

**THE RESIDENTIAL  
PROPERTY MAINTENANCE CODE  
OF  
THE VILLAGE  
OF  
BURBANK,  
WAYNE COUNTY, OHIO**

**ORDINANCE NO. 2014-09**

**EFFECTIVE DATE:** October 14, 2014

APPROVED: /s/ Carolyn Dibler  
CAROLYN DIBLER, Mayor

DATE: October 14, 2014

PASSED: 1<sup>ST</sup> Reading: September 2, 2014  
2<sup>nd</sup> Reading: October 14, 2014  
3<sup>rd</sup> Reading: Waived

ADOPTED: October 14, 2014      AYES: 5  
NAYS: 0

ATTEST: /s/ Gary D. Harris  
GARY D. HARRIS, Fiscal Officer

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## **ARTICLE ONE**

### **GENERAL**

#### **100.1 TITLE**

These regulations shall be known as the Residential Property Maintenance Code of the Village of Burbank, Ohio, hereinafter referred to as the Residential Property Maintenance Code or This Code.

#### **100.2 INTENT**

This Code is intended to establish the minimum acceptable standards for the maintenance of existing residential buildings, structures, premises and facilities and accessory structures thereto. The intent of this Code is that if the facility is installed legally, according to a Building Code or such other building regulations legally in force in this jurisdiction at the time of installation, or construction, that such facility may be maintained or repaired according to the Code in force at the time of construction, until such time that the facility is no longer serviceable.

This Maintenance Code, then deals primarily with conditions, which must be, maintained in existing buildings, structures, premises and facilities to protect health, safety and general welfare.

This Code shall be construed liberally and justly to insure public health, safety and welfare insofar as they are affected by maintenance of structures and premises.

#### **100.3 SCOPE**

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

1. Establishing minimum maintenance standards for all residential structures and premises for basic equipment and facilities for safety from fires, and for safe and sanitary maintenance of all structures and premises now in existence.
2. Fixing the responsibilities of owners, operators and occupants of all structures, and
3. Providing for administration, enforcement and penalties.

#### **100.4 OTHER REGULATIONS**

The provisions of this Code shall not be construed to prevent the enforcement of other ordinances or regulations which prescribe standards other than are provided herein.

## **100.5            EXISTING REMEDIES**

The provisions of this Code shall not be deemed to abolish or impair existing remedies of this jurisdiction or its officers or agencies relating to the removal or demolition of any buildings which are deemed to be dangerous, unsafe, and unsanitary.

## **VALIDITY**

### **101.1            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.

### **101.2            SAVING CLAUSE**

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

## **DUTIES AND POWERS OF THE ZONING INSPECTOR**

### **102.1            OFFICER**

It shall be the duty and responsibility of the Zoning Inspector of the Village to enforce the provisions of this Code as herein provided.

### **102.2            NOTICE AND ORDERS**

The Zoning Inspector shall issue all necessary notices of violations of this Code and orders to correct violations and abate illegal or unsafe conditions to insure compliance with requirements of this Code.

### **102.3            INSPECTION AND ENTRY**

The Zoning Inspector is authorized to make visual external inspections of properties within the Village to determine whether such properties meet the requirements of this Code, to enter into

properties for the purpose of inspection when prior consent for entry is given by the owner of the property or a person having authority to grant such consent on behalf of the owner, and to refer properties to the appropriate Village official to institute proceedings to obtain a search warrant for entry into such properties where consent to enter for inspection has been denied and there is probable cause to believe that a violation of the requirements of this Code exists.

#### **102.4 REPORT PROCEDURE**

As requested by Village Council, the Zoning Inspector shall submit a report of operations in the form and contents as prescribed by Council.

### **CONDEMNATION**

#### **103.1 GENERAL**

When a structure or part thereof is found by the Zoning Inspector to be unsafe, or when a structure or part thereof is found unfit for human occupancy or use, it may be condemned by the Zoning Inspector and may be placarded and ordered vacated. It shall not be re-occupied without written approval of the Zoning Inspector. Unsafe equipment shall be placarded and placed out of service.

#### **103.2 UNSAFE STRUCTURE**

An unsafe structure is one in which all or part thereof is found to be dangerous to life, health, property, or 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.

