

# **VILLAGE OF LEETONIA**

## **BUILDING AND HOUSING CODE**

**This Code shall be known as the Housing and Building Standards Code  
And shall be part hereof the Zoning Code**

The purpose of this Code is to protect the public health, safety and welfare of the Village of Leetonia, Ohio by enacting this Code to establish property maintenance and construction standards which apply to all real property located within the Village including without limitation all existing and newly constructed structures and all vacant land.

The provisions of this Code shall apply to all real property located within the Village including without limitation all existing and all newly constructed residential and nonresidential structures and all vacant land.

# HOUSING AND BUILDING CODE

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## ARTICLE 23 – STANDARDS AND PENALTY

### 23.1. 2006 Residential Code of Ohio

There is hereby adopted for the Village of Leetonia, for the purpose of establishing rules and regulations for the construction, alteration, removal, demolition, equipping, use, occupancy, location and maintenance of building and structures those codes known as the “2006 Residential Code of Ohio and the whole thereof, save and except such portions as are hereinafter modified, amended or deleted. A copy of said Code is presently on file with the Village Zoning Inspector.

### 23.2. Columbiana County Plumbing Standards

There is hereby adopted by and for the Village, for purpose of establishing minimum standards for the location, construction, alteration, repair and inspection of plumbing, plumbing fixtures, sinks, drains and appurtenances for single and double dwellings, private garages and other structures used for residential purposes primarily constructed for occupancy as a single or double dwelling, those certain regulations known as the Plumbing Regulations of the Columbiana County Board of Health effective the date of this Ordinance, And the whole thereof, save and except such portions as are hereinafter amended, modified or deleted.

### 23.3 Electrical Standards

There is hereby adopted by and for the Village, for purpose of establishing minimum standards for the location, construction, alteration, repair and inspection of electrical systems used for residential purposes primarily constructed for occupancy as a single or double dwelling, those certain regulations provided by the ICC National Electrical Code.

### 23.4 Effect of Article on Existing Causes, Rights and Liabilities

Nothing in this article or in the 2006 Residential Code of Ohio as adopted in Article 23.1, shall be construed to affect any suit or proceeding now pending in court, or any rights acquired or liability incurred, or any cause of actions accrued or existing under any act or ordinance repealed by this Article, nor shall any right or remedy of any character be lost, impaired or affected by this Article.

### 23.5. Conflict of Law

In the event of a conflict between any of the provisions of this Article, including the codes adopted in this Article, and the provisions of the Zoning Code, the provisions of the Zoning Code shall prevail.

### 23.6 General Code Penalty

Whoever violates any of the provisions of this Building Code, including the 2006 Residential Code of Ohio, or fails to comply therewith or with any of the requirements thereof, or erects, constructs, adds onto, alters, moves or demolishes, erects r has erected, constructed, added onto altered, moved or demolished, a building or structure or portions thereof, in violation of a detailed statement or plan submitted and approved hereunder, or of a permit or certificate issued hereunder, and whoever owns a building or structure, or portions thereof, or premised, where anything in violation of any such provisions is placed or exists, and every architect, engineer, builder, contractor, agent, person or corporation employed in connection therewith who assisted in the commission of such violation or noncompliance, shall unless a different penalty is expressly provided, be fined, for the first offense,

not more than One Hundred (100) Dollars and, for a second and subsequent offense, shall be fined not more than Five Hundred (500) Dollars or imprisoned not more than six (6) months, or both. A separate offense shall be deemed committed each day during or on which a violation of noncompliance occurs or continues.

## ARTICLE 24 ADMINISTRATION AND ENFORCEMENT

### 24.1 Housing and Building Inspector

The Zoning Inspector shall serve as the Building (and Housing) Inspector. It shall be the responsibility of the Building Inspector of the Village of Leetonia, or his authorized representative, to enforce the provisions of the Housing and Building code as herein provided.

The Housing Inspector shall receive for his services a sum which shall be thirty (30) percent of the total monies received for inspections made during the preceding month, payable monthly.

### 24.2. Fees

The fee for inspection of new construction and additions shall be as follows:

- |  |               |
|--|---------------|
| a. Areas of 1,000 sq ft or less  | \$25.00       |
| b. Each additional 1,000 sq ft or part thereof to a total of 15,000 sq ft.   | \$ 4.00/sq ft |
| c. Each additional 1,000 sq ft or part thereof over 15,000 sq ft to a total of 50,000 sq ft  | \$ 3.00/sq ft |
| d. Each additional 1,000 sq ft or part thereof in excess of 50,000 sq ft.  | \$ 1.00/sq ft |
| e. The fee for inspection of unattached accessory building shall be one half (1/2) of the above.   |               |
| f. The fee for inspections of constructions, alterations and repairs not covered above hereof shall be ten (10) dollars if the total value does not exceed five hundred (500) dollars and ten (10) dollars plus one half (1/2) of one (1) percent, (0.005), of the total cost or value of the structure. |               |

All funds received for inspections under this Article shall be paid forthwith to the Treasurer of Council who shall place all receipts in the General Fund in an account entitled "The Building Permit and Inspection Fund of the General Fund." All expenses arising from the application and operation of this Building code shall be paid from such fund. All funds remaining in this Fund at the end of each fiscal year shall revert to the General Fund to be appropriated as Council sees fit.

### 24.3 Inspection of Dwelling.

The Building Inspector shall be authorized to make or cause to be made inspections to determine the conditions of dwellings, dwelling units, and premises thereof in order to safeguard the health, morals, and welfare of the public and/or individuals.

### 24.4. Right of Entry

Upon presentation of proper credentials, the Building Inspector during normal business hours, or at any time if an emergency exists, or at any time mutually agreeable to the Inspector and owner, shall

request of the owner or occupant in lawful possession of any building, structure, or premises in the Village, permission to enter and inspect the same in order to perform any duty imposed by this Code upon him.

The Building Inspectors shall not enter any building, structure, or premises where an owner or occupant in possession shall object to such entry, except where the Building Inspector shall have first obtained an order for the purpose of entry after submitting evidence indicating probable cause exists for the inspection, from a court of competent jurisdiction. However, the Building Inspector shall not be required to obtain the consent of the owner of any premises, building, or structure in the Village where the same has been or gives the appearance of having been abandoned by the owner and the building, structure, or premises is in a condition where entry thereto is generally accessible.

24.5. Relief from Personal Responsibility:

The Building Inspector or other employees or elected officials or other officers of the Village charged with enforcement of this Code, while acting for the Village within the scope of their duties and responsibilities shall not be rendered personally liable for their actions in enforcing or enacting this Code and are hereby relieved of all personal liability for any damages to persons or property as a result of a lawful act required or permitted in the discharge of their duties or responsibilities.

