assemblages or procedures are necessary for the same to comply with Chapters 3781 and 3791 of the Ohio Revised Code.
- (2) Include notice to the party of the procedure for appeal and right to a hearing if requested within thirty days of the mailing of the notice. The notice shall also inform the party that at the hearing he may be represented by counsel, present his arguments or contentions orally or in writing and present evidence and examine witnesses appearing for or against him.

(b) Notice of Violation. The Building Official is authorized to serve a notice of violation or order on the person responsible for the erection, construction, alteration, extension, repair, moving, removal, demolition or occupancy of a building or structure. When the Building Official finds that work or equipment is contrary to approved construction documents and the rules of the Board of Building Standards, the Building Official shall send a notice in writing to the owner of said building or the owner's agent which shall state where and in what respect the work or equipment does not conform to the approved plans for same and the rules of the Board. The notice shall specify a reasonable period of time in which to conform to said plans or the rules of the Board. Before any work may continue on the construction, erection, alteration, or equipment of any building for which the approval is invalid, the owner of the building shall resubmit the plans or drawings and specifications for approval as required under Section 105.3 of the Ohio Building Code.

(c) Prosecution of Violation. Upon the issuance of any order provided for in this section or Section 1301.07, the person receiving an order shall cease work upon the site preparations or structure to be constructed, or in the case of an industrialized unit, the installation of the unit, or shall cease using the appliance, materials, assemblages or manufactured product identified in the order until such time as the appeal provided for in accordance with the provisions of Section 3781.19 of the Ohio Revised Code and all appeals from such hearing have been completed, or the order has been released.

(OBC 113)

1301.07 STOP WORK ORDER.

(a) Authority. Whenever the Building Official finds any work regulated by this Code being performed in a manner contrary to the provisions of this Code or in a dangerous or unsafe manner, the Building Official is authorized to issue a stop work order whenever the Building Official finds, after inspection, that the site preparations or structure to be constructed, or in the case of an industrialized unit, the installation of the unit, or that the use of an appliance, materials, assemblage, or manufactured product does not comply with the provisions of Chapters 3781 and 3791 of the Ohio Revised Code or the rules adopted pursuant thereto. The effect of such an order shall be limited to the matter specified in the order.

(b) Issuance. The stop work order shall be in writing and shall be given to the owner of the property involved, or to the owner's agent and the person doing the work. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order, and the conditions under which the cited work will be permitted to resume.

(c) Unlawful Continuance. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition. Failure to cease work after receipt of a stop work order is hereby declared a public nuisance.

(OBC 114)

1301.08 CONFLICT.

(a) General. Where, in any specific case, different sections of the Ohio Building Code specify different materials, methods of construction or other requirements, the most restrictive shall govern. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.

(b) Other Laws. The provisions of the Ohio Building Code shall not be deemed to nullify any provisions of state or federal law. The Municipality, under Section 3781.01 of the Ohio Revised Code, may make further and additional regulations, not in conflict with Chapters 3781 and 3791 of the Ohio Revised Code or with the rules of the Board of Building Standards. However, under Section 3781.12 of the Ohio Revised Code, approval by the Board of Building Standards of any fixture, device, material, system, assembly or product of a manufacturing process, or method or manner of construction or installation shall constitute approval for their use anywhere in Ohio. The rules of the Board of Building Standards shall supersede and govern any order, standard, or rule of the Division of the Fire Marshal or Industrial Compliance in the Department of Commerce, and Department of Health and of counties and townships, in all cases where such orders, standards or rules are in conflict with the rules of the Board of Building Standards, except that rules adopted and orders issued by the Fire Marshal pursuant to Chapter 3743, of the Ohio Revised Code prevail in the event of a conflict.

(OBC 102)

1301.09 ENFORCEMENT.

(a) General. The Building Official shall enforce provisions of the rules of the Board of Building Standards and of Chapters 3781 and 3791 of the Ohio Revised Code, relating to construction, arrangement, and the erection of buildings or parts thereof as defined in the rules of the Board in accordance with the certification except as follows:

- (1) Fire. The Fire Marshal or Fire Chief shall enforce all provisions of the rules of the Board relating to fire prevention.
- (2) Health. The Department of Health, or the Boards of Health, the Division of Industrial Compliance of the Department of Commerce, or the municipal Department of Building Inspection shall enforce such provisions relating to sanitary construction.
- (3) Engineering. The Department of the City Engineer, in cities having such departments, has complete supervision and regulation of the entire sewerage and drainage system of the City, including the house drain and the house sewer and all laterals draining into the street sewers. The department shall have control and supervision of the installation and construction of all drains and sewers that become a part of the sewerage system of the City and shall issue all the necessary permits and licenses for the construction and installation of all house drains and house sewers and of all other lateral drains that empty into the main sewers. Such Department shall keep a permanent record of the installation and location of every drain and sewerage system of the City.
- (4) No officer exempted. This section does not exempt any officer or department from the obligation of enforcing any provision of the rules of the Board.
- (5) Interpretations. The Building Official shall have the authority to render interpretations of the Ohio Building Code and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be in compliance with the intent and purpose of this Code.

(b) Applications and Approvals. The Building Official shall receive applications, require the review of submitted construction documents and issue plan approvals for the erection, and alteration, demolition and moving of buildings and structures, inspect the premises for which such approvals have been issued and enforce compliance with the provisions of this Code.

(c) Notices and Orders. The Building Official shall issue all necessary notices or orders to ensure compliance with this Code. When the Building Official finds that work or equipment is contrary to approved plans therefor and the rules of the Board, the Building Official shall send a notice in writing to the owner of said building or the owner's agent. The notice shall state where and in what respect the work or equipment does not conform to the approved plans for same and the rules of the Board, and specify a reasonable period of time in which to conform to said plans or the rules of the Board.

(d) Inspections. If the plans for the erection, construction, repair, alteration, relocating, or equipment of a building are subject to inspection by the Building Official, under Section 109 of the Ohio Building Code, the Building Official shall cause to be made such inspections, investigations, and determinations as are necessary to determine whether or not the work which has been performed and the installations which have been made are in conformity with the approved plans and to safety and sanitation, except special inspections required under Section 1704 of the Ohio Building Code.

(e) Identification. The Building Department personnel shall show, when requested, proper identification when entering structures or premises in the performance of duties under this Code.

(f) Right of Entry. The Building Official, or Building Official's designee, is authorized to enter a structure or premises at reasonable times to inspect or to perform the duties imposed by this Code, provided that credentials are presented to the occupant and that entry is requested and obtained. Where permission to enter has not been obtained, is denied, or the Building Official has probable cause to believe that there exists in a structure or upon a premises a condition which is a serious hazard the Building Official shall have recourse to the remedies provided by law to secure entry.

(g) Department Records. The Building Official shall keep official records of applications received, certificate of plan approval issued, notices and orders issued, certificate of occupancy, and other such records required by the rules of the Board of Building Standards. Such information shall be retained in the official permanent record for each project. One set of approved construction documents shall be retained by the Building Official for a period of not less than one hundred eighty days from date of completion of the permitted work, or as required by document retention regulations.

(h) Liability. Liability of certified Building Department personnel for any tortuous act will be determined by Ohio courts to the applicable provisions of Chapter 2744 of the Ohio Revised Code.
(OBC 104)

1301.99 PENALTY.

Whoever violates any provision of this chapter or any Code adopted herein or fails to comply with any lawful order issued pursuant thereto 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. Each day during which noncompliance or a violation continues shall constitute a separate offense. The Municipality may institute injunction proceedings in Common Pleas Court to abate the nuisance of failure to cease work after receipt of a stop work order as referred to in Section 1301.07.

CHAPTER 1305
Ohio Residential Code for One, Two and Three Family Dwellings

1305.01	Adoption.	1305.03	Conflict.
1305.02	File and distribution copies.	1305.99	Violations and penalty.

CROSS REFERENCES

Adoption by reference - see Ohio R.C. 731.231
State to enforce industrialized unit regulations - see
Ohio R.C. 3781.06, 3781.10
State to establish energy standards for one, two and
three-family dwellings - see Ohio R.C. 3781.181

1305.01 ADOPTION.

There is hereby adopted and incorporated by reference as if set out at length herein for the purpose of establishing rules and regulations for the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of building, mechanical, plumbing and electrical systems and providing for the issuance of permits and collection of fees therefor, that certain code known as the Ohio Residential Code, One, Two and Three Family Dwellings, 1999 Edition published by the International Code Council, Inc. (Ord. 17-01. Passed 4-2-01.)

1305.02 FILE AND DISTRIBUTION COPIES.

Copies of the Ohio Residential Code, One, Two and Three Family Dwellings, 1999 Edition adopted herein shall be placed on file with the Office of Building Administration which shall keep copies available for distribution to the public at cost. (Ord. 17-01. Passed 4-2-01.)

1305.03 CONFLICT.

Except as otherwise specifically provided for herein, in all other cases of conflict between the Ohio Residential Code, One, Two and Three Family Dwellings, 1999 Edition and any other municipal ordinance or technical code adopted thereby, the more restrictive provision shall govern. (Ord. 17-01. Passed 4-2-01.)

1305.99 VIOLATIONS AND PENALTY.

No person, firm or corporation, whether as owner, lessee, sub-lessee, or occupant shall erect, construct, enlarge, alter, repair, improve, remove, convert, demolish, equip, use, occupy or maintain any one, two or three-family dwelling in the Municipality or cause or permit the same to be done, contrary to or in violation of any provision of this Code.

Whoever violates any provision of the Code adopted herein or fails to comply with any lawful order issued pursuant thereto is guilty of a misdemeanor of the third degree. Each day during which noncompliance or a violation continues shall constitute a separate offense. The Municipality may institute injunction proceedings in Common Pleas Court to abate the nuisance of any violation or failure to cease work after receipt of a stop work order.
(Ord. 17-01. Passed 4-2-01.)

TITLE THREE - Building Administration
Chap. 1311. Permits and Fees.
Chap. 1313. Registration for Closing or Vacancy of
Commercial Buildings.

CHAPTER 1311
Permits and Fees

1311.01 Building permit fees.

CROSS REFERENCES

Zoning permits - see P. & Z. Ch. 1125
OBBC plan examination and inspection fees - see OAC 4101:2-1-21

1311.01 BUILDING PERMIT FEES.

(a) Fees Based On Cost; Cost Determination. Where fees for permits are determined on the basis of cost work to be done, an initial cost estimate of the work shall be submitted by the applicant on the permit application. The Building Inspector/Code Enforcement Officer may require the applicant to substantiate the initial cost estimate with the evidence, information, or records as may be necessary to reasonably and accurately establish a valuation. In the absence of substantiation which is reasonably acceptable to the Building Inspector/Code Enforcement Officer, he shall determine, compute, or estimate a valuation in accordance with generally accepted methods of estimating and may, for such purpose refer to other valuations submitted for comparable work involved.

(b) Notification to County Auditor. When the Building Inspector/Code Enforcement Officer issues a permit for the wrecking or moving of any building or structure, or where the estimated cost of work to be done, whether for new construction, extension, alteration, or repair, would substantially affect the taxable value, he shall notify the County Auditor so that appropriate adjustments may be reflected on the County tax duplicate.

(c) Building Construction, Alteration, or Repair Permits. Fees for permits for the construction, extension, alteration, or repair of any building or structure shall conform to the following schedule:

\$30.00 plan review fee
+ \$.30 per square foot.

(d) Fee for Commencing Work Prior to Permit Issuance.

- (1) Where a permit is required for a particular type of work and the work is commenced on a project before taking out a permit, the Building Inspector/Code Enforcement Officer shall ascertain whether the work performed prior to the permit date and inspection conforms to the Building Code requirements as prescribed. In order to ascertain that the materials required and standards of the Code are met some portions or all of the completed work may be required to be removed, dismantled, uncovered, or exposed. The individual, firm, or corporation responsible shall bear all costs incurred.
- (2) The fee for making such necessary investigations prior to issuance of a permit shall be equal to the fee for the permit and shall be in addition thereto, but in no event shall such investigation fee exceed one hundred dollars (\$100.00). The payment of the fee shall not relieve any person from fully complying with Building Code requirements in the execution of the work, nor from any penalty prescribed.

(e) Fee for Special and Safety Inspections. When any person desires an inspection of any existing building or part thereof, or other special services, a fee of fifty dollars (\$50.00) shall be charged for such inspection or services.

(f) Fee for Reinspection. Permit fees provided for customary reinspections only. Where additional inspections or trips are made necessary by incomplete or faulty work or because of an incorrect address given or failure to keep an appointment, or for similar reasons, a fee of twenty-five dollars (\$25.00) shall be charged for each reinspection.

(g) Wrecking Permits. A property owner shall be responsible for obtaining a wrecking permit from the City. The permit will be issued upon submission of proof that all utilities have been properly disconnected. A separate permit may be required for each separate building or structure. The minimum charge for any one wrecking permit shall be twenty-five dollars (\$25.00).

(h) Moving Building Permits. There shall be no fee assessed for the moving of any structure. A permit must be issued for the footer and foundation work on the site that the structure is moved. Anyone moving a structure must receive all permits prescribed by the City Traffic Code.

(i) Heating, Ventilating, and Air Conditioning Systems. Mechanical permits shall be required on any extension, alteration, addition, or repair of equipment in excess of three hundred dollars (\$300.00). Minor repairs or maintenance will be exempt from permits and inspections. The permit fee shall be sixty dollars (\$60.00).

(j) Certificate of Occupancy. No developer, builder, owner or occupant shall occupy or permit to allow the occupancy of any structure hereinafter built without first obtaining a certificate of occupancy therefor from the Chief Building Inspector. The fee for an occupancy permit shall be thirty dollars (\$30.00)

(k) Gas Piping. A mechanical permit shall be required for the installation of gas piping. The permit fee shall be sixty dollars (\$60.00).

(l) Inground Swimming Pools. A permit shall be required for the installation of an inground swimming pool. The permit fee shall be twenty-five dollars (\$25.00). (Ord. 5-04. Passed 2-16-04.)

CHAPTER 1313
Registration for Closing or
Vacancy of Commercial Buildings

1313.01	Purpose.	1313.04	Appeals.
1313.02	Definitions.	1313.05	Change of ownership.
1313.03	Registration of vacant buildings; notice of closing or vacancy.	1313.06	Inspection.
		1313.99	Penalty.

1313.01 PURPOSE.

It is the purpose of this chapter to establish a registration and notice procedure for commercial buildings and structures which are anticipated to be vacated by reason of business closing or tenants and businesses leaving premises, and requiring the owner to implement a notice and maintenance plan for such buildings to remedy and prevent any public nuisance, prevent deterioration, unsightly blight and consequent adverse impact on the value of nearby properties. (Ord. 14-03. Passed 6-16-03.)