#### **103.3 UNSAFE EQUIPMENT**

Unsafe equipment includes any boiler, heating equipment, electrical wiring or devise, flammable liquid containers or other equipment on the premises which is in such disrepair or condition that it is found to be a hazard to life, health, property of safety of the public or occupants of the premises or structure. Unsafe equipment may contribute to the finding that the structure is unsafe or unfit for human occupancy or use.

#### **103.4 STRUCTURE UNFIT FOR HUMAN OCCUPANCY**

A structure is unfit for human occupancy or use whenever the Zoning Inspector finds that it is unsafe, unlawful, or because of the degree in which it lacks maintenance or is in disrepair, is unsanitary, vermin or rat infested, contains filth and contamination, or because it's location constitutes a hazard to its occupants or to the public.

### **103.5 UNLAWFUL STRUCTURE**

An unlawful structure is one found in whole or in part to be altered or occupied contrary to law.

### **103.6 CLOSING OF VACANT STRUCTURE**

If the structure or part thereof is vacant and unfit for human habitation, occupancy, or use, the Zoning Inspector may post a placard of condemnation on the premises and may order the structure secured so it will not be an attractive nuisance. Upon the failure of the owner to secure the premises within the time specified in the order, the Zoning Inspector shall cause it to be secured and the cost thereof shall be charged against the real estate which the structure is located and shall be a lien upon such real estate.

## **NOTICES AND ORDERS**

### **104.1 NOTICE TO OWNER OR PERSON OR PERSONS RESPONSIBLE**

Whenever the Zoning Inspector determines that there has been a violation of this Code or has reasonable grounds to believe that a violation has occurred or whenever the Zoning Inspector has condemned any structure or equipment under this Code, notice shall be given to the owner or the person or persons responsible therefore in the manner prescribed below.

### **104.2 FORM OF NOTICE**

Notices shall:

1. Be in writing
2. Include a description of the premises sufficient for identification
3. Include a statement of reason or reasons why it is being issued
4. Include a Correction Order allowing a reasonable time for repairs and improvements required to bring the dwelling unit or structure into compliance with provisions of this Code, and
5. Include an explanation of owner's right to seek modification or withdrawal of the notice by appeal to the Village Council.

### **104.3 SERVICE OF NOTICES**

Notice may be served by delivery to the owner personally, or by leaving the notice at the usual place of residence, in the presence of someone in the family of suitable age and discretion; or by certified mail to the owner at his last known address with return receipt requested; or by posting a copy thereof in a conspicuous place in or about the structure affected.

#### **104.4 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 non-compliance shall be stated. Owners or persons responsible for compliance must vacate at the time set for correction of defects if there is failure of compliance.

### **PLACARDING OF CONDEMNED STRUCTURES**

#### **105.1 PLACARDING OF STRUCTURE**

After service of Notice and expiration of time to correct therein,, the Zoning Inspector may post on the premises or structure or part 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 use or for removing the placard.

#### **105.2 PROHIBITED USE**

No person shall occupy a placarded premises or structure or part thereof, or shall use placarded equipment, and no owner or any person responsible for the premises shall let anyone occupy a placarded premises.

#### **105.3 REMOVAL OF PLACARD**

The Zoning Inspector shall remove the condemnation placard whenever the defect or defects upon which the condemnation and placarding action were based have been eliminated. No person shall deface or remove a condemnation placard without the approval of the Zoning Inspector.

### **EMERGENCY ORDERS**

#### **106.1 GENERAL**

Whenever the Zoning Inspector 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, the Zoning Inspector may, with proper notice and service issue an order reciting the existence of such emergency and requiring the vacating of the premises or such action taken as the Zoning Inspector 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.

## **106.2 COMPLIANCE AND APPEAL**

Any person to whom such order is directed shall comply with the order and may appeal the order as provided herein.

## **VIOLATIONS**

### **107.1 INSPECTION AND CORRECTION OF VIOLATIONS**

It shall be the duty of the Zoning Inspector to inspect structures upon complaint and for any building erected, altered, moved, razed or converted, or any use of land or premises carried on in violation of any provision of this Code, to provide notice and order correction of all conditions which are found to be in violation.

### **107.2 CORRECTION PERIOD**

All violations shall be corrected within the time period indicated by the Zoning Inspector in the notice and order. Any violation not corrected within the specified period of time shall be subject to prosecution for a violation of this Ordinance.