Any suite filed against the Building Inspector or other employees, officers or elected officials because of acts performed or the enactment of this Ordinance shall be defended by the Village Solicitor or such counsel as appointed by the Village Council until final termination proceedings. The Building Inspector or other employees or elected officials or other officers of the Village shall not be liable for the cost or damages provided they have acted in good faith and without malice.

24.6. Notice of Violation

Whenever the Building Inspector determines that there has been a violation, or that there are reasonable grounds to believe that there has been a violation, or that there are reasonable grounds to believe that there has been a violation of any provision of this Code, he shall give notice of such violation or alleged violation to the person or persons responsible for such violation. The notice shall be deemed to be properly served upon the owner, agent, operator, or occupant, if a copy is served upon him personally, if a copy is sent by U. S. Mail, or if a copy is left at the place of residence of the owner, agent, operator, or occupant. If the owner, agent, operator or occupant of the subject premises is unknown, then a copy of the notice and order shall be certified mail, addressed to such person, to the address of the subject premises. The failure of any such person to receive actual notice shall not affect the validity of any proceedings taken under this section. Service by certified, registered or ordinary mail in the manner herein provided shall be effective on the date of mailing. The notice may contain outline of remedial action and time limit, which, if followed, will effect compliance with the provisions of this Article and with rules and regulations adopted pursuant thereto.

Said notice shall:

- (a) Set forth the alleged violation(s).
- (b) Describe the dwelling structure and/or premises where the violation(s) are alleged to exist or to have been committed.
- (c) Provide a reasonable time, not to exceed forty-five (45) days, for the correction of any alleged violation(s).
- (d) Explain the owner's right to seek modification of withdrawal of the notice by petition to the Building Inspector requesting a hearing as provided herein.

#### 24.7. Final Order

Any notice of violation provided for in this Article shall automatically become a final order if written request for a hearing is not filed in the office of the Building Code Official or his duly designated representative within ten (10) days after the mailing or service of said notice. If the property owner fails to comply with the final order, the Building Inspector has the authority to take any action necessary, including contracting with outside resources to bring the property into compliance with the Code. The cost of abating the violated property shall be collected from the property owner in accordance with Section 715.261 if the Ohio Revised Code.

#### 24.8. Demolition.

Whenever the Housing Inspector determines that any structure is beyond rehabilitation and constitutes a public nuisance in that it is injurious to the public health, safety or welfare and should be demolished, he shall notify the owner or agent to demolish the structure and restore the grounds to a satisfactory condition, as inspected by the Housing Inspector. A reasonable time, not to exceed sixth (60) days shall be given for the execution of the work. If such demolition and cleanup has not been accomplished within the specified time period, the Housing Inspector may request the Village solicitor to institute proper legal action to abate the nuisance. All expense or costs of demolition shall be borne by the owner of the premises.

#### 24.9. Appeals and Hearings.

Any person affected and aggrieved by any notice issued by the housing Inspector under any provisions of this code, or of the rules and regulations adopted pursuant thereto, may file a written request and shall be granted a hearing on the matter by the Zoning Board of Appeal. Such a request for a hearing shall be filed with the Housing Inspector within ten (10) days of the date the notice was served or mailed and shall contain a brief statement of the grounds or basis for each request for a hearing. The petitioner shall have the right to appear in persons or be represented by attorney, architect, engineer or any person.

The Zoning Board of Appeal may affirm or reverse, in whole or in part, or modify any decision of the Housing Inspector, or vary the application of any provision of this Housing Code when, in its opinion, enforcement thereof would do manifest injustice and would be contrary to the spirit and purpose of this Housing Code, or the public interest.

The proceedings at such hearing, including the findings and decisions of the Zoning Board of Appeal and reasons therefore, shall be summarized in writing and entered as a matter of public record in the office of the Building Inspector. The record shall also include a copy of every notice and/or order issued in connection with the matter. Further, the decision of the Board shall be submitted to the Council.

#### 24.10. Records Confidential.

The Building Inspector or his duly designated representative shall keep confidential all evidence which he may discover or obtain in the course of an inspection made pursuant to this Article and such evidence shall be considered privileged. Evidence so obtained shall not be disclosed except as may be necessary in the judgment of the Building Inspector for the proper and effective administration and enforcement of the provisions of this Article and rules and regulations issued pursuant thereto and shall not otherwise be admissible in any judicial proceeding without the consent of the owner, agent, operator, or other person in charge of the dwelling unit inspected.

#### 24.11 Interference with the Building/Housing Inspector

If any owner, agent or occupant of a dwelling or building structure subject to the provisions of this Code refuses, impedes, inhibits, interferes with, restrict or obstruct entry and free access to every part of the structure or premises where inspection authorized by this Code is sought, the Housing Inspector may refer the matter to the Village Solicitor for proper legal action.

### ARTICLE 25 DESIGNATION OF UNFIT DWELLING UNITS AND BUILDINGS

#### 25.1. Unfit Dwelling Units.

Any dwelling or dwelling unit may be designated as unfit for human habitation when any of the following defects or conditions are found, and when, in the judgment of the Building Inspector, these defects create a hazard to the health, safety, or welfare of the occupants, or of the public:

- a. Is damaged, decayed, dilapidated, unsanitary, unsafe, or vermin infested.
- b. Lacks illuminations, ventilation, or required sanitary facilities.
- c. General condition of the structure is unsanitary, unsafe, or unhealthful.

#### 25.2. Placard.

Whenever any dwelling, dwelling unit, rooming house, rooming unit, or building has been designated as unfit for human habitation or use as provided in this code, the Building Inspector may placard the dwelling, dwelling unit, rooming house, rooming unit, or building indicating that it is unfit for human habitation or use.

#### 25.3. Order to Vacate.

Whenever a notice of violation, as provided has not been complied with or where an appeal has not been invoked, the Building Inspector may order the dwelling or dwelling unit to be vacated. A copy of the notice to vacate shall be served on the owner, agent, operator, and the occupant as provided in Article 24.6.

#### 25.4. Vacation of Unfit Dwelling and Building

Any dwelling, dwelling unit or building designated as unfit for human habitation or use pursuant to and ordered vacated as provided in, shall be vacated within such reasonable time s the Building Inspector may specify in the Order. No such dwelling, dwelling unit or building shall be used for human habitation or human use and the placard shall not be removed until written approval is secured from the Building Inspector.

#### 25.5. Vacated Dwelling Made Secure.

The owner, agent, or operator of any dwelling, dwelling unit or building which has been designated as unfit for human habitation or human use and vacated, shall make said structure safe and secure in whatever manner the Building Inspector shall deem necessary.

#### 25.6. Notice of Intent to Demolish

Whenever the Building Inspector designates a building unfit under this Code, he may notify the

owner, agent, operator, and occupant of his intent to order the demolitions of the structure. A copy of the notice shall be served on the owner, agent, operator, and occupant as provided herein. The expenses incurred pursuant to and shall be paid by the owner or occupant of the premises, or by the person who caused or maintained such nuisance or other matter.