1313.02 DEFINITIONS.

The following definitions shall apply to this chapter:

- (a) "Code Official" means the official who is charged by the City with the administration and enforcement of the Building Code and this chapter or any duly authorized representative.
- (b) "Owner" means any person who alone or jointly or severally with others, shall have the legal or equitable title to a property and shall include executors, administrators, trustees or guardians of the estate of the owner, and any purchaser or assignee under a certificate of sale pursuant to a mortgage foreclosure. "Owner" shall also include partnerships and corporations and other unincorporated associations. Any individual "owner", regardless of whether he/she shares ownership responsibility with other persons, any general partner of a partnership, and any offices of a corporation or unincorporated association shall have direct and personal responsibility and liability for compliance with the provision of this chapter.

- (c) “Vacant building” means any commercial structure that is:
- (1) Empty or
 - (2) Not occupied on a regular basis by an occupant or
 - (3) Not used by any person on a regular basis for the usual and customary purposes for which the building is designed or lawfully permitted.
- (Ord. 14-03. Passed 6-16-03.)

1313.03 REGISTRATION OF VACANT BUILDINGS; NOTICE OF CLOSING OR VACANCY.

(a) All buildings presently located within the City which are “vacant buildings” shall be registered by the owner thereof within thirty days after the effective date of this section. All buildings which hereafter become vacant shall be registered by the owner within thirty days from the date they become vacant. Written notice shall be given to the Code Official by the owner of such building and the owner shall register such building with the Code Official as required hereinafter, and provide such information and documentation as may be required by the Building Official.

- (b) The owner registering the closure and vacancy of a building or structure shall supply the following information to the Building Official at the time of registration:
- (1) Name, address and telephone number of owner.
 - (2) Name, address and telephone number of any local agent or representative.
 - (3) Name, address and telephone number of all persons with any legal interest in the property, building and premises.
 - (4) Legal description and tax parcel identification number(s) of the premises on which the building or structure is situate.
 - (5) The date on which the building has or will become vacant.
 - (6) The address of the building.

The vacant building or structure registration shall be filed with the Building Official accompanied with a filing fee of seventy-five dollars (\$75.00).

Registration of a vacant building or structure shall be valid for a period of six months. If the building is vacant at the expiration of any registration period, then the owner shall reregister such building and pay another filing fee.

(c) The registration of a building vacancy shall not preclude action by the City to demolish or force rehabilitation of the building pursuant to other provisions of the Building Code or other statute or ordinance.

(d) When a building or structure is registered as required herein, the owner or agent shall submit a vacant building plan. The plan shall contain, as a minimum, the following:

A plan of action to maintain the building and premises thereof in conformance with all laws and ordinances of the City and State including, but not limited to, the following requirements:

- (1) The interior of the building, to include any garage area, shall be clean and free of debris;
- (2) The grounds of the premises shall be kept free of weeds and debris and the grass shall be mowed during spring, summer and fall months;
- (3) No junk cars shall be parked on the premises;

- (4) All windows and doors on the ground floor area, including basement and garage shall be boarded up and seamed with minimum one-half inch sheathing grade plywood, applied in a neat and orderly manner, cut to the size of the opening and painted to match the building or trim;
- (5) A plan for fire alarm and fire protection shall be established and approved by this Fire Department; and
- (6) Evidence of liability and casualty insurance applicable to the property shall be provided.

(e) The plan required in subsection (d) hereof shall be reviewed and approved by the Building Official and implemented and completed within sixty days of the date that the building is registered under this chapter.

(f) Failure to comply with the approved plan shall constitute a violation of this section, subjecting the owner of the building to penalties as provided in this chapter.
(Ord. 14-03. Passed 6-16-03.)

1313.04 APPEALS.

In any case where the Building Official shall fail to approve the plan required in subsection (d), the owner may appeal said decision to the Property Maintenance Appeals Board in the manner and within the time limitations provided for appeals in Section 1341.16 of the Building Code. The decision of the Property Maintenance Appeal Board shall be final.
(Ord. 14-03. Passed 6-16-03.)

1313.05 CHANGE OF OWNERSHIP.

The vacant building plan shall remain in effect notwithstanding a change of ownership. The new owner is required to file a new registration with the Building Official. Registration of a new owner shall not require an additional filing fee.
(Ord. 14-03. Passed 6-16-03.)

1313.06 INSPECTION.

Upon registration of any building pursuant to this chapter, the Building Official shall ask the owner for permission to inspect the premises to determine the condition of such building and premises and whether there exists any fire, safety, health or other hazards upon the premises in need of attention as part of the building plan. If permission is granted, the Building Official accompanied by the owner or his/her agent shall conduct the inspection. In any case where the Building Official has reasonable cause to believe that the condition of the building is in violation of any statute or ordinance or constitutes a common law nuisance, the Building Official with the assistance of the Law Director shall seek a search warrant from a court of competent jurisdiction.
(Ord. 14-03. Passed 6-16-03.)

1313.99 PENALTY.

Whoever violates any provision 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.
(Ord. 14-03. Passed 6-16-03.)

TITLE FIVE - Property Maintenance Code

- Chap. 1341. Administration and Enforcement.
- Chap. 1343. Definitions.
- Chap. 1345. Environmental Requirements.
- Chap. 1347. Light Ventilation and Space.
- Chap. 1349. Plumbing Facilities and Fixtures.
- Chap. 1351. Mechanical and Electrical Requirements.
- Chap. 1353. Fire Safety.
- Chap. 1355. Responsibilities of Persons.
- Chap. 1357. Nuisances.

**CHAPTER 1341
Administration and Enforcement**

1341.01	Title.	1341.12	Condemnation; vacant structures.
1341.02	Scope.	1341.13	Notices, orders and citations.
1341.03	Intent.	1341.14	Placarding.
1341.04	Other regulations.	1341.15	Emergency orders.
1341.05	Application of Building Code.	1341.16	Right to appeal; Appeals Board.
1341.06	Existing remedies.	1341.17	Demolition.
1341.07	Validity.	1341.18	Abatement of garbage, trash and other debris.
1341.08	Saving clause.	1341.99	Violations and penalty.
1341.09	Existing structures.		
1341.10	Enforcement authority.		
1341.11	Duties and power of Code Official.		

CROSS REFERENCES

- Removal of unsafe structures - see Ohio R.C. 715.26 et seq.
- Appeals of administrative orders - see Ohio R.C. Ch. 2506

1341.01 TITLE.

Title Five of the Trotwood Building Code shall be known as the Property Maintenance Code of the City of Trotwood, and shall hereafter be referred to as the Property Maintenance Code or "this Code".

(Ord. 10-87. Passed 4-6-87.)

1341.02 SCOPE.

This Code is intended to protect the public health, safety and welfare in all existing structures, residential as well as nonresidential, and on all existing premises as hereinafter provided, by:

- (a) Establishing minimum maintenance standards for all structures and premises for basic equipment and facilities for light, ventilation, space heating and sanitation; for safety from fire; for space, use, and location; and for safe and sanitary maintenance of all structures and premises now in existence;
- (b) Fixing the responsibilities of owners, operators and occupants of all structures; and
- (c) Providing for administration, enforcement and penalties.
(Ord. 10-87. Passed 4-6-87.)

1341.03 INTENT.

This Code shall be construed liberally and justly to insure the public health, safety and general welfare insofar as they are affected by the maintenance of structures and premises.
(Ord. 10-87. Passed 4-6-87.)

1341.04 OTHER REGULATIONS.

The provisions in this Code shall not be construed to prevent the enforcement of other ordinances or regulations which prescribe standards other than are provided herein.
(Ord. 10-87. Passed 4-6-87.)

1341.05 APPLICATION OF BUILDING CODE.

Any repairs or alterations to a structure, or changes of use therein, which may be caused directly or indirectly by the enforcement of this Code shall be done in accordance with the procedures and provisions of the applicable building code.
(Ord. 10-87. Passed 4-6-87.)

1341.06 EXISTING REMEDIES.

The provisions in this Code shall not be deemed to abolish or impair existing remedies of the City or its officers or agencies relating to the removal or demolition of any buildings which are deemed to be dangerous, unsafe or unsanitary.
(Ord. 10-87. Passed 4-6-87.)

1341.07 VALIDITY.

If any section, subsection, paragraph, sentence, clause or phrase of this Code shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this Code which shall continue in full force and effect, and, to this end, the provisions of this Code are hereby declared to be severable.
(Ord. 10-87. Passed 4-6-87.)

1341.08 SAVING CLAUSE.

This Code shall not affect violations of any other ordinance, code, or regulation existing prior to the effective date hereof. Further, any such violation shall be governed and shall continue to be punishable to the full extent of the law under the provisions of those ordinances, codes or regulations in effect at the time of violation was committed.
(Ord. 10-87. Passed 4-6-87.)

1341.09 EXISTING STRUCTURES.

This Code establishes minimum requirements for the initial and continued occupancy and use of all structures and premises and does not replace or modify requirements otherwise established by ordinance which may be additional or more stringent for the construction, repair, alteration, or use of structures, equipment or facilities.
(Ord. 10-87. Passed 4-6-87.)

1341.10 ENFORCEMENT AUTHORITY.

(a) Officer. It shall be the duty and responsibility of the Code Official to enforce the provisions of this Code as herein provided.

(b) Relief from Personal Liability. Any Code Official, officer or employee who acts in good faith and without malice in the discharge of his duties of enforcement of this Code is relieved of all personal liability for any damage that may accrue to persons or property as a result of such acts or alleged failure to act. Further, he shall not be held liable for any costs in any action, suit or proceeding that may be instituted by him in the enforcement of this Code.

(c) Official Records. An official record shall be kept of all business and activities of the department specified in the provisions of this Code, and, all such records shall be open to public inspection at all appropriate times and under reasonable regulations established by the Code Official to maintain the integrity and security of such records.
(Ord. 10-87. Passed 4-6-87.)

1341.11 DUTIES AND POWER OF CODE OFFICIAL.

(a) General. The Code Official shall enforce all the provisions of this Code relative to the maintenance of structures and premises, except as may otherwise be specifically provided for by other regulations.

(b) Notices, Orders and Citations. The Code Official shall issue all necessary notices, orders and citations to abate illegal or unsafe conditions to insure compliance with the Code requirements for the safety, health and general welfare of the public.

(c) Inspections. In order to safeguard the safety, health and general welfare of the public, the Code Official is authorized to enter any structure or premises at any reasonable time for the purpose of making inspections and performing his duties under this Code.

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

(e) Access by Owner or Operator. Every occupant of a structure or premises shall give the owner or operator thereof, or his agent or employee, access to any part of such structure or its premises at reasonable times for the purpose of making such inspection, maintenance, repairs or alterations as are necessary to comply with the provisions of this Code.

(f) Credentials. The Code Official or his authorized representative shall disclose proper credentials of his respective office for the purpose of inspecting any and all buildings and premises in the performance of his duties under this Code.

(g) Coordination of Enforcement. Inspection of premises, the issuance of notices, orders, citations and enforcement thereof shall be the responsibility of Code Officials so charged by the City. Whenever, in the opinion of a Code Official initiating an inspection under this Code, it is deemed necessary or desirable to have inspections by any other department, he shall make reasonable effort to arrange for the coordination of such inspections so as to minimize the number of visits by inspectors, and to confer with the other departments for the purpose of eliminating conflicting orders before any are issued. A department shall not, however, delay the issuance of any emergency orders which it determines must be issued.

(h) Annual Report. At least annually, the Code Official shall submit to the Community Development Director or the City Manager a written state of operations in the form and content as shall be prescribed by such authority.
(Ord. 10-87. Passed 4-6-87.)

1341.12 CONDEMNATION; VACANT STRUCTURES.

(a) General. When a structure or part thereof is found by the Code Official to be unsafe, or when a structure or part thereof is found unfit for human occupancy or use, or is found unlawful, it may be condemned pursuant to the provisions of this Code and may be placarded. Such a structure or part thereof shall be vacated within thirty days after notice of such condemnation has been given, and shall not be reoccupied without the approval of the Code Official. In addition, unsafe equipment shall be placarded and placed out of service.

- (1) An unsafe structure is one in which all or part thereof is found to be dangerous to life, health, property or the safety of the public or its occupants because it is so damaged, decayed, dilapidated, structurally unsafe, or of such faulty construction or unstable foundation that it is likely to partially or completely collapse.
- (2) Unsafe equipment includes any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers or other equipment on the premises or within the structure which is in such disrepair or condition that it is found to be a hazard to life, health, property or safety of the public or occupants of the premises or structures. Unsafe equipment may contribute to the finding that the structure is unsafe or unfit for human occupancy or use.
- (3) A structure is unfit for human occupancy or use whenever the Code Official finds that it is unsafe, unlawful or because of the degree in which it lacks maintenance or is in disrepair, is unsanitary, vermin or rodent infested, contains filth and contamination, or lacks ventilation, illumination, sanitary or heating facilities, or other essential equipment required by this Code, or, because its location constitutes a hazard to its occupants or to the public.
- (4) An unlawful structure is one found in whole or in part to be erected, altered or occupied contrary to law.

(b) Closing of Vacant Structures. If a structure or part thereof is vacant and/or unfit for human habitation, occupancy, or use and is not in danger of structural collapse, the Code Official may pose a placard of condemnation on the premise and may order the structure closed up with plywood so as to prevent such structure from becoming a public nuisance. Upon failure of the owner to close up to condemned structure within the time specified in the order, the Code Official shall cause such premises to be closed up with plywood through any available public agency or by contract or arrangement by private persons, and, the cost thereof shall be charged against the real estate upon which the condemned structure is located and shall thereafter become a lien upon such real estate. In addition, any structure which is ordered to be closed up shall have at least one no trespassing sign posted in a prominent place on each of its outside walls, and, shall further be characterized by plywood which has been painted a solid color compatible with the color of the condemned structure.
(Ord. 10-87. Passed 4-6-87.)

1341.13 NOTICES, ORDERS AND CITATIONS.

(a) Notice to Owner or Person or Persons Responsible. Whenever the Code Official determines that there has been a violation of this Code or has reasonable grounds to believe that a violation has occurred, or whenever he has condemned any structure or equipment under the provisions of Section 1341.12, he shall give notice to the owner or the person or persons responsible therefore in the manner prescribed below. If he has condemned the property or part thereof, he shall give notice to the owner and to the occupants of his intent to placard and to vacate the property, or to order equipment out of service.

(b) Form. Such notice prescribed in subsection (a) hereof shall:

- (1) Be in writing;
- (2) Include a description of the real estate sufficient for identification;
- (3) Include a statement of the reason or reasons why it is being issued;
- (4) Include a correction order allowing a reasonable time for the repairs and improvements required to bring the dwelling unit or structure into compliance with the provisions of this Code; and
- (5) Include an explanation of the owner's right to seek modification or withdrawal of the notice by petition to the Property Maintenance Appeals Board. (Ord. 10-87. Passed 4-6-87.)