### **107.3 PENALTIES**

A violation of any provision of this Code, or supplements or amendments thereto, by any person, firm or corporation shall be a minor misdemeanor. If the offender has been found guilty, or has been convicted of, a previous violation of this Ordinance, a violation of this Ordinance shall be an unclassified misdemeanor punishable by a fine of not less than \$150.00 nor more than \$500.00.

### **107.4 COMPLAINTS REGARDING VIOLATIONS**

Whenever a violation of this Ordinance occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the causes and basis thereof shall be filed with the Zoning Inspector.

The Zoning Inspector shall record properly such complaint, investigate, and take action as provided by this Code.



## **APPEAL**

### **108.1 AUTHORITY AND JURISDICTION**

The Village Council is hereby authorized to act as the administrative board empowered to hear and determine all appeals filed under this Code.

### **108.2 PETITION**

Any person affected by any notice or order which has been issued in enforcement of any provision of this Code, may request and shall be granted a hearing on the matter before the Village Council, provided that such person shall file, with the Zoning Inspector a written petition requesting a hearing and containing a statement of the grounds of the appeal. The petition must be filed within twenty (20) days after the day the notice was served.

Village Council may establish a fee for filing such petitions, which fee must accompany the petition when filed. Village Council is authorized to dismiss the appeal at its next regular meeting and no hearing will be conducted upon the petition if the filing fee does not accompany the petition.

### **108.3 PROCEDURE AND HEARING**

Within thirty (30) days after the filing of a petition under Section 110.2 hereof, the Council shall hold a public hearing upon the petition and determine whether or not the appeal shall be granted or denied. Council shall have the authority to modify the terms of any order or notice issued hereunder in determining any petition in any manner consistent with the spirit of this Code. For hearings upon petitions, a quorum shall consist of four members of Council and action by Council upon petitions shall be by majority vote of those members present at the hearing.

Notice of the hearing shall be published as provided by law and written notice of the date, time and location of the hearing will be sent by regular U.S. Mail to the applicant and to all other parties in interest at least ten (10) days before the date of the hearing.

### **108.4 PERSONAL OR FINANCIAL INTEREST**

A member of Council shall not participate in any hearing or vote on any appeal in which that member is engaged as a contractor for such appellant, or is engaged in the preparation of plans and specifications, or in which that member has any personal or financial interest.

### **108.5 RECORDS**

The Fiscal Officer of the Village shall keep a record of each hearing so that the record shows clearly the basis for each decision made by Council.

## **108.6 APPEAL FROM VILLAGE COUNCIL DECISION**

Appeal from the decisions of the Village Council may be made to the appropriate court as provided by law.

## **108.7 STAY OF PROCEEDINGS**

The filing of an appeal shall stay all actions and proceedings in furtherance of the action appealed from, unless and the Zoning Inspector certifies to the Village Council, that by reason of facts stated in the certificate or application, a stay would cause imminent peril to life or property. In such case, proceedings shall not be stayed except upon order of Village Council or order of a court of competent jurisdiction.

## **DEMOLITION**

### **109.1 GENERAL**

The Zoning Inspector may order the owner of the premises upon which is located any structure or part thereof, which in the Zoning Inspector's judgment, is so old, dilapidated or has become so out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human habitation occupancy or use, and so 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 owners option. Final determination for demolition of a structure shall be made by the Burbank Village Council.

### **109.2 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 an 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 a holder of an encumbrance of record cannot be found, the order may be served by posting it on the main entrance of the building or by publishing it once each week for three consecutive weeks in a newspaper of general circulation authorized to provide service by publication.

### **109.3 RESTRAINING ACTIONS**

Anyone affected by any such order after having appealed to the Village Council, shall within thirty (30) days after service of such order apply to a court of record for an order restraining the Zoning Inspector from razing and removing such structure or parts thereof. The court shall determine whether the order of the Zoning Inspector is reasonable and if found reasonable, the court shall dissolve the restraining order, and if found not reasonable, the court shall continue the restraining order to modify it as the circumstances may require.

#### **109.4 FAILURE TO COMPLY**

Whenever the owner of the property fails to comply with a demolition order within the time prescribed, the Zoning Inspector may 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 a charge against the real estate upon which the structure is located and shall be a lien upon such premises.