The Building Inspector may institute a suit to recover such expenses against any person liable for such expenses or may cause such expenses to be charged against the property as a lien. Except with respect to a lien imposed for expenses incurred in demotions, nothing herein shall be construed as placing a lien upon the property, which supersedes the lien of any mortgage on such property executed and recorded prior to the existence of a lien herein authorized.

#### ARTICLE 26. LEGAL REMEDIES

If enforcement under Article 24 is not successful, the Building Inspector may issue a citation to Mayor's Court or the appropriate Columbiana County Court.

In addition, the Village Solicitor shall, upon complaint of the Building Inspector or his designated representative, or upon his own motion, institute appropriate action to restrain, prevent, enjoin, abate, correct, or remove such violations, and to take such other legal action as is necessary to carry out the terms and provisions of this Article. The remedies provided by the law, any and all remedies may be pursued concurrently or consecutively and the pursuit of any remedy shall be construed as an election or the waiver of the right to pursue any and all of the order.

#### ARTICLE 27. CONFLICT WITH OTHER REGULATIONS.

In any case where a provision of this code is found to be in conflict with a provision of any zoning, building, fire, safety, or health ordinance or code of this municipality, existing on the effective date of this code, the provisions which established the higher standard, shall prevail.

ARTICLE 28 DEFINITIONS: Any and all definitions of Article 2 of the Zoning Code apply to the Housing and Building Code.

- 28.1. Approved; means in accordance with this Housing and Building Code, as determined by the Housing Inspector or any other authority designated by law or this Code to give such approval.
- 28.2 Bathroom; means an enclosed space containing one or more bathtubs, showers, or both, and which may also include toilets, lavatories, or fixtures serving similar purposes and not deemed a habitable room.
- 28.3. Building Official; means the official, or his authorized representative, designated by the Village to administer and enforce the Building and Housing Code.
- 28.4. Ceiling; means the surface suspended from or attached to the underside of floors or roofs, which does not form a structural part of a floor or roof, or shall mean the underside of exposed floor or roof.
- 28.5. Ceiling Height; means the clear distance between the floor and th4e ceiling directly above.

- 28.6. Commercial Unit; means any building or structure, or part thereof, which wholly or partially contains retail, services, or office space.
- 28.7. Construction Document; means all written, graphic, and pictorial documents prepared or assembled for describing the design, location and physical characteristic of the elements of the project needed for obtaining a building permit.
- 28.8. Exit in general, means the way out from any point in a building along continuous and unobstructed line of travel, which leads to a street or open space or court communicating with a street or public thoroughfare
- 28.9. Extermination; means the control and elimination of insects, rodents and other pest by cleaning out their places of refuge or havens,; by removing or making inaccessible materials that may serve as their food; by poisoning, spraying, fumigating, trapping or any other recognized and legal pest elimination method.
- 28.10. Fire Inspector; means the Fire Chief of the Leetonia Village fire Department or his designated representative.
- 28.11. Garbage; means the animal and vegetable wastes resulting from the handling, processing, preparation, cooking, serving and non-consumption of food.
- 28.12. Health Commissioner; means the Health Commissioner of the Columbiana County Health District or his authorized representative.
- 28.13. Hot Water; is water heated to a temperature of not less that 120 degrees F., at the outlet.
- 28.14. Inoperable Vehicle; includes all definitions included in the Ohio Revised Code, Section 4511.01, and shall include any vehicle regardless of its status as a collector or historical vehicle which is any of the following:  
Dismantled; Unlicensed; Missing tires, wheels, doors, windshields, fenders, bumpers, body panels or its hood, motor, transmission, or battery; or is damaged or wrecked in such a manner as to be declared a total loss by the owner's insurance company.
- 28.15. Kitchen; means a room equipped with facilities for the storage, preparation and cooking of food and the washing and storage of dinner ware and utensils, and having a floor area of not less than sixty (60) square feet.
- 28.16. Kitchenette; means a room having the facilities of a kitchen and intended to be used as a kitchen but having less that sixty (60) square feet of floor area.
- 28.17. Occupancy Certificate (Permit); means a permit issued by the Building Inspector or Housing Inspector and to be posted on the premises as an indication that the building may be occupied for its intended use.
- 28.18. Permissible Occupancy; means the maximum number of persons permitted to reside in a dwelling unit or rooming house.
- 28.19. Plumbing; means all the following supplied facilities and equipment: gas pipes, gas burning equipment, water supply lines, garbage disposal units, waste lines, water closets, sinks, lavatories, bathtubs, showers, drains, and vents and any similar fixtures, together with all connections to water, sewer, and gas lines.

- 28.20. Potable Water; means water duly approved as satisfactory and safe for human consumptions or use in cooking and preparing of food.
- 28.21. Public Nuisance includes the following:
- a. The physical condition, or use of any premises regarded as a 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, abandoned well, shafts, basements, excavations and unsafe fences or structure; or
  - c. Any premises which has unsanitary sewerage or plumbing facilities; or
  - d. Any premises designated as unsafe for human habitation or use; or
  - e. Any premises which is manifestly capable of being a fire hazard or are manifestly unsafe or unsecured as to endanger life, limb, or property; or
  - f. Any premises from which the plumbing, heating and/or facilities required by this Article 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 is unsanitary, or which is littered with rubbish or garbage, or which has an uncontrolled growth of weeds; 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 dangerous to anyone on or near the premises.
- 28.22. Refuse; means all putrescible and nonputrescible solids, except body wastes, including garbage, rubbish, ashes and dead animals.
- 20.23. Rubbish; means all non-putrescible solid waste.
- 20.24. Supplies facilities; means facilities paid for, furnished, or provided by, or under the control of the owner or operator.
- 20.25. Ventilation; means the process of supplying and removing air to and/or from any space.
- 28.26. Wastes; means burnable and no-burnable trash, rubbish, and garbage.
- 28.27. Weeds; means all grasses, annual plants and vegetation other than trees or shrubs and shall not include flowers and gardens.
- 28.28. Workmanlike, State or maintenance and Repair; means that such maintenance and repair shall be made in a reasonably skillful manner as observed and determined by the building Inspector.

ARTICLE 29 MINIMUM HOUSING AND MAINTENANCE STANDARDS.

29.1. Exterior Property Area.

29.1.1. Sanitation. All exterior property areas and premises shall be free from conditions, which might create a nuisance including graffiti, rubbish, or garbage which present a health, accident, or fire hazard.

29.1.2. Containers. The operator or every establishment producing garbage, vegetable waste, or other putrescible materials shall provide, and at all times cause to be used, leak proof approved containers provided with close fitting covers for the storage of such materials until removed from the premises for disposal.

29.1.3. 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. Stagnant water shall be determined as any accumulation that has not dispersed within seven (7) days or the last recorded local rainfall. Water retention ponds and/or reservoirs approved by the Housing Inspector are exempt.