(c) Service. Such service shall be deemed to be properly served upon such owner and/or tenant if a copy thereof is delivered to him personally; or by posting the notice on the concerned property with the violation in a conspicuous location; or by regular mail addressed to the owner and/or tenant at his last known address.
(Ord. 11-95. Passed 10-2-95.)

(d) Service on Occupant. When a condemnation order is served on an occupant other than the owner or person responsible for such compliance, a reasonable time to vacate the property after noncompliance shall be stated. Owners or persons responsible for compliance shall vacate at the time set for correction of defects if there is a failure of compliance.

(e) Citation Tags. The enforcement officer is authorized and directed to provide citation tags which shall be used for the purpose of giving due notice and summons to the person or persons responsible for violations of this Property Maintenance Code.

- (1) Such citation tags shall be put in writing on an appropriate form, state the nature of the violation, refer to the section or sections of the Code violated, and state the appropriate assessment or penalty therefore.
- (2) Such person or persons, when a citation tag as herein provided is served to him, shall appear at the place or places designated upon such tag and shall pay the assessment for the violation noted on the citation.
- (3) Upon payment of the assessment as provided within the time limit provided herein, no further action will be taken to prosecute the violation noted on the citation, provided remedial action, if necessary, is taken.
- (4) The citation tag as herein provided, shall be sufficient notice, summons, and legal service thereof for the purpose specified thereon; provided, however, that the use of such tags shall not prohibit the issuance of either additional citation tags or a legal notice of violation as provided herein, in the event such violation is continued or repeated.
(Ord. 10-87. Passed 4-6-87.)

(f) Citation Tag Assessment. When a violation citation tag has been issued pursuant to subsection (e) hereof, an amount of seventy-five dollars (\$75.00) is hereby assessed upon the violator. If the assessment is paid within the seventy-two hour period immediately following the issuance of the citation tag, all seventy-five dollar (\$75.00) assessments are reduced to fifty dollars (\$50.00), subject to additional citations and assessment, however, no reduction of the assessment shall occur without the violation being brought into compliance. Assessments shall be collected by the appropriately designated authority. Failure to pay the assessment within a period of thirty days after the date of service of the citation tag, shall constitute a minor misdemeanor, punishable as provided in subsection (g) hereof. Assessments may also be attached to the personal property taxes for the property in question.
(Ord. 11-95. Passed 10-2-95.)

(g) Penalty. Violation of any provision of this Code or any amendment or supplement thereto or failure to comply with any of the requirements of this Code shall constitute a misdemeanor. Upon conviction, any person, firm, or corporation shall be punished as provided in Section 1341.99. Each day such violation continues shall be considered a separate offense.
(Ord. 10-87. Passed 4-6-87.)

1341.14 PLACARDING.

(a) Placarding of Structure. After a condemnation notice required under the provisions of this Code has resulted in an order by virtue of failure to comply within the time given, the Code Official may post on the premises or structure or parts thereof, or on defective equipment, a placard bearing the words: "Condemned as unfit for human occupancy or use," and, a statement of the penalties provided for any occupancy or for removing the placard. The owner or the person or persons responsible for the correction of any violation(s) shall have removed themselves from the property on failure to comply with the correction order in the time specified, but other occupants shall be given a maximum of thirty days thereafter to vacate.

(b) Prohibited Use. Any person who shall occupy a placarded premises or structure or part thereof, or shall use placarded equipment, and any owner or any person responsible for the premises who shall let anyone occupy a placarded premises shall be liable for the penalties provided by this Code.

(c) Removal of Placard. The Code Official shall remove the condemnation placard whenever the defect or defects upon which the condemnation and placarding action were based have been eliminated. Any person who defaces or removes a condemnation placard without the approval of the Code Official shall be subject to the penalties provided by this Code. (Ord. 10-87. Passed 4-6-87.)

1341.15 EMERGENCY ORDERS.

(a) General. Whenever a Code Official finds that an emergency exists on any premises, or in any structure or part thereof, or on any defective equipment which requires immediate action to protect the public's health and safety or that of the occupants thereof, he may, with proper notice and service in accord with the provisions of Section 1341.13, issue an order reciting the existence of such an emergency and requiring the vacating of the premises or such action taken as he deems necessary to meet such emergency. Notwithstanding other provisions of this Code, such order shall be effective immediately, and the premises or equipment involved shall be placarded immediately upon service of the order.

(b) Hearing. Any person to whom such order is directed shall comply therewith. He may thereafter, upon petition directed to the Property Maintenance Appeals Board, be afforded a hearing as prescribed in this Code. Depending upon the findings of the Board at such hearing as to whether the provisions of this Code and the rules and regulations adopted pursuant thereto have been complied with, the Board shall continue such order, or modify or revoke. (Ord. 10-87. Passed 4-6-87.)

1341.16 RIGHT TO APPEAL; APPEALS BOARD.

(a) Petition. Any person affected by any notice which has been issued in connection with the enforcement of any provision of this Code, or of any rule or regulation adopted pursuant thereto, may request and shall be granted a hearing on the matter before the Property Maintenance Appeals Board provided that such person shall file in the City Offices a written petition requesting such hearing and containing a statement of the grounds therefor within fifteen days after the day the notice was served.

(b) Appeals Board. In order to protect existing structures in the jurisdiction by vigorous enforcement of the provisions of this Code, there shall be and is hereby created a Property Maintenance Appeals Board, hereafter referred to as the Board, consisting of three members.

(c) Membership. The Board shall consist of three residents and electors of the City, and shall be appointed by Council: one member shall be appointed for a one year term, one for two years and one for three years. The membership shall elect a Chairman and Vice Chairman. Further, the City's Code Official shall act as secretary to the Board.

(d) Vote. The Board shall hear all appeals relative to the enforcement of this Code, and by a concurring vote of the majority of its members may reverse or affirm, wholly or partly, or may modify the decision appealed from, and shall make such order or determination as in its opinion ought to be made. Failure to secure such concurring votes shall be deemed a confirmation of the decision of the Code Official.

(e) Financial Interest. A member of the Board shall not participate in any hearings or vote on any appeal in which he has a direct or indirect financial interest, or is engaged as a contractor, or is engaged in the preparation of plans and specifications, or in which he has any personal interest.

(f) Records. The secretary of the Board shall keep a record of each meeting so that the record shows clearly the basis for each decision made by the Board.
(Ord. 10-87. Passed 4-6-87.)

1341.17 DEMOLITION.

(a) General. The Code Official may order the owner of premises upon which is located any structure or part thereof, which in his judgement is so old, dilapidated, or has become so out of repair so as to be dangerous, unsafe, unsanitary or otherwise unfit for human habitation, occupancy or use such that it would be unreasonable to repair the same, to raze and remove such structure or part thereof; or if it can be made safe by repairs, to repair and make safe and sanitary, or to raze and remove at the owner's option; or where there has been a cessation of normal construction of any structure for a period of more than two years to raze and remove such structure or part thereof.

(b) Unreasonable Repairs. Whenever the Code Official determines that the cost of such repairs would exceed one hundred percent (100%) of the current value of such structure, such repairs shall be presumed unreasonable and it shall be presumed for the purpose of this section that such structure is a public nuisance which may be ordered razed without option on the part of the owner to repair.

(c) Order. The order shall specify a time in which the owner shall comply therewith and specify repairs, if any. It shall be served on the owner of record or his agent where an agent is in charge of the building, and upon the holder of any encumbrance of record in the manner provided for service of a summons by a court of record. If the owner or holder of an encumbrance of record cannot be found, the order may be served by posting it on the main entrance of the building and/or by publishing it once each week for three successive weeks in a newspaper authorized to provide service by publication.

(d) Restraining Actions. Anyone affected by any such order shall within ten days service of such order apply to a court of record for an order restraining the Code Official from razing and removing such structure or parts thereof. The court shall determine whether the order of the Code Official is reasonable, and if found reasonable, the court shall continue the restraining order or modify it as the circumstances may require.

(e) Failure to Comply. Whenever the owner of a property fails to comply with a demolition order within the time prescribed, the Code Official shall cause the structure or part thereof to be razed and removed, either through an available public agency or by contract or arrangement with private persons, and the cost of such razing and removal shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

(f) Salvage Materials. When any structure has been ordered razed and removed, Council or its designated officer under such contract or arrangement aforesaid may sell the salvage and valuable materials at the highest price obtainable. The net proceeds of such sale, after deducting the expenses of such razing and removal, shall be promptly remitted with a report of such sale or transaction, including the items of expense and the amounts deducted, for the use of the person who may be entitled thereto, subject to any order of a court. If such a surplus does not remain to be turned over, the report shall so state.
(Ord. 10-87. Passed 4-6-87.)

1341.18 ABATEMENT OF GARBAGE, TRASH AND OTHER DEBRIS.

(a) Failure to Comply With Notice. If the owner, occupant, or any person, firm or corporation having charge or care of any lot or land within the City fails to comply with the notice provided for in Section 1341.13, the City may remove all garbage, trash and/or other debris. If the removal is done by the City for the preceding reason or any other proper reason, all expenses and labor costs incurred shall be paid out of municipal funds not otherwise appropriated upon approval of Council. The removal shall be at the owner's expense and shall be assessed against the lot or land involved. Costs for removal shall be based on person power and specialized equipment used as set by the Director of Public Works. The costs shall be subject to an annual review and may be adjusted by the Director of Public Works.

(b) Collection of Costs. If the City cleans up the garbage, trash and/or debris, as authorized in subsection (a) hereof, the City shall give five days' notice by regular U.S. mail, to the owner of that lot or parcel of land, at his last known address to pay the cost of the required removal; which notice shall be accompanied by a statement of the amount of the cost incurred, and if the same is not paid within thirty days after the mailing of the notice then, the amount shall be certified to the County Auditor for collection the same as other taxes and assessments are collected. (Ord. 16-04. Passed 5-17-04.)

1341.99 VIOLATIONS AND PENALTY.

(a) Unlawful Acts. It shall be unlawful for any person, firm or corporation to erect, construct, alter, extend, repair, remove, demolish, use or occupy any structure or equipment regulated by this Code, or, cause same to be done, contrary to or in conflict with or in violation of any of the provisions of this Code.

(b) Penalty. Any person, firm or corporation, who shall violate any provision of this Code shall, upon conviction thereof, be subject to a fine of not less than twenty-five dollars (\$25.00) nor more than three hundred dollars (\$300.00) or imprisonment for a term not to exceed thirty days, or both, at the discretion of the court. Each day that a violation continues after due notice has been served, in accordance with the terms and provisions hereof, shall be deemed a separate offense.

(c) Prosecution. In case any violation order is not promptly complied with, the Code Official may request the Law Director of the City to institute an appropriate action or proceeding at law to exact the penalty provided in subsection (b) hereof, and in addition thereto, may ask the Law Director to proceed at law or in equity against the person responsible for the violation for the purpose of ordering him:

- (1) To restrain, correct or remove the violation or refrain from any further execution of work;
- (2) To restrain or correct the erection, installation or alteration of such structure;
- (3) To require the removal of work in violation; or
- (4) To prevent the occupation or use of the structure, or part thereof erected, constructed, installed or altered in violation of, or not in compliance with, the provisions of this Code, or in violation of a plan or specification under which an approval, permit or certificate was issued.
(Ord. 10-87. Passed 4-6-87.)

CHAPTER 1343
Definitions

1343.01 General.**1343.02 Applied meaning of words and terms.****1343.01 GENERAL.**

(a) Scope. Unless otherwise expressly stated, the following terms shall, for the purpose of this Code, have the meanings indicated in this chapter.

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

(c) Terms Defined in Other Codes. Where terms are not defined in this Code and are defined in the applicable building, plumbing and/or mechanical codes, they shall have the same meanings ascribed to them as in those codes.

(d) Terms Not Defined. Where terms are not defined under the provisions of this Code or under the provisions of the applicable building, plumbing and/or mechanical codes, they shall have ascribed to them their ordinarily accepted meanings or such as the context herein may imply.

(Ord. 10-87. Passed 4-6-87.)

1343.02 APPLIED MEANING OF WORDS AND TERMS.

(a) The following terms used in this Code are defined herein:

- (1) "Approved", as applied to a material, device or method of construction, means approved by the Code Official under the provisions of this Code, or approved by other authority designated by law to give approval in the matter in question.
- (2) "Basement" means that portion of a building which is partly below and partly above grade, and having at least one half its height above grade.
- (3) "Building Code" means the most current edition of the Montgomery County Building Code, or such other code as may be officially designated by Council for the regulation of construction, alteration, addition, repair, removal, demolition, use, location, occupancy and maintenance of all buildings and structures.

- (4) "Cellar" means that portion of a building which is partly or completely below grade, and having at least one-half its height below grade.
- (5) "Central heating" means the heating system permanently installed and adjusted so as to provide the distribution of heat to all habitable rooms, bathrooms and water closet compartments from a source outside of these rooms.
- (6) "Code Official" means the official who is charged by the City with the administration and enforcement of this Code, or any duly authorized representative.
- (7) "Condemn" means to adjudge unfit for use or occupancy.
- (8) "Condemnation" means the act of judicially condemning.
- (9) "Dwellings":
 - A. "One-family dwelling" means a building designed for or used exclusively for residential purposes by one family.
 - B. "Two-family dwelling" means a building designed for or used exclusively for residential purposes by two families living independently of one another.
 - C. "Multiple-dwelling" means a building, or portion thereof, designed for or used exclusively for residential purposes by three or more families living independently of one another.
 - D. "Dormitory" means a space in a building where group sleeping accommodations are provided for persons not members of the same family group, in one room, or in a series of closely associated rooms.
 - E. "Dwelling unit" means a single-family, two-family or multiple family dwelling used by one family for cooking, living and sleeping purposes.
- (10) "Enforcement officer" means the official designated herein or otherwise charged with the responsibilities of administering this Code, or his authorized representative.
- (11) "Exterior property areas" means the open space on the premises and on adjoining property under the control of owners or operators of such premises.
- (12) "Extermination" means the control and elimination of insects, rodents or other pests by eliminating their harborage places; by removing or making inaccessible materials that may serve as their food; by poison, spraying, fumigating, trapping or by any other approved pest elimination methods.
- (13) "Family" means an individual or two or more persons related by blood, marriage or adoption who are living together as a housekeeping unit.
- (14) "Garbage" means the animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food.
- (15) "Habitable space" means space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet compartments, closets, halls, storage or utility space, and similar areas are not considered habitable space.
- (16) "Infestation" means the presence, within or contiguous to a structure or premises, of insects, rodents, vermin or other pests.