### **ARTICLE TWO**

#### **DEFINITIONS**

##### **GENERAL**

#### **200.1 SCOPE**

Unless otherwise expressly stated, the following terms shall, for the purpose of this Code, have the meanings indicated in this article.

#### **200.2 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 plural the singular.

#### **200.3 TERMS DEFINED IN OTHER CODES**

Where terms are not defined in this Code and are defined in the Zoning Ordinance and all applicable Codes, they shall have the same meanings ascribed to them as in those Codes.

#### **200.4 TERMS NOT DEFINED**

Where terms are not defined under the provisions of this Code or under the provisions of the Zoning Ordinance and all applicable Codes, they shall have ascribed to them their ordinarily accepted meaning or such as the context herein may imply.

#### **APPLIED MEANING OF WORDS AND TERMS**

##### **APPROVED**

Approved, as applied to a material, device, or method of construction, shall mean approved by the Zoning Inspector under the provisions of this Code, or approved by other authority designated by law to give approval in the matter in question.

## **BASEMENT**

That portion of a building below the main floor which is partly or wholly below grade.

## **BUILDING CODE**

The building code officially adopted by the legislative body of this jurisdiction, or such other Code as may be officially designated by the legislative body of the jurisdiction for the regulation of construction, alteration, addition, repair, removal, demolition, use, location, occupancy and maintenance of buildings and structures.

## **CELLAR**

That portion of a building which is completely below grade.

## **CONDEMN**

To adjudge unfit for use or occupancy.

## **CONDEMNATION**

The act of judicially condemning.

## **DWELLING UNIT**

A single unit providing complete, independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking and sanitation.

## **EXTERIOR PROPERTY AREAS**

The open space on the premises and on adjoining property under the control of owners or operators of such premises.

## **EXTERMINATION**

The control and elimination of insects, rats 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.

## **GARBAGE**

The animal and vegetable waste resulting from the handling, preparation, cooking, and consumption of food.

## **HABITABLE SPACE**

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.

## **INFESTATION**

The presence, within or contiguous to a structure or premises of insects, rats, vermin or other pests.

## **LET FOR OCCUPANCY OR LET**

To permit possession or occupancy of a dwelling, dwelling unit, rooming unit, building or structure by a person who shall be legal owner of record thereof, pursuant to a written or unwritten lease, agreement or license, or pursuant to a recorded or unrecorded agreement or contract for the occupancy of/or sale of land.

## **MAINTENANCE**

Conformance of real estate to this Code.

## **OCCUPANT**

Any person (including owner or operator) living and sleeping in a dwelling unit or having actual possession of said dwelling or rooming unit.

## **OPENABLE AREA**

That part of a window or door which is available for unobstructed ventilation and which opens directly to the outdoors.

## **OPERATOR**

Any person who has charge, care or control of a structure or premises which are let or offered for occupancy.

## **OWNER**

Any person, agent, firm, or corporation having a legal or equitable interest in the property.

## **PERSON**

Includes a corporation or partnership as well as an individual.

## **PLUMBING**

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 plumbing code.

## **PLUMBING FIXTURES**

A receptacle or devise 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 premises; or which requires both water supply connection and a discharge to the drainage system of the premises.

## **PREMISES**

A lot, plot or parcel of land including the buildings or structures thereon.

## **PUBLIC NUISANCE**

Includes the following:

1. The physical condition or use of any premises regarded as a public nuisance at common law; or
2. Any physical condition, use or occupancy of any premises or its appurtenances considered an attractive nuisance to children, including, but not limited to, abandoned wells, shafts, basements, excavations and unsafe fences or structures; or
3. Any premises which have unsanitary sewerage or plumbing facilities; or
4. Any premises designated as unsafe for human habitation or use; or
5. Any premises which are manifestly capable of being a fire hazard, or are manifestly unsafe or unsecured as to endanger life, limb or property; or
6. 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
7. Any premises which are unsanitary, or which are littered with rubbish or garbage, or which have an uncontrolled growth of weeds; or
8. Any structure or building that is in a state of dilapidation, deterioration or decay; faulty construction; overcrowded; open, 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.

## **REAL ESTATE**

A lot, plot or parcel of land including the buildings or structures thereon.

### **RENOVATION: (REMODELING)**

A building and its facilities made to conform to present day minimum standards of applicable building codes.