29.1.4. Discharge of Sewage. Sewage must be discharged into a public sewer system or an approved private septic system. Discharge of inadequately treated sewer shall not be permitted upon the surface of the ground or into natural or artificial surface drainage ways or into any drains intended for storm drainage only.

29.1.5. Storm Water Drainage. Storm water shall be properly drained to prevent recurrent or excessive ponding or the entrance of water into any basement. Downspouts, foundation drains, and other storm and surface water drains shall not be connected to sanitary sewers.

29.1.6. Insect and Varmint Harborage. Exterior property areas shall be kept free from sources of insect, vermin, and rodent breeding, harborage, and infestation.

29.1.7. Outdoor Storage. Outdoor storage of unsightly items, including, but not limited to, inoperable vehicles, vehicle parts, furniture, mattresses, household furnishings, rugs, appliances, and other discarded items and refuse shall not be placed or stored in any yard area contiguous to any structure within the Village over a period in excess of twenty four (24) hours, provided however, that such of the items as set forth herein which are usually and ordinarily placed for refuse hauling. Such may be placed in an appropriate place for pickup within a period of twenty four (24) hours of the scheduled hauling date. The storage of firewood and bicycles shall be exempt from this provision.

29.1.8. Domestic Animals and Pets. Domestic animals and pets shall not be kept on any premises in such manner as to create unsanitary conditions.

29.1.9. Fences and Retaining Walls. All fences, retaining walls, or similar structures shall be anchored firmly in the ground, shall be constructed in a workmanlike manner and maintained in that same manner so that such shall always be in the state of good structural repair. If any fences, retaining walls, or similar structures is found not to be in that state of good structural repair, it shall be removed, replaced, or repaired within thirty(30)days of discovery.

29.1.10. Accessory Structures. Accessory structures, located on exterior property areas, shall be kept in good repair, free from health, fire, and accident hazards, and vermin, insects, and rodent harborage.

29.1.11. Loading Areas. All loading areas, automobile service stations, and drive-in food establishments shall be paved with bituminous, concrete or equivalent surfacing and shall be free from dirt and other litter and kept in good repair. When lighted for nighttime use, lights shall not be permitted to cast directly upon dwellings of adjacent property.

29.1.12. Vehicle Parking.

a. No motor vehicle or trailer shall be parked in any part of the yard area contiguous to a residential or commercial structure within the Village, other than that area designated as a driveway or parking lot, for cumulative of time greater than six (6) hours in a forty eight (48) hour period.

b. No commercial or private vehicle exceeding ten thousand (10,000) pounds shall be parked on a residential lot or street for a period of time not to exceed four (4) hours in a forty eight (48) hour period.

29.1.13. Ground Surface Hazards. Holes, cracks, excavations, breaks, projections, and obstructions at any place on the premises which, in the opinion of the Housing Inspector, are a hazard to persons using the premises shall not be permitted and must be removed, filled, or remedied with materials of the same nature.

29.2. Exterior Structure of Buildings.

29.2.1 General. The exterior of structures shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the health, safety, and welfare of the occupants and so as to protect the occupants from the adverse effects of the environment. All exterior surfaces weathered with dirt, grime, or moss shall be cleaned and surfaces, which are peeling or flaking, shall be scraped and surface coated with proper materials

29.2.2. Foundation Walls of every structure shall be maintained in good repair and be structurally sound. Such shall show no evidence of deterioration which would render them incapable of carrying the loads as required by the Building Code, nor permit the invasion of neither insects nor vermin.

29.2.3 Street Numbers. Each structure to which a street number has been assigned shall have the number so assigned displayed in a position easily observed and readable from the public right-of-way. All numbers shall be in Arabic figures at least three (3) inches in height and one half (1/2) inches in width.

29.2.4. Walls: Exterior walls shall be free of holes, breaks, loose or rotting boards or timbers, and any other conditions which might admit rain or dampness to the interior portions of the walls or to be occupied spaces of the building. All exterior surfaced, including wood, composition, masonry surfaces, or metal siding, shall be maintained weatherproof and shall be properly surface coated when required to prevent deterioration.

29.2.5. Roof and Drainage.

a. The roof shall be structurally sound, tight, and not have defects which might admit rain. Roof drainage shall be adequate to prevent rain water from causing dampness or deterioration to the walls or interior portions of the building. Roof water shall not be discharged in a manner to create a nuisance to owners or occupants or adjacent premises, or that create a public nuisance.

b. Any missing portions of any roof shall be replaced with material of similar kind, nature, design, and color as the original thereof. Any roof, or distinguishable portions thereof, determined by the Housing Inspector to have more than twenty-five (25) percent of its total area comprised of missing or deteriorated shingles, or other roofing materials, shall be replaced in its entirety.

c. Any structure within the Village having gutters and downspouts in place shall be maintained in such manner as to keep such gutters and or downspouts free of exterior rust and corrosion. Any missing sections or sections deteriorated beyond repair shall be replaced with gutter or down spouting to maintain the appearance and function as the original thereof.

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

29.2.7. Signs, Marquees, and Awnings. All canopies, marquees, signs, metal awnings, 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 be protected from weather conditions and against decay and rust by the periodic application of a weather-coating material such as paint or other protective treatment.

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

29.2.9. Stairs and Porches.

a. Every stair, porch, fire escape, balcony and all appurtenances attached thereto shall be so constructed as to be safe to use and capable of supporting the anticipated loads and shall be maintained in sound condition and good repair. Every stair, porch and fire escape shall be maintained free of hazardous conditions such as but not limited to snow, ice, mud and other debris.

b. Every flight of stairs which is more than four risers high shall have a handrail on at least one side of the stair, and every open portion of a stair, fire escape, porch, landing or balcony which is more than thirty (30) inches above the grade below shall have guardrails. Handrails shall be not less than thirty (30) inches nor more than thirty-four (34) inches high, measured vertically above the nosing of the treads. Guardrails shall be not less than thirty (30) inches high above the floor of the porch, landing or balcony. Every handrail and guardrail shall be firmly fastened and capable of bearing the normally imposed loads and shall be maintained in good condition.

29.2.10. Window and Door Frames.

a. Every window, door and frame shall be constructed and maintained in such relation to the adjacent wall construction so as to be weather tight. Weather stripping shall be used to exclude wind or rain from entering the dwelling or structure and shall be kept in sound condition and good repair.

b. Whenever glass windows or doors become broken, such windows and doors shall be promptly repaired to its original appearance. Boarding-up windows and doors with plywood or any other material that does not return the window or door to its original appearance will not be acceptable. This does not preclude alterations of windows or doors during remodeling.

c. All exterior windows, both within exterior walls and exterior doors, are to be covered from within by materials and items specifically designed and intended for such purpose. The following items may not be utilized for such; bed linens, bed covers, bath towels, quilts, newspapers, cardboard, package materials or outdoor covering tarps, and any other material or substances that is not intended for use as window coverings or shading. This list of non-permissible materials is not meant to be exclusive.