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- (17) "Junk vehicle" means any vehicle which is without a currently valid license plate or plates, and, is in either a rusted, wrecked, discharged, dismantled, partly dismantled, inoperative or abandoned condition.
- (18) "Let for occupancy or let" means to permit possession or occupancy of a dwelling, dwelling unit, building or structure by a person who shall be legal owner or not be the legal owner of record thereof, pursuant to a written or unwritten lease, agreement or license, or pursuant to a recorded or unrecorded agreement of contract for the sale of land.
- (19) "Maintenance" means conformance of a building and its facilities to the code under which the building was constructed.
- (20) "Occupant" means any person living and sleeping in a dwelling unit or having actual possession of such dwelling or rooming unit.
- (21) "Openable area" means that part of a window or door which is available for unobstructed ventilation and which opens directly to the outdoors.
- (22) "Operator" means any person, agent, firm or corporation having a legal or equitable interest in the property.
- (23) "Person" includes a corporation or co-partnership as well as an individual.
- (24) "Plumbing" means the practice, materials and fixtures used in the installation, maintenance, extension and alteration of all piping, fixtures, appliances and appurtenances within the scope of the Montgomery County Plumbing Code.
- (25) "Plumbing fixture" means a receptacle or device which is either permanently or temporarily connected to the water distribution system of the premises, and demands a supply of water therefrom; or discharges used water, liquid-borne waste materials, or sewage either directly or indirectly to the drainage system of the premise; or which requires both a water supply connection and a discharge to the drainage system of the premises.
- (26) "Premises" means a lot, plot or parcel of land including the buildings or structures thereon.
- (27) "Public nuisance" includes the following:
- A. The physical condition, or use of any premises regarded as public nuisance at common law; or
 - B. Any physical condition, use or occupancy of any premises or its appurtenances considered an attractive nuisance to children, including but not limited to junk vehicles, abandoned wells, shafts, basements, excavations, abandoned refrigerators and unsafe fences or structures; or
 - C. Any premises which have unsanitary sewerage or plumbing facilities; or
 - D. Any premises designated as unsafe for human habitation or use; or
 - E. Any premises which are manifestly capable of being a fire hazard, or are manifestly unsafe or insecure as to endanger life, limb or property; or

- F. Any premises from which the plumbing, heating and/or facilities required by this Code have been removed, or from which utilities have been disconnected, destroyed, removed or rendered ineffective, or the required precautions against trespassers have not been provided; or
 - G. Any premises which are unsanitary, or which are littered with rubbish or garbage; or
 - H. Any structure or building that is in a state of dilapidation, deterioration or decay; faulty construction; overcrowded, open, vacant or abandoned; damaged by fire to the extent as not to provide shelter, in danger of collapse or failure, and is dangerous to anyone on or near the premises.
- (28) "Renovation" means a building and its facilities made to conform to present day minimum standards of sanitation, fire and life safety.
 - (29) "Residence" means a building in which sleeping accommodations, and sanitary, and cooking facilities as a unit are provided.
 - (30) "Rubbish" means combustible and noncombustible waste materials, except garbage. The term shall include the residue from the burning of wood, coal and other combustible materials, as well as paper, rags cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery, and dust, and other similar materials, car parts, motors and abandoned appliances.
 - (31) "Structure" means anything constructed or erected which requires location on the ground or attachment to something having location on the ground.
 - (32) "Ventilation" means the process of supplying and removing air by natural or mechanical means to or from any space.
 - (33) "Water closet" means a room in which a bowl-shaped plumbing fixture filled with a device for flushing with water is located.
 - (34) "Workmanlike": whenever used in this Code, the words "workmanlike state of maintenance and repair" means that such maintenance and repair shall be made in a reasonable skillful manner.
 - (35) "Yard" means an open, unoccupied space on the same lot with a building extending along the entire length of a street, or rear, or interior lot line. (Ord. 10-87. Passed 4-6-87.)

CHAPTER 1345
Environmental Requirements

1345.01	Scope.	1345.04	Premises conditions.
1345.02	Responsibility.	1345.05	Exterior structure.
1345.03	Vacant structures and land.	1345.06	Interior structure.

CROSS REFERENCES

Junk vehicles - see TRAF. Ch. 353
Littering and deposit of refuse - see GEN. OFF. 521.08
Weeds and grass - see S.U. & P.S. Ch. 905

1345.01 SCOPE.

The provisions of this chapter shall govern the minimum conditions for maintenance of exterior property, premises and structures, and premises, and shall comply with the conditions herein prescribed insofar as they are applicable.
(Ord. 10-87. Passed 4-6-87.)

1345.02 RESPONSIBILITY.

The owner of the premises shall maintain all structures and premises in compliance with these requirements. A person shall not occupy as owner-occupant or let to another for occupancy or use, premises which do not comply with the following requirements of this chapter.

Any and all owners who occupy dwelling units both single and multi-family, including persons, corporations and/or partnerships who lease, rent or permit the occupancy of such dwellings within the City and who do not reside on such premises, shall register with the City Code Official, their ownership; responsible party for maintenance; address; telephone number and a local contact within Montgomery County, Ohio, within a normal twenty-four hour availability. Any and all requirements as set forth by the Code Official that reasonably relate to the notification of the appropriate responsible person may be included on the registration form.

Any person, corporation and/or partnership who shall violate any provision of this registration procedure, shall be subject to Section 1341.99 penalty provisions of the Property Maintenance Code.

(Ord. 14-89. Passed 7-17-88.)

1345.03 VACANT STRUCTURES AND LAND.

All vacant structures and premises thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety.

(Ord. 10-87. Passed 4-6-87.)

1345.04 PREMISES CONDITIONS.

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

(b) Containers. The operator of every establishment producing garbage, vegetable wastes or other putrescible materials shall provide and at all times cause to be used, leakproof approved containers, provided with close-fitting covers for the storage of such materials until removed from the premises for disposal. Containers for single-family dwelling units shall be regulation plastic bags with a capacity not to exceed twenty to thirty gallons and thickness of not less than one and five-tenths mills or portable containers constructed of plastic, galvanized or other nonrusting metal of substantial construction. They shall not hold less than ten nor more than thirty-five gallons, but in no case shall the combined weight of the container and contents exceed seventy-five pounds. Containers shall be provided with a handle or handles on the outside by which they may be lifted and emptied; they shall be watertight, and shall be provided with a watertight lid or cover. Such lid or cover shall be equipped with a handle and it shall be kept in place except when necessarily removed in the use of said container.

(c) Grading and Drainage. All premises shall be graded and maintained so as to prevent the accumulation of stagnant water thereon, or within any structure located thereon.

(d) Insect and Rodent Control. An owner of a structure or property shall be responsible for the extermination of insects, rodents, vermin or other pests in all exterior areas of the premises, except that the occupant shall be responsible for such extermination in the exterior areas of the premises of a single-family dwelling. Whenever infestation exists in the shared or public parts of the premises of other than a single-family dwelling, extermination shall be the responsibility of the owner.

(e) Public Areas. All sidewalks, steps, driveways, parking spaces and similar paved areas for public use shall be kept in a proper state of repair and free of snow, ice, mud and other debris. If any sidewalk or driveway or portion thereof by virtue of its state of repair shall constitute a danger to public health and safety, the sidewalk or driveway or portion thereof shall be replaced.

(f) Weeds and Grass. All areas shall be kept free from weeds or plant growth which are noxious or detrimental to the public health and welfare. Weeds and grass shall not be permitted to exceed a height of eight inches.

(g) Storage Areas. Excepting one- and two-family dwellings, all open salvage yards and open storage areas shall be completely obscured from surrounding property by fencing not to exceed six feet in height.

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

(i) Accessory Structures. All accessory structures including detached garages, fences and walls shall be maintained structurally sound and in compliance with Sections 1345.05 and 1345.06. (Ord. 10-87. Passed 4-6-87.)

(j) Motor Vehicles. Motor vehicles shall be subject to the requirements of subsections (k) and (l) hereof.

(k) Residential Areas. No parking and/or storing of an inoperable, unregistered, and/or unlicensed vehicle(s) shall be permitted on a residential lot. One inoperable, unregistered, and/or unlicensed vehicle may be parked on a residential lot if it is enclosed by a building.

(l) Nonresidential Areas. No parking and/or storage of an inoperable, unregistered, and/or unlicensed vehicle(s) shall be permitted on a nonresidential lot. One inoperable, unregistered, and/or unlicensed vehicle may be parked on a nonresidential lot if it is enclosed by a building. The parking or storing of an unregistered and/or unlicensed vehicle(s) associated with an approved automobile (vehicle) sales, rental, and/or lease lot and/or an approved junk or wrecking yard shall be exempt from this requirement. (Ord. 11-95. Passed 10-2-95.)

(m) Open Fires. Open fires shall be prohibited except as specifically approved by the fire official and Environmental Protection Agency.

(n) Miscellaneous Items. It shall be unlawful for the owner or occupant of any building, structure or property to utilize the premises of such property for the open storage of any abandoned appliances, dismantled vehicles, and/or miscellaneous items which pose a threat to personal safety.

(o) Domestic Animals. It shall be the responsibility of the property owner to keep all domestic animals and pets licensed and under control, and to dispose of excrement with reasonable frequency.

(p) Firewood. Firewood shall be stacked in a neat, methodical manner. Firewood may be left in a pile after delivery for a period not to exceed fourteen days. During this fourteen day time period, the wood shall be stacked in the manner described above. (Ord. 10-87. Passed 4-6-87.)

1345.05 EXTERIOR STRUCTURE.

(a) General. The exterior of a structure shall be maintained structurally sound and sanitary so as not to pose a threat to the health and safety of the occupants and so as to protect the occupants from the environment.

(b) Structural Members. All supporting structural members on all structures shall be kept structurally sound, free of deterioration and maintained capable of safely bearing the dead and live loads imposed upon them.

(c) Exterior Surfaces. Every foundation, exterior wall, roof and all other exterior surfaces shall be maintained and shall be kept in such condition as to exclude rodents. Painted areas shall not be in a flaking or peeling condition. Wood that has been painted shall not have any bare spots where the wood is exposed. All surfaces shall be maintained free of broken glass, loose shingles, crumbling stone or brick, or other conditions indicative of deterioration or inadequate maintenance.

(d) Foundation Walls. All foundation walls shall be maintained so as to carry the safe design and operating dead and live loads and shall be maintained plumb and free from open cracks and breaks so as not to be detrimental to public safety and welfare.

(e) Exterior Walls. Every exterior wall shall be free of holes, breaks, loose or rotting boards or timbers, and any other condition which might admit rain or dampness to the interior portions of the wall or to the occupied spaces of the building. All exterior surface material other than decay resistant woods, shall be protected from the elements and decay by painting, or other protective covering or treatment.

(f) Roofs. The roof shall be structurally sound, tight and not have defects which might admit rain, and roof drainage shall be adequate to prevent rain water from causing dampness in the walls or interior portion of the building.

(g) Decorative Features. All cornices, entablatures, bell courses, corbels, terracotta trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.

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

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

(j) Stairs and Porches. Every stair, porch, balcony and all appurtenances attached thereto shall be so constructed so as to be safe to use and capable of supporting the loads to which it is subjected. Stairs shall be kept in sound condition, good repair, and replacement of treads or riser shall be necessary when evidence of excessive wear, breakage, warping and general unsteadiness exists.

(k) Window and Door Frames. Every window, door and frame shall be constructed and maintained in such relation to the adjacent wall construction so as to exclude rain as completely as possible, and to substantially exclude wind from entering the dwelling or structure.

(l) Weathertight. Every window and exterior door shall be fitted reasonably in its frame and be weathertight and weather stripping shall be used to exclude wind or rain from entering the dwelling or structure and they shall be kept in sound condition and good repair.

(m) Glazing. Every required window sash shall be full, supplied with approved glazing materials which are without open cracks or holes.

(n) Openable Windows. Every window, other than a fixed window, shall be capable of being easily opened and shall be held in position by window hardware.

(o) Insect Screens. Every door and window or other outside opening used for ventilation purposes shall be supplied with approved screening, and every swinging screen door shall have a self-closing device in good working condition, screen doors shall not be required to swing out as required in the applicable building code.

(p) Door Hardware. Every exterior door, door hinge and door latch shall be so constructed and maintained so as to prevent the entrance of rodents, rain, and surface drainage water into the structure.

(q) Basement Hatchways. Every basement or cellar hatchway shall be so constructed and maintained so as to prevent the entrance of rodents, rain and surface drainage water into the structure.

(r) Guards for Basement Windows. Every basement or cellar window which is openable shall be supplied with rodent-proof shields, or storm windows or other material affording protection against the entry of rodents.
(Ord. 10-87. Passed 4-6-87.)

(s) Street Address Numbers. Each structure to which a street number has been assigned shall have the number so displayed in a position easily observed and readable from the public right-of-way. All numbers shall be in arabic figures at least three inches (76MM) high and a one-half inch (13MM) wide.
(Ord. 4-88. Passed 2-1-88.)

1345.06 INTERIOR STRUCTURE.

(a) General. The interior of a structure and its equipment shall be maintained structurally sound and in a sanitary condition so as not to pose a threat to the health and safety of the occupants and to protect the occupants from the environment.

(b) Structural Members. The supporting structural members of every building shall be maintained structurally sound, not showing any evidence of deteriorating which would render them incapable of carrying the imposed loads.

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

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

(e) Bathroom and Kitchen Floors. Every toilet, bathroom and kitchen floor surface shall be constructed and maintained so as to be substantially impervious to water and so as to permit such floor to be easily kept in a clean and sanitary condition.

(f) Free from Dampness. In every building, cellars, basements and crawl spaces shall be maintained reasonably free from dampness to prevent conditions conducive to decay or deterioration of the structure.

(g) Sanitation. The interior of every structure shall be maintained in a clean and sanitary condition free from any accumulation of rubbish, refuse or garbage. Rubbish, garbage and other refuse shall be properly kept inside temporary storage facilities as required under Section 1355.02.

(h) Storage. Garbage or refuse shall not be allowed to accumulate or be stored in public halls or stairways.

(i) Insect and Rodent Harborage. All structures shall be kept free from insect and rodent infestation. Where insects or rodents are found, they shall be promptly exterminated by acceptable processes which will not be injurious to human health. After extermination, proper precautions shall be taken to prevent reinfestation.

(j) Exit Doors. Every door available as an exit shall be capable of being opened easily from the inside and without the use of a key.

(k) Stairs, Porches and Railings. Stairs and other exit facilities shall be adequate for safety as provided in the applicable building code.

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

(m) Handrails. Every flight of stairs which is more than three risers high shall have handrails which shall be located as required by the applicable building code. Every open portion of a stair, porch, landing and balcony which is more than thirty inches above the floor or grade below shall have guardrails. Every handrail and guardrail shall be firmly fastened and capable of bearing normally imposed loads and shall be maintained in good condition.
(Ord. 10-87. Passed 4-6-87.)

CHAPTER 1347
Light, Ventilation and Space

1347.01	Scope.	1347.04	Ventilation.
1347.02	Responsibility.	1347.05	Dwelling unit limitations.
1347.03	Light.	1347.06	Space requirements.