29.2.11. Insect Screens. During the period from April to December door and window or other outside opening used for ventilating purposes serving any building containing habitable rooms, food preparation areas, food service areas, or other areas where products used in food for human consumption are processed, manufactured, packaged or stored, shall be supplied with approved tight fitting screens of not less than sixteen (16) mesh per inch and every swinging screen door shall have a self-closing device in good working conditions.

29.2.12. Door Hardware. Every exterior door and its hardware shall be maintained in good, functional condition. Door locks on all doors entering dwelling units of buildings shall be in good repair and capable of tightly securing the door.

29.2.13. Basement Hatchways. Every basement hatchway shall be so constructed and maintained so as to prevent the entrance of weather conditions, varmints, and surface drainage water from entering the building.

29.2.14. Basement Window Guards. Every basement window which is openable shall be supplied with varmint proof shields, or storm windows or other material affording protection against the entry of varmints.

29.2.15. Exit Doors. Every door available as an exit shall be capable, in every structure used for human habitation or use, of being opened from the inside easily and without the use of a key.

### 29.3 Interior Structure of Building.

29.3.1. Dampness. Basements and crawl spaces in every structure meant for human habitation or use, shall be kept free from dampness.

29.3.2. Structural Members. Supporting structural members of every structure meant for human habitation or use shall be structurally sound and capable of maintaining their structural purpose.

29.3.3. Stairs and Railings. Interior stairs, of every structure meant for human habitation or use, shall be structurally sound and free from defects and shall be so designed as to minimize accident hazards. Railings shall be provided for stairs, balconies, landings, and stairwells.

29.3.4. Floors, Walls, and Ceilings. Floors, walls, and ceilings of every structure meant for human habitation or use shall be structurally sound, free from irregularities, which may be a cause of accidents, and maintained in a clean and sanitary condition.

29.3.5. Bathroom Floors. Bathroom, shower room, and toilet rooms or compartment floors and walls of every structure meant for human habitation or use shall be constructed and maintained so as to be impervious to water and so as to permit such floor and wall to be easily kept in a clean, safe, and sanitary condition

29.3.6. Rubbish and Garbage. The interior of every structure meant for human habitation or use shall be maintained free from rubbish and garbage that might become a health, accident, or fire hazard, or become a nuisance in the opinion of the Housing Inspector..

29.3.7. Insect and Varmint Conditions. Buildings used for human habitation or use shall be kept free from insect and varmint infestation , and where insects or varmints are found they shall be promptly exterminated by acceptable processes, which will not be injurious to human health. Following extermination, proper precautions shall be taken to prevent re-infestation. All cost associated with extermination shall be paid by the owner or occupant of the building.

29.3.8. Egress. Every dwelling structure shall have a safe, unobstructed means of egress to a safe and open outdoor space at ground level. At least one window or other exterior opening in each habitable room shall be arranged as to permit its use as a means of escape in any emergency.

Every dwelling unit above the first floor of a multi-family dwelling shall have two means of egress, located as far apart as possible. One means of egress shall be by enclosed stairs leading directly to a ground floor porch, stoop or steps to grade. The second means of egress may be similar to and in addition to the above described stairway.

All means of egress shall have minimum headroom of six (6) feet, six (6) inches. Doors must be provided with a lock that can be readily opened from the inside without a key.

29.3.9. Poisonous Substances. Each dwelling shall have a suitable facility for the safe storage of drugs and household articles that are poisonous.

29.3.10. Public Hallways and Stairways. Public hallways and inside stairways in multiple family dwelling shall be adequately lighted at all times by natural or electric lighting with an illumination of at least six (6) foot candles at the floor or tread level. Light switches shall be conveniently located.

29.3.11. Unvented Space Heaters.

No owner or occupant of any dwelling unit or dwelling room shall install, operate or use an portable unvented space heater in a bathroom, laundry room, recreation room, or hall space when such space heater employs a flame.

## ARTICLE 30 Application to Build, Add or Place

### 30.1. Application.

Any proposed new building, addition to an existing building or alteration of an existing building or structure shall be submitted to the Building Inspector in the form of an approved application. The Building Inspector shall note his approval or disapproval based upon compliance with this Code, along with reason thereof. No persons, firm or corporation shall commence construction of any building or addition to any building upon any lot or tract of land without first submitted any

application to the Zoning Inspector and securing his approval thereon. The approved permit must be posted in plain sight at the building site during construction.

### 30.2 Submission of Plans

- a. For the purposes of the Article, a property line shall be the boundary line of a lot or tract of land described separately in deed or other instrument of conveyance of record with stakes set by the property owner and such stakes shall be questioned only if adjoining property owners disagree.
- b. Plans, whether by blueprint or hand drawing to scale of all proposed buildings, additions to existing buildings to be placed upon lands within the Village, shall be filed with the Village on application forms approved by the Village Zoning Inspector and available at the Water and Sewer Office. Such application shall be signed by the applicant and shall require the showing of property lines, lot number or other legal description of the property, the dimensions of the property, the size of the building, addition to be placed on the property and the location of the same on the property. The zoning Inspector shall examine the application and the property.
- c. The property owner shall locate the property lines and stake such improvements before requiring an inspection.
- d. The Zoning Inspector will not his recommendations for approval or disapproval upon the application. The Zoning Inspector must sign the application. If the application is disapproved, the applicant shall have the right to appeal the decision the Board of Appeals within ten (10) days of the disapproval.

### 30.3. Placement.

No part of a building constructed or placed upon a lot or tract of land shall be placed closer to any property line of such lot or tract than four (4) feet. No dwelling shall be placed within twenty (20) feet of another dwelling on the same lot or tract of land or adjoining lot or tracts of the same owner.

### 30.4. Penalty

Whoever violates any provisions of this Article is guilty of a minor misdemeanor. Each and every day of violation shall be deemed a separate offense.

## ARTICLE 31 BASIC FACILITIES FOR RESIDENTIAL STRUCTURES

### 31.1 General

31.1.1 Potable Water. Every dwelling, dwelling unit, and rooming house or other structure meant for human habitations shall be supplied with a potable water supply. There shall be adequate water supply and pressure at all installed hot and cold water outlets.

31.1.2. Hot Water. Every dwelling, dwelling units, rooming house, or structure meant for human habitation shall have an adequate supply of hot water, properly connected to plumbing fixtures requiring hot water, such as but not limited to washing fixtures, food preparation fixtures, and bathing and showering facilities.

31.1.3. Plumbing Fixtures. Within every dwelling unit there shall be the following plumbing fixtures: Kitchen sink, bathtub or shower, toilet, and lavatory. Kitchens sinks, bathtubs, showers, and lavatories shall be properly connected to both hot and cold water lines. All plumbing fixtures shall be connected to sewer lines that discharge into a public sewerage system or other approved means of disposal.