1347.01 SCOPE.

The provisions of this chapter shall govern the minimum conditions and standards for the light, ventilation and space for the occupancy of a structure. All light, ventilation and space conditions shall comply with the requirements herein prescribed insofar as they are applicable. (Ord. 10-87. Passed 4-6-87.)

1347.02 RESPONSIBILITY.

The owner of the structure shall provide and maintain such light and ventilation and space conditions in compliance with these requirements. A person shall not occupy as owner-occupant or let to another for occupancy or use any premises which does not comply with the following requirements of this chapter. (Ord. 10-87. Passed 4-6-87.)

1347.03 LIGHT.

(a) General. All spaces or rooms shall be provided sufficient light so as not to endanger health and safety.

(b) Habitable Rooms. Every habitable room shall have at least one window of approved size facing directly to the outdoors or to a court. The minimum total window area, measured between stops, for every habitable room shall be eight percent (8%) of the floor area of such room, except in kitchens when artificial light may be provided in accordance with the provisions of the applicable building code.

(c) Common Halls and Stairways. Every common hall and stairway in every building, other than one-family dwellings, shall be adequately lighted at all times with an illumination of at least a 100 watt light bulb. Such illumination shall be provided throughout the normally traveled stairs and passageways.

(d) Other Spaces. All other spaces shall be provided with natural or artificial light of sufficient intensity and so distributed as to permit the maintenance of sanitary conditions, and the safe use of the space and appliances, equipment and fixtures. (Ord. 10-87. Passed 4-6-87.)

1347.04 VENTILATION.

(a) General. All spaces or rooms shall be provided sufficient natural or mechanical ventilation so as not to endanger health and safety. Where mechanical ventilation is provided in lieu of the natural ventilation, such mechanical ventilating system shall be maintained in operation during the occupancy of any structure or portion thereof.

(b) Habitable Rooms. Every habitable room shall have at least one window which can be easily opened or such other device as will adequately ventilate the room. The total openable window area in every room shall be equal to at least forty-five percent (45%) of the minimum window area size required in Section 1347.03(b).

(c) Toilet Rooms. Every bathroom and water closet compartment shall comply with the light and ventilation requirements for habitable rooms as required by Section 1347.03(b), except that a window shall not be required in bathrooms or water closet compartments equipped with an approved mechanical ventilation system.

(d) Cooking Facilities. Cooking shall not be permitted in any sleeping room or dormitory unit, and a cooking facility or appliance shall not be permitted to be present in a sleeping room or dormitory unit.

(e) Process Ventilation. Where any process permits and where injurious, toxic, irritating or noxious fumes, gases, dusts or mists are generated by such process, a local exhaust ventilation shall be provided to remove the contaminating agent at the source so that it is not allowed to permeate the general atmosphere of the workroom.
(Ord. 10-87. Passed 4-6-87.)

1347.05 DWELLING UNIT LIMITATIONS.

(a) Separation of Units. Dwelling units shall be separate and apart from each other. Sleeping rooms shall not be used as the only means of access to the sleeping rooms or habitable spaces.

(b) Common Access. A habitable room, bathroom or water closet compartment which is accessory to a dwelling unit shall not open directly into or be used in conjunction with food store, barber or beauty shop, doctor's or dentist's examination or treatment room, or similar room used for public purposes.

(c) Basement Rooms. Basement rooms partially below grade shall not be used for living purposes unless:

- (1) Floors and walls are watertight and so insulated so as to prevent entry of moisture; and
- (2) Total window area, total openable area and ceiling height are in accordance with this Code.

(Ord. 10-87. Passed 4-6-87.)

1347.06 SPACE REQUIREMENTS.

(a) Dwelling Units. Every dwelling unit shall contain a minimum gross floor area of not less than 150 square feet for the first occupant, and 100 square feet for each additional occupant. The floor area shall be calculated on the basis of the total area of all habitable rooms.

(b) **Area for Sleeping Purposes.** Every room occupied for sleeping purposes by one occupant shall contain at least seventy square feet of floor area, and every room occupied for sleeping purposes by more than one person shall contain at least fifty square feet of floor area for each occupant thereof.

(c) **Overcrowding.** If any room used for residential purposes is overcrowded, the Code Official may order the number of persons sleeping or living in such room to be reduced.

(d) **Prohibited Use.** It shall be prohibited to use for sleeping purposes any kitchen, nonhabitable space or public spaces.
(Ord. 10-87. Passed 4-6-87.)

CHAPTER 1349
Plumbing Facilities and Fixture Requirements

1349.01	Scope.	1349.05	Plumbing fixtures.
1349.02	Responsibility.	1349.06	Water system.
1349.03	Required facilities.	1349.07	Sewage system.
1349.04	Toilet rooms.	1349.08	Storm drainage.

CROSS REFERENCES

Ohio Plumbing Code - see OAC Ch. 4101:2-51
Sewer regulations - see S.U. & P.S. Ch. 923

1349.01 SCOPE.

The provisions of this chapter shall govern the minimum plumbing facilities and fixtures to be provided. All plumbing facilities and fixtures shall comply with the requirements herein prescribed insofar as they are applicable.
(Ord. 10-87. Passed 4-6-87.)

1349.02 RESPONSIBILITY.

The owner of the structure shall provide and maintain such plumbing facilities and fixtures in compliance with these requirements. A person shall not occupy as owner-occupant or let to another for occupancy or use any structure or portion thereof or premise which does not comply with the following requirements of this chapter.
(Ord. 10-87. Passed 4-6-87.)

1349.03 REQUIRED FACILITIES.

(a) Dwelling Units. Every dwelling unit shall include plumbing facilities which are in proper operating condition, can be used in privacy, and are adequate for personal cleanliness and the disposal of human waste. The following minimum plumbing facilities, as set forth in this section, shall be supplied and maintained in sanitary, safe, working condition.

(b) Water Closet and Lavatory. Every dwelling unit shall contain within its walls, a room separate from habitable rooms, which affords privacy and a water closet supplied with cold running water. The lavatory may be placed in the same room as the water closet, or, if located in another room, the lavatory shall be located in close proximity to the door leading directly into the room in which such water closet is located. The lavatory shall be supplied with hot and cold running water.

(c) Bathtub or Shower. Every dwelling unit shall contain a room which affords privacy to a person in such room and which is equipped with a bathtub or shower supplied with hot and cold running water.

(d) Kitchen Sink. Every dwelling unit shall contain a kitchen sink apart from the lavatory required under this section and shall be supplied with hot and cold running water.

(e) Other Structures. In nonresidential structures, the requirements for sanitary facilities shall comply with the minimum requirements of the plumbing code or other nationally recognized standards for such facilities for such use and occupancy.
(Ord. 10-87. Passed 4-6-87.)

1349.04 TOILET ROOMS.

(a) Privacy. Toilet rooms and bathrooms shall be designed and arranged to provide privacy.

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

(c) Same Story. Toilet rooms and bathrooms serving dormitory units shall be provided on the same story with such units, and be accessible only from a common hall or passageway.

(d) Employee Facilities. Toilet rooms for employees shall be readily accessible to such employees and shall not open directly into any public kitchen or other public space used for the cooking or preparation of food.

(e) Floors. Bathrooms and toilet room shall be provided with floors of moisture resistant material.

(f) Partitions. Every nonresidential structure that requires or supplies a water closet shall provide within the toilet room partitions, enclosures or compartments for privacy and shall comply with fixtures clearance requirements of the applicable plumbing code and/or nationally recognized standards for such installations.
(Ord. 10-87. Passed 4-6-87.)

1349.05 PLUMBING FIXTURES.

(a) General. All plumbing fixtures shall be maintained in a safe and useable condition. All plumbing fixtures shall be of approved nonabsorbent material.

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

(c) Maintained Clean and Sanitary. All plumbing facilities shall be maintained in a clean and sanitary condition by the occupant so as not to breed insects and rodents or produce dangerous or offensive gases or odors.

(d) Access for Cleaning. Plumbing fixtures shall be installed as to permit easy access for cleaning both the fixture and the area about it.

(e) Water Conservation. Plumbing fixtures which are replaced shall be of water-saving construction and use as may be required by the applicable plumbing code. (Ord. 10-87. Passed 4-6-87.)

1349.06 WATER SYSTEM.

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

(b) Contamination. The water supply shall be maintained free from contamination, and, all water inlets for plumbing fixtures shall be located above the overflow rim of the fixture.

(c) Supply. The water supply systems shall be installed and maintained so as to provide, at all times, a supply of water to plumbing fixtures, devices and appurtenances in sufficient volume and at pressures adequate to enable them to function satisfactorily.

(d) Water Heating Facilities. All dwelling units shall be served by hot water. Such water heating facilities shall be installed in an approved manner, properly maintained and properly connected with hot water lines to the fixtures required to be supplied with the hot water. Water heating facilities shall be capable of heating water to such a temperature as to permit an adequate amount of water to be drawn at every required kitchen sink, lavatory basin, bathtub, shower and laundry facility or other similar units, at a temperature of not less than one hundred and twenty degrees Fahrenheit (120° F.). (Ord. 10-87. Passed 4-6-87.)

1349.07 SEWAGE SYSTEM.

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

(b) Maintenance. Every plumbing stack, waste and sewer line shall be so installed and maintained as to function properly and shall be kept free from obstructions, leaks and defects to prevent structural deterioration or health hazards. All repairs and installations shall be made in accordance with the provisions of the applicable building or plumbing code. (Ord. 10-87. Passed 4-6-87.)

1349.08 STORM DRAINAGE.

(a) General. An approved system of storm water disposal shall be provided and maintained for the safe and efficient drainage of roofs and paved areas, yards and courts, and other open areas on the premises. (Ord. 10-87. Passed 4-6-87.)

CHAPTER 1351
Mechanical and Electrical Requirements

1351.01 Scope. 1351.02 Responsibility.	1351.03 Heating facilities. 1351.04 Electrical facilities.
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1351.01 SCOPE.

The provisions of this chapter shall govern the minimum mechanical and electrical facilities and equipment to be provided. All mechanical and electrical facilities and equipment shall comply with the requirements herein prescribed insofar as they are applicable. (Ord. 10-87. Passed 4-6-87.)

1351.02 RESPONSIBILITY.

The owner of the structure shall provide and maintain such mechanical and electrical facilities and equipment in compliance with these requirements. A person shall not occupy as owner-occupant or let to another for occupancy or use any premises which do not comply with the following requirements of this chapter. (Ord. 10-87. Passed 4-6-87.)

1351.03 HEATING FACILITIES.

(a) Residential Buildings. Every dwelling unit and guest room shall be provided with heating facilities capable of maintaining a room temperature of sixty-five degrees Fahrenheit (65⁰ F.), at a point three feet above the floor and three feet from an exterior wall in all habitable rooms, bathrooms and toilet rooms.

(b) Other Structures. In all other structures where heating facilities are supplied or available for use, they shall be capable of adequately and safety heating areas of the structure to a reasonable temperature for work conditions.

(c) Cooking and Heating Equipment. All cooking and heating equipment, components and accessories in every heating, cooking and water heating device shall be maintained free from leaks and obstructions, and kept functioning properly so as to be free from fire, health, and accident hazards. All installations and repairs shall be made in accordance with the provisions of the applicable building code, or other laws or ordinances applicable thereto. Portable cooking equipment employing flame is prohibited, except for approved residential-type food trays, or salvers which are heated by a candle or alcohol lamp.

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

(e) Flue. All fuel-burning equipment shall be connected to an approved chimney, flue or vent.

(f) Clearances. All required clearances to combustibile materials shall be maintained.

(g) Safety Controls. All safety controls for fuel-burning equipment shall be maintained in effective operation.

(h) Combustion Air. A supply of air for complete combustion of the fuel and for ventilation of the space shall be provided with fuel-burning equipment.

(i) Fireplaces. Fireplaces, and other construction and devices intended for use similar to a fireplace, shall be stable and structurally safe and connected to approved chimneys.

(j) Climate Control. When facilities for interior climate control (heating, cooling and/or humidity) are integral functions of structures used as dwelling units or other occupancies, such facilities shall be maintained and operated in a continuous manner in accordance with the designed capacity.

(Ord. 10-87. Passed 4-6-87.)

1351.04 ELECTRICAL FACILITIES.

(a) Outlets Required. Where there is electric service available to a structure, every habitable room of a dwelling unit, and every guest room, shall contain at least two separate and remote wall-type electric light outlets. In a kitchen, three separate and remote wall-type electric convenience outlets or two such convenience outlets and on ceiling or wall-type electric light fixture shall be provided. Every public hall, water closet compartment, bathroom, laundry room or furnace room shall contain at least one wall-type electric light outlet.

(b) Installation. All electrical equipment, wiring and appliances shall be installed and maintained in a safe manner in accordance with all applicable laws. All electrical equipment shall be of an approved type.

(c) Defective System. Where it is found, in the opinion of the Code Official, that the electrical system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, improper fusing, insufficient outlets, improper wiring or installation, deterioration or damage, or for similar reasons, he shall require the defects to be immediately corrected to eliminate the hazard.

(Ord. 10-87. Passed 4-6-87.)

CHAPTER 1353
Fire Safety

1353.01	Scope.	1353.04	Accumulations and storage.
1353.02	Responsibility.	1353.05	Fire resistance ratings.
1353.03	Means of egress.	1353.06	Fire protection systems.

CROSS REFERENCES

Ohio Fire Code - see FIRE PREV. Ch. 1501
Open burning - see FIRE PREV. Ch. 1511

1353.01 SCOPE.

The provisions of this chapter shall govern the minimum fire safety facilities and equipment to be provided. All structures shall be constructed and maintained to prevent and avoid fire hazards, and in a manner conducive to fire safety. All fire safety facilities and equipment shall comply with the requirements herein prescribed insofar as they are applicable.
(Ord. 10-87. Passed 4-6-87.)

1353.02 RESPONSIBILITY.

The owner of the structure shall provide and maintain such fire safety facilities and equipment in compliance with these requirements and the Fire Prevention Code. A person shall not occupy as owner-occupant or let to another for occupancy or use any premises which do not comply with the following requirements of this chapter.
(Ord. 10-87. Passed 4-6-87.)

1353.03 MEANS OF EGRESS.

(a) General. A safe, continuous and unobstructed means of egress shall be provided from the interior of a structure to the exterior at a street, or to a yard, court or passageway leading to a public open area at grade.

(b) Direct Exit. Every dwelling unit or guest room shall have access directly to the outside or to a public corridor.

(c) Locked Doors. All doors in the required means of egress shall be readily openable from the inner side without the use of keys. Exits from dwelling units, and dormitory units shall not lead through other such units, or through toilet rooms or bathrooms.

(d) Fire Escapes. All required fire escapes shall be maintained in working condition and structurally sound.

(e) Exit Signs. All exit signs shall be maintained illuminated and visible.
(Ord. 10-87. Passed 4-6-87.)