31.1.4. Heating Facilities. Every dwelling, dwelling unit, rooming house, rooming units or other structure meant of human habitation or use during normal heating periods, shall have heating facilities capable of maintaining a minimum inside temperature of sixty eight (68) degrees F.

31.1.5. Electrical Service. Every dwelling and dwelling unit shall be provided with approved electrical service.

31.1.6. Electrical Outlet Required. Every habitable room of such dwelling shall contain at least two (2) separate wall type electric convenience outlets on one such convenience outlet and one supplied wall or ceiling type electric light fixture; and every water closet compartment, bathroom, laundry, furnace room, and public hall shall contain at least one (1) supplies ceiling or wall type electric light fixture. Every such outlet and fixture shall be properly installed, shall be maintained in good working condition, and shall be connected to the source of electric power in a safe manner. Each electric light fixture shall have a conveniently located control switch.

31.1.7. Kitchen Facilities. Every dwelling unit shall contain a room or portions of a room in which food may be stored, prepared and/or cooked for consumption and shall be equipped with the following:

- a. A Kitchen sink in good working condition which shall be connected to both a hot and cold water supply and to an approved water and sewer system. A lavatory shall not be considered a kitchen sink.
- b. Cabinets and/or shelves for the storage of eating, drinking and cooking equipment and utensil and of food that does not require refrigeration for safe keeping. Said cabinets and/or shelves shall be adequate for the permissible occupancy of the dwelling unit and shall be of sound construction finished with surfaces that are easily cleanable and that will not impart any toxic or harmful effect to food.
- c. A stove, range, or similar device for cooking food, properly installed with all necessary connections for safe and efficient operation provided that such stove, range, or similar device need not be installed when the dwelling is not occupied. The use of gasoline stoves or similar fuel burning appliances using highly flammable fuels and the use of portable kerosene stoves, charcoal stoves, or other similar fuel burning portable appliances for cooking is prohibited.
- d. A refrigerator or similar device, for the safe storage of food at a temperature less that forty-five (45) degrees F., but more that thirty-two (32) degrees F., properly installed with all necessary connections for safe, sanitary and efficient operations; provided that such refrigeration or similar equipment need not be installed when dwelling is not occupied.
- e. Egress. Every dwelling unit and rooming unit shall have safe and unobstructed means of egress from the structure.

31.1.8 Bathroom Facilities. Every dwelling unit shall contain a room or rooms within which affords privacy to a person within such room or rooms. Said room or rooms shall be equipped with a flush toilet and shall contain a lavatory, while a bathtub or shower stall may be in a separate

room with all fixtures connected to an approved water and sewer system. The bathtub, shower, and lavatory shall be supplied with both hot and cold running water.

Every bathroom, shower room, or water closet compartment shall have the natural light and ventilation required for a habitable room or mechanical ventilation capable of providing eight (8) changes of room air per hour and artificial light of not less than five (5) foot candles at the floor.

31.1.9. Ventilation. At least one window or skylight in every habitable room shall be easily operable or there shall be some other approved device that will provide adequate ventilation. The window must be able to open at least forty (40) percent of its overall size.

### 31.2. Cleanliness.

The interior of every dwelling shall be maintained in a clean and sanitary condition, free from any accumulation of rubbish or garbage, or the infestation of insects or varmints.

### 31.3. Maintenance of Facilities, Equipment and Utilities.

Every supplied facility, piece of equipment or utility which is required under this Housing Code shall be constructed, installed or operated, so that it will function safely and effectively and shall be maintained in a satisfactory working condition.

## ARTICLE 32 Space and Use Requirements.

No person shall occupy or let to another for occupancy any dwelling or dwelling unit, for the purpose of living therein, which does not comply with the following requirements:

- 32.1. Area. Every dwelling unit shall contain at least one hundred fifty (150) square feet of floor space for the first occupant and at least one hundred (100) additional square feet for every additional occupant thereof, the floor space to be calculated on the basis of total habitable room area.
- 32.2. Sleeping area, One Room. In every dwelling unit of two (2) or more rooms, every room occupied for sleeping purposes by one occupant shall contain at least seventy (70) square feet of floor space and every room occupied for sleeping purposes by more than one occupant shall contain at least fifty (50) square feet of floor space for each occupant thereof.
- 32.3. Sleeping Areas, Two or More rooms. No dwelling or dwelling unit containing two (2) or more sleeping rooms shall have such room arrangements that access to a bathroom or water closet compartment intended for use by occupants of more than one sleeping room can be had only by going through another sleeping room, nor shall room arrangements be such that access to a sleeping room can be had only by going through another sleeping room or bathroom or water closet compartment.
- 32.4. Ceiling Height. At least one half (1/2) of the floor area of every habitable room shall have a ceiling height of at least seven (7) feet, and the floor area of that part of any room where the ceiling height is less than five (5) feet shall not be considered as part of the floor area in computing the total floor area of the room for the purpose of determining the maximum permissible occupancy thereof.
- 32.5. Electrical Outlets. Every habitable room of a dwelling shall contain at least one wall type electric convenience outlet, and every water closet compartment, bathroom, laundry room, furnace room and public hall shall have at least one light fixture. Every such outlet and fixture shall be properly installed, shall be

maintained in good and safe working conditions and shall be connected to the source of electrical power in an acceptable manner according to the Electrical Code.

- 32.6. Rooming Numbers. Every dwelling shall have heating facilities which are properly installed, are maintained in safe and good working condition and are capable of safely and adequately heating all habitable rooms, the bathroom and water closet compartments in every dwelling unit located therein to a temperature of at least sixty-eight (68) degrees F. at a distance three (3) feet above floor level.
- 32.7. Pets. Every public hall and stairway in every multiple dwelling containing five (5) or more dwelling units shall be adequately lighted at all times. Every public hall and stairway in structures devoted solely to swelling occupancy and containing not more than four (4) dwelling units shall be supplied with conveniently located light switches, controlling an adequate lighting system which may be turned on when needed, instead of full-time lighting.
- 32.8. Basement Window Screens. Every basement window used or intended to be used for ventilation and every other opening to a basement which might provide an entry for varmints shall be supplied with a screen or such other device as will effectively prevent their entrance.
- 32.9 Below Grade. Occupancy of dwelling units below grade shall not be used for living purposes unless:
- 32.9.1 All floors and wall are watertight;
- 32.9.2. Total window area and total openable area in accordance with this Code; and,
- 32.9.3. Required minimum window area of every habitable room is entirely above the grade of the ground adjoining such window area.

### ARTICLE 33 ROOMING HOUSES.

No person shall own or operate a rooming house or occupy or let to another for occupancy any room unit in any rooming house unless the rooming house accommodations have been approved by the Housing Inspector. In additions;

- 33.1. Bathroom Facilities. At least one flush water closet, lavatory basin and bathtub or shower, properly connected to a water and sewer system approved by the Housing Inspector and in good working condition, shall be supplied for each five (5) persons residing within a rooming house, including members of the owner or operator's family wherever they share the use of the facilities, provided that in a rooming house where rooms are let only to males, flush urinals may be substituted for not more than on-half (1/2) the required number of water closets. All such facilities shall be so located within the dwelling s to be reasonable accessible from a common hall or passageway to all persons sharing such facilities. Every lavatory basin and bathtub or shower shall be supplies with hot water and cold water at all times. No such facilities shall be located in a basement except by written approval of the Housing Inspector.
- 33.2. Linens. The owner or operator of every rooming house shall change supplied bed linen and towels therein at least once each week and prior to the letting of any room to any occupancy. The owner or operator shall be responsible for the maintenance of all supplied bedding in a clean and sanitary manner.
- 33.3. Sleeping Area. Every room occupied for sleeping purposes by one person shall contain at least

seventy (70) square feet of floor space, and every room occupied for sleeping purposes by more than one person shall contain at least fifty (50) square feet of additional floor space for each additional occupancy hereof.

- 33.4. Egress. Every rooming unit shall have safe, unobstructed means of egress leading to safe and open space at ground level.
- 33.5. Walls and Floors. The owner and operator of every rooming house shall be responsible for the sanitary maintenance of all walls, floors and ceilings, and for maintenance of sanitary conditions in every other part of the rooming house. He shall be further responsible for the sanitary maintenance of the entire premises where the entire structure or building is leased or occupied by the owner or operator.
- 33.6. Room Numberings. Every rooming unit and every dwelling unit in every rooming house of more than three (3) units shall be numbered in a plain and conspicuous manner, the number to be placed on the outside of the door to such rooming unit or dwelling unit. No two doors may bear the same number. No number on any door of any rooming unit or dwelling unit shall be changed to any other number without first securing a written approval of the Housing Inspector.
- 33.7. Pets. If the owner or operator of a rooming house permits the keeping of pets, such pets shall not create a nuisance by accumulations of body wastes or infestations of ectoparasites.
- 33.8. Window Shades. Every window of every room used for sleeping shall be supplied with shades, draw drapes or other devices or materials which when properly used will afford privacy to the occupant of the room.
- 33.9. Screens. Adequate rubbish storage containers, which have been approved by the Housing Inspector as to type and location, shall be supplied by the rooming house owner or operator. The operator or owner shall be responsible for the disposal of all rubbish or garbage in a clean sanitary manner by placing it in the required containers.
- 33.10. Screens. The owner or operator of a rooming house shall be responsible for hanging all screen doors and window screens whenever the same are required by the provisions of this Code or by any rule or regulation adopted pursuant hereto.
- 33.11. Extermination. The owner or operator of a rooming house shall be responsible for the extermination of any insect, varmints, or other pests therein, and he shall be further responsible for extermination of the entire premises where the entire structure or building within which the rooming house is contained is leased or occupied by the owner or operator.
- 33.12. Passageway. Every exit shall be easily accessible from every rooming unit and dwelling unit by passage through a public passageway and without passing through any part of any other rooming unit or dwelling unit. Exits shall be unobstructed at all times.
- 33.13. Occupant Identity. It shall be the duty of the operator of a rooming house to report forthwith to the Housing Inspector the name of any person living in the rooming house whenever the owner or operator has reason to believe or suspect that such person may be afflicted with any communicable disease or is committing acts constituting a violation of law within the rooming house.
- 33.14. Every provision of this Article which applies to rooming houses shall also apply to hotels and motels, except to the extent that any such provisions may be found to be in conflict with State or County laws and regulations.

## ARTICLE 34 ABANDONED STRUCTURES AND UNOCCUPIES LOTS

- 34.1. Abandoned. If any structure shall become abandoned, such structure shall be presumed to be a nuisance affecting or endangering surrounding property values and to be deter mental to the public health, safety, convenience, comfort, property or general welfare of the community and shall be abated.
- 34.2. Notice of Abandonment. Whenever the Building Inspector shall find any structure to be abandoned within the meaning of this Article, he shall give notice in the same manner as service of summons in civil cases or by certified mail addressed to the owner of record of the premises at his last known address or to the address to which the tax bills are sent, or by a combination of the foregoing methods, to abate such abandoned condition within thirty (30) days either by placing the structure in operation in accordance with the intended operation of said building , adapting and using the structure for another use permitted in the Zoning District, or by raising the structure removing all debris, any signs, supplies, and equipment, and filing depressions to the grade level of the lot, provided, however, that if the structure is in use at the time of notice is given and remains in operations for ninety (90) consecutive days, the provisions of this Article shall not apply.
- 34.3. Unoccupied Structures. Unoccupied or inoperative structures, whether or not abandoned, the lot upon which any such structure is located, with any other occupied lot, shall be maintained in accordance with provisions of this Code. Any such lot shall be provided with grass or other appropriated ground cover or landscaping material so as to assure absorption of rainfall and to prevent erosion and rapid runoff of surface water. The owner shall cut and maintain all grass or other ground cover whenever such exceed six (6) inches in height. The parking of motor vehicles upon said property is prohibited.

## ARTICLE 35. FIRE DAMAGED STRUCTURES

- . Fire Damaged Structure Removal or Repair Securing Fund. The Village is hereby authorized to utilize at he procedure described in the Ohio Revised Code, 3929.86 (c) and (d), whereby no insurance company doing business in the State shall pay a claim of a named insured for fire damage to a structure located within the Village where the amount recoverable for the fire loss to the structure under all policies exceed five thousand (5000) dollars unless there is a compliance with the following procedures,
  - a. When the loss agreed to between the named insured or insureds and the company or companies equals or exceed sixty (60) % of the aggregate limits of liability on all fire policies covering the building or structure, the insurance company or companies in accordance with the Ohio Revised Code 715.26(F) shall transfer from the insurance proceeds to the Village Treasurer in the aggregate one thousand (1,000) dollars for each twenty thousand (20,000) dollars, and each fraction of that amount of the claim; or if at the time of a proof of loss agreed to between the named insured or insureds and the insurance company or companies, the named insured or insureds have submitted a contractor's signed estimate of the cost of recovery, repairing or securing the building or other structure, the company or companies shall transfer the insurance proceeds the amount specified in the estimate. Such transfe4 of proceeds shall be on a pro rata basis by all companies insuring the building or other structure. Policy proceeds remaining after the transfer to the Village shall be disbursed in accordance with the policy terms. The name insured or insureds may submit a contractor's signed estimate of cost of removing, repairing or securing the building or other structure after the transfer, and the Village Treasurer shall return the amount of the fund in excess of the estimate to the named insured or insureds, provided that the village has not commenced to remove, repair or secure the building or other structure.

b. Upon receipt of proceeds by the Village as authorized by this Article, the Village Treasurer shall place the proceeds in a separate fund to be used solely as security against the total cost of removing, repairing or securing incurred by the Village pursuant to Ohio Revised Code 715.261.