1353.04 ACCUMULATIONS AND STORAGE.

(a) Accumulations. Waste, refuse or other materials shall not be allowed to accumulate in stairways, passageways, doors, windows, fire escapes or other means of egress.

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

(c) Residential Unit. A dwelling unit shall not be located within a structure containing an establishment handling, dispensing or storing flammable liquids with a flash point of one hundred ten degrees Fahrenheit (110° F.) or lower, except as provided for in the building code.

(d) Nonresidential Structures. Nonresidential structures shall be permitted to store combustible or flammable materials provided they are confined to approved storage areas and comply with the requirements of applicable building and fire codes for the appropriate use group classification.
(Ord. 10-87. Passed 4-6-87.)

1353.05 FIRE RESISTANCE RATINGS.

(a) General. Floors, walls, ceilings and other elements and components required to develop a fire resistance rating shall be maintained so that the respective fire resistance rating of the enclosure, separation or construction is preserved. (Ord. 10-87. Passed 4-6-87.)

1353.06 FIRE PROTECTION SYSTEMS.

(a) General. All fire protection systems and equipment shall be maintained in proper operating condition at all times.

(b) Fire Alarms. Fire alarms and detecting systems shall be maintained and be suitable for their respective purposes.

(c) Fire Suppression System. Fire suppression systems shall be maintained in good condition, free from mechanical injury. Sprinkler heads shall be maintained clean, free of corrosion and paint, and not bent or damaged.

(d) Standpipe Systems. Hose stations shall be identified and accessible. The hose shall be in proper position, ready for operation, dry and free of deterioration.

(e) Fire Extinguishers. All portable fire extinguishers shall be visible and accessible, and maintained in an efficient and safe operating condition.
(Ord. 10-87. Passed 4-6-87.)

CHAPTER 1355
Responsibilities of Persons

1355.01 **Scope.**

1355.02 **Sanitary condition.**

1355.03 **Extermination.**

1355.01 SCOPE.

The provisions of this chapter shall govern the responsibilities of persons for the maintenance of structures, and the equipment, and premises thereof.
(Ord. 10-87. Passed 4-6-87.)

1355.02 SANITARY CONDITION.

(a) Cleanliness. Every occupant of a structure or part thereof shall keep that part of the structure or premises thereof which he occupies, controls or uses in a clean and sanitary condition. Every owner of a structure containing two or more dwelling units shall maintain in a clean and sanitary condition the shared or public areas of the dwelling and premises thereof.

(b) Disposal of Rubbish. Every occupant of a structure or part thereof shall dispose of all his rubbish in a clean and sanitary manner by placing it in rubbish containers equipped with tight-fitting covers as required by this Code.

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

(d) Garbage Storage Facilities. Every dwelling unit shall be supplied with an approved garbage disposal facility, which may be any adequate mechanical garbage disposal unit (mechanical sink grinder) or an approved outside garbage can or cans as required in Section 1345.04(b).

(e) Rubbish Storage Facilities. Every dwelling unit shall be supplied with approved containers and covers for storage of rubbish, and the owner, operator, or agent in control of such dwelling shall be responsible for the removal of such rubbish.

(f) Food Preparation. All spaces used or intended to be used for food preparation shall contain suitable space and equipment to store, prepare, and serve foods in a sanitary manner. There shall be adequate facilities and services for the sanitary disposal of food wastes and refuse, including facilities for temporary storage where necessary.

(g) Supplied Fixtures and Equipment. The owner or occupant of a structure or part thereof shall keep the supplied equipment and fixtures therein clean and sanitary, and shall be responsible for the exercise of reasonable care in their proper use and operation.

(h) Furnish by Occupant. The equipment and fixtures furnished by the occupant of a structure shall be properly installed, and shall be maintained in good working condition, kept clean and sanitary, and free of defects, leaks or obstructions.

(i) Caretaker. For every multiple dwelling in which the owner does not reside, there shall be a reasonable person, designated by the owner, whose duties include maintaining the commonly used parts of the premises.
(Ord. 10-87. Passed 4-6-87.)

1355.03 EXTERMINATION.

(a) Owner. The owner of any structure shall be responsible for extermination within the structure prior to renting, leasing or selling the structure.

(b) Tenant-Occupant. The tenant-occupant of any structure shall be responsible for the continued rodent-proof condition of the structure, and if the tenant-occupant fails to maintain the rodent-proof condition, the cost of extermination shall be the responsibility of the tenant-occupant.

(c) Single Occupancy. The occupant of a structure containing a single dwelling unit or of a single non-residential structure shall be responsible for the extermination of any insects, rodents, or other pests in the structure or on the premises.

(d) Multiple Occupancy. Every owner, agent or operator of two or more dwelling units or multiple occupancies, or nonresidential structures shall be responsible for the extermination of any insects, rodents or other pests in the public or shared areas of the structure and premises. When infestation is caused by failure of an occupant of a unit of the two or more dwelling units or by an occupant or leasee of a nonresidential structure to prevent such infestation in the area which he occupies, the occupant shall be responsible for such extermination.
(Ord. 10-87. Passed 4-6-87.)

CHAPTER 1357
Nuisances

1357.01 Scope.

1357.02 Public nuisance specified.

CROSS REFERENCES

Nuisances - see Ohio R.C. Ch. 3767

Junk vehicles - see TRAF. Ch. 353

1357.01 SCOPE.

The provisions of this chapter shall govern those items that are considered nuisances as defined in Section 1343.02.
(Ord. 10-87. Passed 4-6-87.)

1357.02 PUBLIC NUISANCES SPECIFIED.

(a) Physical Condition. The physical condition or use of any premises can be regarded as a nuisance as defined by common law.

(b) Nuisance to Children. Any junk vehicles, abandoned wells, shafts, basements, excavations, abandoned refrigerators, unsafe fences, or structures along with any physical condition, use, or occupancy of any premises, is considered an attractive nuisance to children.

(c) Unsanitary Sewerage or Plumbing Facilities. Any premises which have unsanitary sewerage or plumbing facilities shall be considered a nuisance.

(d) Unsafe Premises. Any premises designated as unsafe for human habitation or use shall be considered a nuisance.

(e) Fire Hazards. Any premises which are manifestly capable of being a fire hazard, or are manifestly unsafe or insecure as to endanger life, limb or property shall be considered a nuisance.

(f) Removal of Utilities. Any premises from which the plumbing, heating and/or facilities required by this Code have been removed, or from which utilities have been disconnected, destroyed, removed or rendered ineffective, or the required precautions against trespassers have not been provided shall be considered a nuisance.

(g) Unsanitary Premises. Any premises which are unsanitary, or which are littered with rubbish or garbage shall be considered a nuisance.

(h) Structural Nuisance. Any structure or building that is in a state of dilapidation, deterioration or decay; faulty construction; overcrowded; open, vacant or abandoned; damaged by fire to the extent as not to provide shelter; in danger of collapse or failure and dangerous to anyone on or near the premises shall be considered a nuisance.
(Ord. 10-87. Passed 4-6-87.)

- (i) Public Nuisances. The following conditions shall constitute a public nuisance:
- (1) That which is defined as a nuisance in Section 3769.01(c) of the Ohio Revised Code, as currently enacted or subsequently amended, which is incorporated herein by reference and made a part hereof.
 - (2) That which is defined as a nuisance in Section 3767.05(e), (f), (g) of the Ohio Revised Code as currently enacted or subsequently amended, which is incorporated herein by reference and made a part hereof.
 - (3) Premises or real estate, including vacant land, on which a felony offense set forth in Chapter 2925 or 3719 of the Ohio Revised Code occurs, regardless of whether there has been a connection for said violation.
(Ord. 19-04. Passed 6-7-04.)

TITLE SEVEN - Additional Building Standards
 Chap. 1371. Storm Water Runoff Regulations.

CHAPTER 1371
Storm Water Runoff Regulations

<p>1371.01 Definitions.</p> <p>1371.02 Scope and intent.</p> <p>1371.03 Stormwater runoff control standards.</p> <p>1371.04 Off-site drainage facilities.</p> <p>1371.05 Soil erosion and sedimentation control standards.</p>	<p>1371.06 Runoff control and sediment abatement plan requirements.</p> <p>1371.07 Administration and appeals.</p> <p>1371.08 Compliance responsibility.</p> <p>1371.99 Penalty.</p>
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1371.01 DEFINITIONS.

As used in this Chapter, the following words shall have these definitions:

- (1) Approving Agent: means the City Department of Public Works.
- (2) Basin: an area which, by virtue of a dam, berm, or excavation is capable of temporarily and/or permanently holding stormwater and/or sediment carried by stormwater runoff.
- (3) Channel: a natural stream that conveys water; a ditch or channel excavated for the flow of water.
- (4) Clearing: the clearing, grubbing, scalping, removal of trees and stumps, and removing the disposing of all vegetation and debris within the site, and shall include the conditions resulting therefrom.
- (5) Construction: the erection, alteration, repair, renovation, demolition or removal of any building or structure; and the clearing, stripping, excavating, filling, grading, and regulation of sites with connection therewith.

- (6) Cut: an excavation. The difference between a point on the original ground and a designated point of lower elevation on the final grade. Also, the material removed in excavation.
- (7) Debris: loose refuse or earth material not suitable for use as presently situated or constituted as determined by the Approving Agent.
- (8) Developer: any individual, subdivider, firm, association, syndicate, partnership, corporation trust, or any other legal entity commencing proceedings under this chapter to effect the development of land for himself or for another.
- (9) Development: any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.
- (10) Development Area: any contiguous area owned by one person or developed as a single phase or multiple phases (unit) included within the scope of these regulations, upon which earth-disturbing activities are planned or underway.
- (11) Ditch: an open channel with intermittent flow, either dug or natural, for the purpose of drainage or irrigation. (See stream, drainageway, and grassed waterway).
- (12) Drainageway: an area of concentrated stormwater (water) flow, other than those defined as a river, stream, ditch or grassed waterway.
- (13) Dry Detention: the capture and subsequent slow release of stormwater runoff. Capture facilities drain completely between storms.
- (14) Dumping: the grading, pushing, piling, throwing, unloading, or placing of earth material.
- (15) Earth-Disturbing Activity: any grading, excavation, filling, or other alteration of the earth's surface where natural or man-made ground cover is destroyed and which may result in or contribute to erosion and sediment pollution.
- (16) Earth Material: soil, sediment, rock, sand, gravel, and organic material or residue associated with or attached to the soil.
- (17) Engineer: a Professional Engineer registered in the State of Ohio.
- (18) Erosion: the wearing away of the land surface by running water, wind, ice or other geological agents, including such processes as gravitational creep; detachment and movement of soil or rock fragments by wind, water, ice or gravity.
 - A. Accelerated Erosion: erosion much more rapid than normal, natural or geologic erosion, primarily as a result of the influence of the activities of man.
 - B. Gully Erosion: a type of erosion caused by water accumulating in narrow channels and over short period during and immediately after rainfall or snow or ice melt activity which removes soil such that channels become considerably deeper than what would otherwise result by normal smoothing or tilling operations.
 - C. Natural Erosion (Geological Erosion): the wearing away of the earth's surface by water, ice, or other natural agents under natural environmental conditions or climate, vegetation, etc., undisturbed by man.
 - D. Normal Erosion: the gradual erosion of land used by man which does not greatly exceed natural erosion.

- E. Rill Erosion: an erosion process in which numerous small channels only several inches deep are formed; occurs mainly on recently disturbed soils.
 - F. Sheet Erosion: the removal of a fairly uniform layer of soil from the land surface by wind or runoff water.
 - G. Stream Bank Erosion: the erosion of the stream bank and channel bottom due to high velocity of the flow within the stream.
- (19) Excavation: any act by which earth, sand, gravel, rock or any other similar material is being dug into, cut, quarried, uncovered, removed, displaced, relocated, or bulldozed and shall include the conditions resulting therefrom.
- (20) Fill:
- A. Any act by which earth, sand, gravel, rock or any other material is placed, pushed, dumped, pulled, transported or moved to a new location above the natural surface of the ground or on top of the stripped surface and shall include the conditions resulting therefrom;
 - B. The difference in elevation between a point on the original ground and a designated point of higher elevation on the final grade;
 - C. The material used to make a fill.
- (21) Finished Grade: the final grade or elevation of the ground surface conforming to the approved grading plan.
- (22) Floodplain Scour: the abrading and wearing away of the nearly level land situated on either side of a channel due to overflow flooding.
- (23) Grading: the stripping, cutting, filling, stockpiling, or any combination thereof of earth disturbing activity, including land in its cut or filled conditions.
- (24) Grassed Waterway: a broad and shallow natural course or constructed channel with erosion resistant grasses or similar herbaceous cover which is used to conduct surface water drainage runoff at non-erosive velocities.
- (25) Hazard: any danger to public health, welfare and safety including exposure to risk or damage to property or liability for personal injury; or risk of harm to land, air or water resulting in environmental degradation. Hazards can include flooding and ponding, compaction and settling, landslides, earthquakes, toxic chemicals, radiation, fire and disease.
- (26) Mulching: the application of suitable materials on the soil surface to conserve moisture, hold soil in place, and aid in establishing plant cover.
- (27) Natural Vegetation: any ground cover in its original state before commencement of earth disturbing activities.
- (28) Nuisance: a public nuisance as known by common law or in equity jurisprudence.
- (29) One Hundred-Year Floodplain: Any land which is subject to one percent (1%) or greater chance of flooding in any given year, whether or not such land is designated as a flood hazard area by the Federal Insurance Administration or the Federal Emergency Management Agency.
- (30) Permanent Vegetation: producing long-term vegetative cover, e.g., bluegrass, tall fescue, crown vetch, etc.
- (31) Permittee: any person to whom approval of a site plan according and pursuant to this standard is granted, or who is subject to inspection under it.

- (32) Person: any individual, corporation, partnership, joint venture, agency, unincorporated association, municipal corporation, county, or state agency within Ohio, the federal government, or any combination thereof.
- (33) Plan: as used in this (standard) chapter, "Plan" shall mean the Runoff Control and Sediment Abatement Plan.
- (34) Plans: profiles, typical cross-sections, working drawings and supplemental drawings of site, grading, drainage, and runoff and sedimentation control plans, vicinity map, soil map, and other plan as approved, or exact reproductions thereof, which show the location, character, dimensions, and details of the work.
- (35) Pollution: the man-induced alteration of the chemical, physical, and biological integrity of air and water resources.
- (36) Public Waters: those waters within lakes (except private ponds and lakes on single properties), rivers, streams, ditches, and/or waters leaving property on which surface water originates.
- (37) Retention: the collection and storage of stormwater runoff without subsequent discharge other than through infiltration into the ground, or evapotranspiration.
- (38) Runoff: the portion of rainfall, melted snow or irrigation water that flows across the ground surface and eventually is returned to streams.
 - A. Accelerated Runoff: increased rate and volume of runoff due to less permeable surface of reduced time of concentration primarily caused by urbanization.
 - B. Peak Rate of Runoff: the maximum rate of runoff for any 24-hour storm of a given frequency.
- (39) Sediment: solid material, both mineral and organic, that is in suspension, is being transported, or has been moved from its site or origin by air, water, gravity, or ice, and has come to rest on the earth's surface either above or below water.
- (40) Sediment Basin: a facility such as a barrier, dam, or other suitable detention facility built across an area of waterflow to settle and retain sediment carried by surface drainage runoff water.
- (41) Sediment Pollution: failure to use approved management or conservation practices to abate wind or water erosion of the soil or to abate the degradation of waters by soil sediment in conjunction with land grading, excavating, filling, or other soil disturbing activities.
- (42) Site: any lot or parcel of land or a series of lots or parcels of land adjoining or contiguous or joined together under one ownership where clearing, stripping, grading or excavating is performed.
- (43) Slope: (the face of an embankment or cut section; any ground whose surface makes an) rate at which the elevation of the ground changes expressed as the angle the ground makes with the plane of the horizon. Slopes are usually expressed in a percentage based upon vertical difference in feet per 100 feet of horizontal distance.
- (44) Sloughing: a downward movement of an extended layer of soil over a slope frequently resulting from the undermining action of surface water runoff or the earth-disturbing activity of man.
- (45) Soil: all earth material of whatever origin that overlies bedrock, and may include the decomposed zone of bedrock, which can be readily excavated by mechanical equipment.

- (46) Soil Loss: soil moved from a given site by the forces of erosion, and redeposited at another location.
- (47) Steer, Slope: a slope over fifteen percent (15%) grade, which is characterized by increase run-off, erosion and sediment hazards.
- (48) Storm (Frequency) Return Interval: the average period of time in years within a storm of a given duration and intensity can be expected to be equaled or exceeded.
- (49) Stream: a body of water running or flowing on the earth's surface or channel in which such flow occurs. Flow is continuous or seasonally intermittent.
- (50) Stripping: any activity which removes or significantly disturbs the vegetative surface cover.
- (51) Subdivision:
- A. The division of any parcel of land shown as a unit or any contiguous units on the last preceding tax roll, into two or more parcels, sites or lots, any one of which is less than five acres for the purpose, whether immediate or future, of transfer of ownership provided; however, that the division or partition of land into parcels of more than five acres not involving any new streets or easements of access, and the sale or exchange of parcels between adjoining lot owners, where such sale or exchange does not create additional building sites, shall be excepted; or
 - B. The improvement of one or more parcels of land for residential, commercial or industrial structures or groups of structures involving the division or allocation of land for the opening, widening or extension of any street or streets, except private streets serving industrial structures; the division or allocation of land as open spaces for the common use by owners, occupants or lease holders or as easements for the extension and maintenance of public sewer, water, storm drainage, or other public facilities.
- (52) Subsoil: that part of the soil below the surface soil or plow layers.
- (53) Surface Soil: the uppermost part (5 to 8 inches) of the soil commonly stirred by tillage implements, or its equivalent in uncultivated soils.
- (54) Swale: a (low lying stretch of vegetated land) mildly sloped channel or ditch with side slopes less than 4 to 1 which gathers and carries surface water runoff at a reduced rate of flow and conveys it downstream at less erosive velocities.
- (55) Temporary Vegetation: short-term vegetative cover used to stabilize the soil surface until final grading and installation of permanent vegetation (i.e., oats, rye, or wheat).
- (56) Topsoil: surface and upper surface soil which presumably is of darker colored, fertile soil materials, ordinarily rich in organic matter or humus debris.
- (57) Watercourse: any natural or artificial waterway including but not limited to streams, rivers, creeks, ditches, channels, canals, conduits, culverts, drains, drainageways, waterways, gullies, definite direction or course, either continuously or intermittently; and including any area adjacent thereto which is subject to inundation by reason of overflow of flood water.
- (58) Wet Detention: The capture and subsequent slow release of stormwater runoff. The capture facility has a permanent pool of water in the facility.
(Ord. 26-03. Passed 11-17-03.)

1371.02 SCOPE AND INTENT.

(a) Any person or persons proposing to develop or redevelop land (for any of the uses listed above) as defined under Section 1371.01(9) and (51) shall design and implement a site grading and drainage development plan which will:

- (1) Yield quantities of surfacewater runoff from the development site at rates which are the same as or less than those before development occurred and result in rates of gross erosion as specified by Section 1371.03.
- (2) Not result in increasing current potentials for sedimentation of lands, siltration of waters, and flooding of watercourses that are at lower elevations off-site.

(b) No changes subject to regulation under this section shall be made in the existing natural surface composition or subsurface configuration of any land proposed for development or redevelopment within the City (for land uses specified under Section 1371.03(a) without prior written approval of a site development plan by City Engineer. Approval of a site development plan required according to Section 1371.05 shall not be given:

- (1) Unless a determination is made by the City Engineer that implementation of an approved site grading and drainage development plan would not cause runoff, erosion, and sediment impacts that would be harmful or damaging to the lands and waters off-site, or,
- (2) Until a plan for minimizing the harmful and damaging potentials of runoff, erosion and sediment impacts anticipated to result from implementation of a proposed site grading and drainage development plan has been approved by the City Engineer.

(c) Development situations may exist such that the development will have none of the harmful effects associated with increased runoff rates and volumes or sediment disposition. Such developments are eligible for a waiver from these standards; however, the waiver applies only to the following requirements and may have specific conditions attached by the City Engineer, including but not limited to:

- (1) The preparation of plans, maps, and/or information specified in Section 1371.06.
- (2) The installation of sediment abatement control devices until such time as site inspection indicates they may be necessary.
- (3) Controlling runoff to predevelopment conditions as specified in Section 1371.03, except that stormwater runoff must be controlled to the maximum volume and minimum rate feasible for the site as determined by the City Engineer.

(d) The request for a waiver shall be in writing and shall include sufficient detail to determine that granting a waiver will not be detrimental to abutting properties or to the drainage system. However, the waiver does not in any way imply a relaxation of any of the other standards in this regulation including the requirement for adequate on-site drainage, the ability to accept runoff from land tributary to the development or reasonable control of soil erosion and sediment.

Development activities for which waivers may be considered include the following:

- (1) Single family residential developments involving improvement of an individual lot in a previously approved subdivision.
- (2) Multi-family residential, commercial, or industrial developments which total two (2) acres or less.
- (3) Modification to, or redevelopment of, an existing development which will not result in additional impervious areas.
- (4) Additions of 250 sq. ft. or more to existing property, such as driveways, sidewalks, patios, etc.)
- (5) Modifications to existing development that is less than 70% of the cost of existing development.
- (6) Regular farming procedures on land designed for such use.

(e) Development activities that are exempt from this ordinance include the following: Additions of less than 250 sq. ft. to existing property such as driveways, sidewalks, patios, etc. (Ord. 26-03. Passed 11-17-03.)

1371.03 STORMWATER RUNOFF CONTROL STANDARDS.

(a) In general, drainage systems shall be designed according to City of Trotwood's accepted design practice, sound engineering judgment and conform to the following:

- (1) Storm Sewer design shall be sufficient to convey the design storm discharge (Q) with an average recurrence interval of 10 years so that the pipe flowing full condition (hydraulic grade line at top of pipe) is not extended.
- (2) Lot grading, in-tract drainage, and street improvements for all subdivisions should be designed so that floods having an average recurrence interval of 100 years or less will not cause inundation or damage to any dwellings. A grading plan for each subdivision will be required to define the lot grading and in-tract drainage. All developments within areas of special flood hazard or delineated on the official National Flood Insurance Program Flood Insurance Rate maps, or as determined by the City, shall comply with FEMA design requirements.
- (3) All drainage channels, conduits, and other structures located outside the road right-of-way designed to convey public storm runoff (off-site runoff) should be contained in suitable public easements. Easements for open channels should include sufficient area along the channel banks to permit access for maintenance equipment. Open channels may be fenced along both sides through urban areas fenced along both sides through urban areas where necessary to protect the public as well as preventing encroachment upon needed access area.

(b) Areas adjacent to open drainageways and ponds shall be graded to preclude the entrance of stormwater except at planned locations. Where retention/detention areas are located on the project periphery, the developer may be required to provide additional landscaping or screening to adequately protect abutting properties.

(c) Each development shall provide for the on-site or off-site detention of excess stormwater runoff resulting from that development. For the purpose of this standard, "excess stormwater runoff" shall include all increases in stormwater peak flows and volume resulting from: an increase in the impervious surface of the site, including all additions of buildings, roads, and parking lots; changes in soil absorption caused by compaction during development; modifications in contours, including the filling or draining of small depressional areas, alterations of drainageways, or regrading of slopes; destruction of forest; alteration of drainageways or installation of collection systems to intercept street flows or to replace swales or other drainageways; or the alteration of subsurface flows, including any groundwater dewatering or diversion practices such as curtain drains, compared with the site in its natural state.

(d) Any foreseeable increase in rates and volume of site surface drainage water runoff caused by site development shall be controlled so the post-development peak rate of runoff does not exceed that of the predevelopment one-year frequency and the critical storm frequency as determined below. A recommended method which may be used to determine changes in rates and volumes of runoff is presented in the U.S. Department of Agriculture, Engineering Division of Soil Conservation Service (SCS), Urban Hydrology for Small Watersheds, Technical Release No. 55, (Washington, DC: USDA, (January, 1975) June, 1986 and the Ohio Supplement (April, 1981). To find the critical storm frequency for which additional control will be needed:

- (1) Determine the percent increase in runoff volume for a one-year frequency, 24-hour storm; and
- (2) Determine the critical storm frequency for which additional control is needed by using the percent increase in runoff volume, derived in subsection (a)(1) hereof, in the table below:

% Increase in Runoff Volume from a 1-Year Frequency, 24-Hour Storm		Critical Storm Frequency
Equal to or Greater Than	Less Than	
%	%	Years
--	10	1
10	20	2
20	50	5
50	100	10
100	250	25
250	500	50
500	--	100

(e) (The peak rate of runoff from the critical storm occurring over the development shall not exceed the peak rate of runoff from a 1-year frequency storm occurring over the same area under predevelopment conditions.) Storms of less frequent occurrence (longer return period) than the critical storm, shall have peak under predevelopment conditions. As an example, if the total volume is shown to be increased by 35%, the critical storm is a 5-year storm. The peak rate of runoff for all storms up to this intensity shall be controlled so as not to exceed the peak rate of runoff from a 1-year frequency storm under predevelopment conditions in the area. The runoff from a more intense storm need only be controlled so as not to exceed the predevelopment peak rate from the same frequency of storm.

(f) The intent of subsections (d) and (e) hereof will be met if the criteria are fulfilled for the 1-, 2-, 5-, 25-, 50-, and 100-year storm.

(g) Design regulations: All detention facilities and improvements required by this section shall comply with the following regulations.

- (1) An access easement shall be provided to all detention facilities from the nearest public road so that these facilities are accessible in case emergency maintenance work is required. The minimum easement width will be 10 feet.
- (2) Storage Volumes: Storage may be provided by (set) wet or dry bottom basins or reservoirs (or rooftop storage facilities).
- (3) Maximum Depth: The maximum planned depth of stormwater (stored) detained should be five (5) feet unless site conditions lend themselves to greater depths.
- (4) Outlet Control Structures: Outlet Control Structures shall be designed as simply as possible and shall operate automatically. They will be designed to limit discharges into existing or planned downstream channels or conduits so as not to exceed the existing flow from the site in its natural condition or as further controlled in subsection (d) hereof.
- (5) Spillway: Emergency overflow facilities shall be provided unless inflow is controlled to divert flows when the basin is at capacity. The spillway shall safely discharge the detention basin overflow without damage to the detention basin. A minimum of one (1) foot freeboard shall be provided for the 100-year 24-hour storm event.
- (6) Dry Bottom Basin: For basins designed without permanent pools:
 - A. Interior Drainage: Provisions must be made to facilitate interior drainage, to include the provision of natural grades to outlet structures, longitudinal and transverse grades to perimeter drainage facilities, or the installation of subsurface drains.
 - B. Multipurpose Features: These may be designed to serve secondary purposes for recreation, open space, or other types of use which will not be adversely affected by occasional or intermittent flooding.
 - C. Cleaning: The basins shall be designed for periodic cleaning and removal of sediments, which shall be removed from the site or otherwise disposed of in an appropriate manner.
- (7) Wet Basins: For basins designed with permanent pools:
 - A. Depth for Fish: If fish are used to help keep the basin clean, at least one-quarter (25%) of the area of the permanent pool must have a minimum depth of ten (10) feet.
 - B. Facilities for Emptying: For emergency purposes, cleaning, or shoreline maintenance, facilities shall be provided or plans prepared for the use of auxiliary equipment to permit emptying and drainage.
 - C. Pollution Abatement: Aeration facilities may be required when the quality of the influent and detention time would result in a lowering of dissolved oxygen content in the basin.

- D. Slopes: Approach slopes shall be at least 6:1 but not more than 3:1 and shall be at least four (4) to six (6) feet wide and slope gently toward the basin. The side slopes shall be of nonerosive material with a slope of 1:1 or flatter. The ledge shall be four (4) to six (6) feet wide and slope gently toward the shore to prevent people or objects from sliding into deep water. There shall be a freeboard of twelve (12) to eighteen (18) inches above the high-water elevation on all retention basins. Alternate designs for side slopes may be considered under special circumstances where good engineering practice is demonstrated.
 - E. Cleaning: The basins shall be designed to include sediment traps in all inlets. Sediment traps shall be designed to permit periodic cleaning and maintenance. A basin maintenance plan shall be developed to insure that the design depths of the basin will remain over time.
- (8) Building Regulations:
- A. Rooftop Storage: The depth and volume of storage, design of outlet devices and downdrains, elevations of overflow scuppers, design loadings for the roof structure, and emergency overflow provisions. (Rooftop storage shall not be permitted to drain directly into sanitary sewers or streets.)
 - B. Parking Lot Storage: Paved parking lots may be designed to provide temporary detention storage of stormwater on a portion of their surfaces. Outlets shall be designed to empty the stored waters slowly, and depths of storage must be limited so as to prevent damage to parked vehicles, and storage areas shall be posted with warning signs.
 - C. Detention Storage: All or a portion of the detention storage may also be provided in underground detention facilities, provided they meet the design regulations of subsection (g)(2), (3) and (7)C. hereof.
 - D. Off-Site easements for stormwater management facilities will be required when either of the following conditions exist:
 - 1. The discharge is into any man-made facility for which the City does not have either a drainage easement or right of way.
 - 2. The discharge is into a natural system such that the rate or character (i.e., sheetflow vs. concentrated flow) of the flow at the property line has been changed. The easement will be required to a point at which natural conditions are duplicated.