When transferring the funds as required in subsection (a) hereof, an insurance company shall provide the Village with the name and address of the named insured or insureds, whereupon the Village

shall contact the named insured or insureds, certify that the proceeds have been received by the Village and notify them that the following procedure shall be followed:

The fund shall be returned to the named insured or insureds when repairs, or removal, or securing of the building or other structure have been completed and the required proof received by the Village Treasurer, if the Village has not incurred any cost for such repairs, removal or securing. If the Village has incurred any cost for repairs, removal or securing of the building or other structure, such cost shall be paid from the fund and if excess funds remain, the Village shall transfer the remaining funds to the named insured or insureds. Nothing in this article shall be construed to limit the ability of the Village to recover any deficiency under Ohio Revised Code 715.261. Nothing in this article shall be construed to prohibit the Village and the named insured or insureds from entering into an agreement that permits the transfer of funds to the named insured or insureds if some other reasonable disposition of the damaged property has been negotiated.

c. The Village Treasurer is hereby designated as the officer authorized and directed to carry out the duties of this article. The Village Treasurer shall file a certified copy of this article with the Superintendent of Insurance of the State of Ohio.

## ARTICLE 36 FLOOD AND MUDSLIDE HAZARDS.

### 36.1. Land Use and Control Measures.

Council hereby assures the Federal Insurance Administration that it shall enact, as necessary, and maintain in force for those areas having flood or mudslide hazards, adequate land use and control measures with effective enforcement provisions consistent with the criteria set forth in Section 1910 of the National Flood Insurance Program Regulations. Council further agrees to take such other official action as may be necessary to carry out the objectives of the program.

### 36.2. Duties and Authority of the Zoning Officer.

The Zoning Officer is hereby vested with the responsibility, authority and means to:

36.2.1 Delineate or assist the Administrator, at his request, in delineating the limits of the areas having special flood hazards on available local maps or sufficient scale to identify the location of building sites.

36.2.2. Provide such information as the Administrator may request concerning present uses of occupancy of flood plain areas.

36.2.3 Cooperate with Federal, State and Local agencies and private firms which undertake to study, survey, and map and identify flood plain or mudslide areas, and with neighboring communities with

respect to the management of adjoining flood plain and/or mudslide areas, in order to prevent aggravation of existing hazards; and

36.2.4. Submit on the anniversary date of the community's initial eligibility an annual report to the Administrator on the progress made during the past year within the community in the development and implementation of flood plain area management measures.

36.3. Records of Elevations.

The Building Officer shall maintain for public inspection and furnish upon request a record of elevations, in relation to mean sea level, of the lowest floor, (including the basement), of all new or substantially improved structures located in special flood hazard immediately above must also be recorded.

36.4. Review of Building Permit Applications.

The Building Officer shall review all building permit applications for new construction or substantial improvements to determine whether the proposed building site will be reasonable safe from flooding. If a proposed building site is in a location that has a flood hazard, any proposed new construction or substantial improvements, including modular and manufactured homes, shall:

- a. Be designed or modified and anchored to prevent flotation, collapse or lateral movement of the structure;
- b. Use construction materials and utility equipment that are resistant to flood damage; and,
- c. Use construction methods and practices that will minimize flood damage.

36.5. Review of Subdivision and New Development Proposals.

The Building Officer shall review subdivision proposals and other proposals for new developments to ensure that:

- a. All such proposals are consistent with the need to minimize flood damage.
- b. all public utilities and facilities, such as water, gas, electrical and water systems, are located, elevated and constructed to minimize or eliminate flood damage.
- c. Adequate drainage is provided so as to reduce exposure to flood hazards.

36.6. Water, Sanitary Sewerage, and On-Site Waste Disposal Systems.

The Building Officer shall require new or replacement water supply and/or sanitary sewerage systems to be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters, and shall require on-site waste disposal systems to be located so as to avoid impairment of them or contamination from them during flooding.

ARTICLE 37. MOVING OF BUILDINGS.

37.1. Permit Required and Bond

No person shall move any building upon any public ground without first having obtained a permit

therefore from the Zoning Officer. No such permit shall be granted until the party applying therefore has given a bond in the sum of one thousand (1,000) dollars with good and sufficient securities to be approved by the Zoning Officer. Conditioned that such party will pay any and all damages which may occur to any tree, pavement, street or sidewalk or to any public building or structure and all damages resulting to any person whatsoever, which may be caused by the carelessness or negligence of the workmen while engaged in the moving of any building in the public way of the Village, and conditioned also that such party so licensed will save and indemnify and keep harmless the Village against all liabilities, judgments, costs and expenses which may in any way accrue against the Village in consequence of the granting such permit, and will in all things strictly comply with all conditions of the permit.

### 37.2 Conditions for Issuance of Permit

Upon the execution of the bond required by the above to the acceptance of the Zoning Officer, a permit shall be granted to the applicant. The permit shall contain specifically, all the conditions thereof, prescribing the route to be taken, the building proposed to be moved, the site to which the same is to be moved and the period of time within which the moving shall be accomplished. No person shall violate any of the conditions of his permit.

### 37.3 Warning Lights on Building in Public Ways.

A permittee under this Article, while engaged in the moving of any building in the public ways and while occupying and using the public way for this purpose, shall cause a red or amber light to be placed in a conspicuous place in the front and rear of such building or obstruction from sunset each night during which such building remains in any such public way.

## ARTICLE 38 LEGAL REMEDIES

If enforcement under Article 24 of this Code is not successful, the Building Code Official may issue a citation to Mayor's Court or the appropriate Columbiana County Court.

In addition, the Village Solicitor shall, upon complaint of the Building code Official or his designated representative, or upon his own motion, institute appropriate action to restrain, prevent, enjoin, abate, correct, or remove such violation, and to take such other legal action as is necessary to carry out the terms and provisions of this Code. The remedies provided by law, any and all remedies may be pursued concurrently or consecutively and the pursuit of any remedy shall not be construed as an election or the waiver of the right to pursue any and all of the others.

## ARTICLE 39. PENALTY

Any person, firm, or corporation who shall knowingly and willfully violate or assist in the violation of this Code shall, upon conviction, be punished by fine of not more than one hundred (100) dollars for each offense. Each day that such violation continues, shall constitute a separate offense.

## ARTICLE 40 VALIDITY

40.1. Severability: 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 and the provisions of this Code are hereby declared to be severable.

- 40.2. Saving Clause: This Code shall not affect violations of any other ordinance, code or regulation of the municipality existing prior to the effective date hereof and any 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 the violation was committed.