- E. Design Criteria for Off-Site Drainage: Off-Site areas which drain to or across a site proposed for development must be accommodated in the stormwater management plans for the development. The stormwater management system for the development must be capable of transporting existing off-site flows through or around the development without increasing stages or flows upstream or downstream of the development. The estimation of the off-site flows must be done separately from the estimation of on-site pre- and post-development flows (i.e., separate off-site and on-site hydrographs must be computed due to the typically significant differences in land use characteristics).
- F. For sites containing less than ten thousand (10,000) square feet of total impervious surface, alternatives to detention or retention ponds that utilize landscaped buffers and swale drainage as a means of attenuating rate of runoff are encouraged, provided it can be shown that applicable design and performance criteria are met.
- G. Measures shall be taken to protect the embankment of detention and retention facilities from erosion and provide a definitive protective flow path downstream of the facility.
(Ord. 26-03. Passed 11-17-03.)

1371.04 OFF-SITE DRAINAGE FACILITIES.

(a) The City may allow or require surface water runoff to be discharged into drainage facilities off the site of development if each of the following conditions are met:

- (1) The drainage facilities are constructed and maintained in accordance with the requirements of this chapter.
- (2) Adequate provision is made for acquisition, construction and operating costs of the off-site drainage facilities.
- (3) A request to use these drainage facilities and all information related to these proposed drainage facilities should be made a part of the developer's application.

(b) The City may allow or require payment of a fee for redevelopment activities in lieu of constructing a detention or retention facility as specified in Section 1371.03. Payment received in lieu of redevelopment detention or retention shall be used for stormwater improvement projects, including the establishment of regional detention systems. The fee shall be based on an amount per square foot of impervious surface (on-site).

(c) Whenever deemed practical, necessary and in the public interest, the City may acquire land and construct these drainage facilities, and to the greatest extent possible, the fees and charges for such facilities be sufficient to cover all costs associated therewith, and that such facilities be self-supporting.

(Ord. 26-03. Passed 11-17-03.)

1371.05 SOIL EROSION AND SEDIMENTATION CONTROL STANDARDS.

(a) In order to prevent both solid erosion and sedimentation, a soil erosion and sedimentation control plan shall be required whenever a development will involve any clearing, grading, transporting, or other form of disturbing land by the movement of earth.

(b) Sediment deposition caused by accelerated stormwater runoff over a development site or by accelerated erosion due to the sloughing or sliding of surface soil that has been exposed by grading, dumping, stockpiling or any other excavation-related earth disturbances shall be retarded (whenever possible) and confined to within the boundaries of the development site.

(c) The accumulative monthly predicted amounts of gross soil loss anticipated from sheet and rill erosion shall be abated to within an average annual rate of fifteen (15) tons per acre during the first year, ten (10) tons per acre for any year thereafter of site development activities and to within five (5) tons per acre per year after site development is completed. The Universal Soil Loss Equation as referenced within the U.S. Department of Agriculture, Soil Conservation Service (SCS), Water Management and Sediment Control for Urbanizing Areas, (Washington, DC; U.S. Government Printing Office, June, 1978) or other approved methods shall be used to predict average annual rates of gross soil loss by month from a development site.

(d) Specifically, the following protection shall be provided for all disturbed areas: minimize velocities of water runoff, maximize protection of disturbed areas from stormwater runoff, and retain sedimentation within the development site as early as possible following disturbances. A list of major problem areas for erosion and sedimentation control follows. For each one, the purpose(s) of requiring control is described. Soil erosion and sedimentation control measures for all such areas shall be provided with a view toward achieving the specific purpose listed below for which a control plan is required:

- (1) Erodable Slopes: Prevent detachment and transportation of soil particles from slope.
- (2) Streams, stream beds, stream banks, bodies of water, lake shorelines: prevent detachment and transportation of soil particles.
- (3) Drainageways: prevent detachment and transportation of soil particles (which would otherwise deposit in streams, bodies of water, of wetlands); promote deposit of sediment loads (traversing these areas) before these reach bodies of water.
- (4) Land adjacent to streams, ponds, lakes, and wetlands: prevent detachment and transportation of soil particles.
- (5) Enclosed drainage structure: prevent sedimentation in structure, erosion at outfall of system, and deposit of sediment loads within system or beyond it.
- (6) Large flat surface areas (unpaved): prevent detachment of soil particles and their off-site transportation.
- (7) (Impervious) Pervious Surfaces: prevent the detachment and transportation of soil (in response to an increase in the rate and/or volume of runoff of the site or its concentration caused by impervious surfaces).

- (8) Borrow and Stockpile Areas: divert runoff from the face of slopes which are exposed in the excavation process; convey runoff in stabilized channels to stable disposal points; leave borrow areas and stockpiles in stable condition.
- (9) Adjacent Properties: prevent their erosion and/or being deposited with sediment.

(e) The Appendix presents graphic examples of erosion and sedimentation control measures and indicates by asterisk, when any such measure may effectively control the problem area. One or more of each such asterisked measure shall suffice to comply with the requirements of this section.) (Ord. 26-03. Passed 11-17-03.)

1371.06 RUNOFF CONTROL AND SEDIMENT ABATEMENT PLAN REQUIREMENTS.

- (a) Any person seeking approval of a development proposal shall:
 - (1) Provide mapped information about the location and vicinity of the area proposed for development, and
 - (2) Furnish three types of information and maps about the proposed land development and site location:
 - A. An existing characteristics inventory;
 - B. A predevelopment conditions assessment; and
 - C. An abatement control plan.

Minor additions to existing facilities may be exempted from this requirement by the City Engineer.

- (b) Specifically, all proposed land developments shall have plans or maps of an appropriate scale that depict existing and proposed improvements, including, but not limited to:
 - (1) Structures, streets, sidewalks, driveways, parking lots, storm drainage systems and appurtenances, utilities, poles, etc., and
 - (2) Elevations, contour lines, inverts of sewers and drainage facilities, etc.
 - (3) Location of the boundary of the 100-year floodplain.
- (c) Abatement Control Plan Content Requirements:
 - (1) A Runoff Control and Sediment Abatement Plan shall identify how accelerated surface water runoff, increased erosion and sediment deposition induced by site development are to be controlled to within the abatement standards of Sections 1371.03 and 1371.05. The developer's engineer shall include in the construction plans a master drainage map showing all existing and proposed features. The map is to be prepared on a 24-inch by 36-inch sheet on a scale not to exceed 1" = 100'. Listed below are the features that are to be included on the drainage map:
 - A. Drainage boundaries, including all areas draining to be proposed subdivision or development.
 - B. Sufficient topographical information in USGS with elevations to verify the location of all ridges, streams, etc.
 - C. Highwater data on existing structures upstream and downstream for the subdivision.

- D. Notes indicating sources of highwater data.
 - E. Notes pertaining to existing standing water, areas of heavy seepage, springs, wetlands, streams, etc.
 - F. Existing drainage features (ditches, roadways, ponds, etc.). Existing drainage features are to be shown a minimum of 1,000 feet downstream of the proposed development unless the ultimate outfall system is a lesser distance.
 - G. Subdivision layouts with horizontal and vertical controls, show proposed structures with minimum pad elevations.
 - H. Proposed drainage features, including locations of inlets, swales, open drainageways, ponding areas, storm sewer, culverts, etc.
 - I. Delineation of drainage sub-areas.
 - J. Retention / detention areas shown and ingress / egress areas for retention / detention facilities.
 - K. General type of soils (obtain from soil survey of Montgomery County).
 - L. 10-, 25-, and 100-year flood elevations for any areas in or within 100 feet of the property. The source of these elevations shall also be shown on the plans.
 - M. Description of current ground cover and/or land use.
- (2) All proposed drainage features and runoff controls are to be designed in accordance with methods and techniques set forth (in the SCS texts cited in Sections 1371.03 and 1371.05 or others approved by the City) in the City's Design Manual.
 - (3) A Runoff Control and Sediment Abatement Plan shall be comprised of, but not limited to, the following information:
 - A. A map rendered on the base which indicates the number, types, dimensions, and locations of all runoff, erosion or sediment control devices to be utilized either temporarily or permanently on a development site,
 - B. All pertinent computations made to arrive at the final dimensions of each control device shall be presented along with plan and section view drawings of the same rendered at an appropriate design scale to be agreed upon between the applicant and the City Engineer, and
 - C. Schedules detailing the timing for the installation and maintenance of each control device.
 - (4) Plan Preparation by Professional Engineer. The Drainage and Runoff Control Plan shall be prepared by or under the direct supervision of a Registered Civil Engineer.
(Ord. 26-03. Passed 11-17-03.)

1371.07 ADMINISTRATION AND APPEALS.

- (a) A developer shall apply and receive the approval of the City Engineer prior to the development or redevelopment of land in the City.
- (b) The City Engineer shall review all applications and shall approve those applications determined to be in full compliance with all the requirements of this chapter.

(c) A developer may submit his application seeking approval under the terms of this chapter in conjunction with an application seeking approval under the terms of the City Zoning or Subdivision Ordinances.

(d) The provisions of this chapter may be varied as follows:

- (1) Certain requirements as specified in Sections 1371.03 and 1371.05 may be waived administratively by the City Engineer.
- (2) The Board of Zoning Appeals shall have the authority to vary the provisions of this chapter, when a developer submits his application seeking approval under the terms of this chapter in conjunction with an application seeking approval under the terms of the City Zoning or Subdivision Ordinances.
- (3) All other requests for variances from the provisions of this chapter may be granted by the City Planning Commission.

(e) Variances may be issued by the City Engineer or Board of Zoning Appeals only if it finds all of the following conditions to exist:

- (1) The variance is the minimum necessary to afford relief;
- (2) There are exceptional or extraordinary circumstances or exceptional conditions applying to the property in general that do not apply to other properties in the vicinity;
- (3) Failure to grant the variance would result in exceptional hardship to the applicant; and,
- (4) The authorizing of such variance will be of substantial detriment to adjacent property or the public interest.

(f) Appeal of decisions under the terms of this chapter shall be as follows:

- (1) A decision by the City Engineer may be appealed in writing to the Board of Zoning Appeals within 30 days of the decision being rendered.
- (2) A decision by the Board of Zoning Appeal shall be a final decision which may be appealed as provided by law.
(Ord. 26-03. Passed 11-17-03.)

1371.08 COMPLIANCE RESPONSIBILITY.

(a) Performance Liability: No provision of this standard shall limit, increase or otherwise affect the liabilities of the permittee nor impose any liability upon the City not otherwise imposed by law.

(b) Operations and Management: During site development, a permittee is responsible for:

- (1) Carrying out all provisions as approved plan and required by this standard,
- (2) Promptly removing all soil, miscellaneous debris or other materials that may become spilled, dumped or otherwise deposited on any public thoroughfares during transport to and from the development site, and
- (3) Taking precautions to inhibit the deposition of sediment into any sewer system or natural watercourse.

(c) Enforcement:

- (1) The developer's engineer shall be required to inspect all drainage facilities under construction and certify their compliance with approved plans and in addition, the City may inspect all drainage facilities while under construction. When facilities are not constructed according to approved plans, the City has the explicit authority to compel compliance and require correction of any situations which are not according to the approved plans.
- (2) Site development operations shall be subject to inspections by the City to determine whether a site development plan is being implemented in compliance with provisions of this standard and any plan approval conditions. The applicant shall arrange with the City Engineer for scheduling of inspections to ensure effective control of erosion and sedimentation and that all drainage facilities are being completed in accordance to the approved Stormwater Management Plan. Prior to final inspection, the developer's engineer shall provide as-built plans of the detention facilities and outlet control structures documenting facilities are constructed substantially in accordance with approved plans.
- (3) After each inspection the inspector shall complete a site development status report. If the inspector finds that operations are being conducted by a permittee in violation of an approved plan or provisions of this standard, a stop-work order may be issued at that time.

(d) Ownership and Maintenance. Permanent runoff control and sediment abatement installation which are to be privately owned and maintained by an individual or group of property owner(s) shall be:

- (1) Designed and constructed by the permittee with easements sufficient to allow adequate access for inspections, maintenance and corrective actions, if necessary, by the City;
- (2) Inspected as needed by the City to ensure privately-owned installations are being properly maintained and, if not, the City may compel the owners to make the necessary repairs at the expense of the owner.
- (3) Maintained as installed by the permittee according to the approved design and not be altered unless approved by the City.
- (4) Legal / Operation Entity Requirements:
 - A. Acceptable Entities: The City considers the following entities acceptable to operate and maintain runoff and sediment control facilities:
 1. The City;
 2. Non-profit corporations including homeowners associations, property owners associations, condominium owners associations or master associations;
 3. The property owner or developer is normally not acceptable as a responsible entity especially when the property is to be sold to various third parties. However, the property owner or developer may be acceptable under one of the following circumstances:

- a. The property is wholly owned by said property owner or developer and is intended to be so retained. This would apply to a farm, corporate office or single industrial facility for example.
 - b. The ownership of the property is retained by the owner or developer and is either leased to third parties such as in some shopping centers or rented to third parties such as in some mobile home parks for example. To satisfy the requirement, the owner or developer must provide written documentation.
- B. Association Requirements:
1. If a Homeowners or Property Owners Association or Master Application is proposed, the developer must submit the Articles of Incorporation for the Association, and Declaration of Protective Covenants or Deed Restrictions, as well as a reference map if referred to in documents. After these are approved, the developer must furnish the Certificate of Incorporation and the recording information (Official Book and page number) for the Declaration.
 2. If a condominium association is proposed, the developer must supply the Articles of Incorporation for the Condominium Association, and Declaration of Condominium. After the documents are approved, it will be necessary for the developer to forward a copy of the letter from the Montgomery County Recorder's Office stating that the documents are proper for filing.
The Association, be it either a non-profit association or a condominium association, must comply with the applicable provisions of Ohio laws.
 3. The Association must have the following general powers which are reflected in the Articles of Incorporation:
 - a. Own and convey property.
 - b. Operate and maintain common property specifically the surface water management system as permitted by the City including all lakes, retention areas, culverts and related appurtenances.
 - c. Establish rules and regulations.
 - d. Assess members and enforce said assessments.
 - e. Sue and be sued.
 - f. Contract for services (if the Association contemplates employing a maintenance company) to provide the services for operation and maintenance.
 - g. The Association must have as members all the homeowners, lot owners, property owners or unit owners.

1371.99 PENALTY.

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

(b) In case any violation order is not promptly complied with, the City Engineer may request the jurisdiction's legal representative to institute an appropriate action or proceeding at law to exact the penalty provided in this code. Also, the City Engineer may ask the legal representative to proceed at law or in equity against the person responsible for the violation for the purpose of ordering that person to desist from and correct any action that has impacted or may impact the lands and waters of the City of Trotwood and/or surrounding areas.
(Ord. 26-03. Passed 11-17-03.)