### **REPAIR**

Means the reconstruction of any part of an existing building for purpose of maintenance. Repair shall not apply to any change of construction.

### **RUBBISH**

Combustible and noncombustible waste materials, except garbage, and the term shall include the residue from the burning of wood, coal, coke, and other combustible materials, paper, rages, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery and dust and other similar materials.

### **SUPPLIED**

Installed, furnished or provided by the owner or operator.

### **WORKMAN LIKE**

Whenever the words “workman like, state of maintenance and repair” are used in this Code, they shall mean that such maintenance and repair shall be made in a reasonably skilled manner.

### **ZONING INSPECTOR**

The official designated herein or otherwise charged with responsibilities of administering this Code, or the official’s authorized representative.

## **ARTICLE THREE**

### **PROPERTY REQUIREMENTS**

#### **GENERAL**

#### **300.1 SCOPE**

The provisions of this article shall govern the minimum conditions for maintenance of exterior property, premises and structures. Premises shall comply with the conditions herein prescribed insofar as they are applicable.

### **300.2 RESPONSIBILITY**

The owner of the premises shall maintain such 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 article.

### **300.3 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 of safety.

### **PREMISES**

#### **301.1 PREMISES CONDITIONS**

- A. All exterior property areas and premises shall be maintained in clean, safe and sanitary condition free from any accumulation of rubbish or garbage.
- B. All trash, garbage, and other waste removal cans and containers of any kind, including bags must be placed next to the residence, garage or accessory building or stored inside the same, except within twenty-four (24) hours of trash collection.
- C. The owner or occupant of every residence producing garbage, vegetable wastes, or other putrefaction 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. Every owner of a dwelling containing two or more dwelling units shall provide leakproof approved containers for the disposal of rubbish and garbage and for removal thereof.
- D. The following prohibitions and restrictions applied to the accumulations of material on any properties within the Village:
  - 1. All exterior property areas shall be maintained in a clean, safe and sanitary condition free from any accumulation of rubbish or garbage as they are defined in Article II of this Ordinance.
  - 2. The following household materials and furnishings may not be stored or kept outside, in yards, or any open areas of properties: Indoor carpeting, appliances, plumbing and plumbing fixtures, upholstered furniture, beds, mattresses, coffee tables, dining room furniture, kitchen table and chairs, curios, sideboards buffets, bookcases, and any other furniture or furnishings not designed for outdoor use.



3. All construction materials, construction refuse, and construction debris must be removed from properties within seven (7) days of completion of the construction or alteration project.
4. No building or construction materials may be stored in the yards or other open areas of a property unless the resident has a valid Zoning Permit and Building Permit, and the same are subject to removal as provided in the previous subparagraph.
5. Lawnmowers, riding tractors, rototillers and other motorized property maintenance items of equipment may only be stored in yards or other open areas of properties if they are in working condition.

### **301.2 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.

### **301.3 INSECT AND RAT CONTROL**

An owner of structure or property shall be responsible for the extermination of insects, rats, 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. Prior to renting or leasing a dwelling unit the owner of the structure shall be responsible for extermination within said dwelling unit.

### **301.4 TENANT OCCUPANT**

The tenant-occupant of any residential structure shall be responsible for the continued rat-proof condition of the structure and if the tenant-occupant fails to maintain the rat-proof condition the cost of extermination shall be the responsibility of the tenant-occupant.

### **301.5 SINGLE OCCUPANCY**

The occupant of a structure containing a single dwelling unit shall be responsible for extermination of any rats or other pests in the structure or in the premises.

### **301.6 MULTIPLE OCCUPANCY**

Every owner, agent or operator of two or more dwelling units or multiple occupancies shall be responsible for the extermination of insects, rats 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 structure of two or more dwelling units, to prevent such infestation in the occupied area, the occupant shall be responsible for such extermination.

### **301.7 WOOD PILES**

All wood piles are required to have a minimum 3" air space between the ground and the first layer of wood.

### **301.8 PUBLIC AREAS**

All sidewalks, steps, driveways, parking spaces and similar paved areas for public use shall be kept in a proper state of repair. 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.

### **301.9 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.

### **301.10 ACCESSORY STRUCTURES**

All accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in compliance with Sections 302 and 303 of this Code.

## **EXTERIOR STRUCTURE**

### **302.1 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.

### **302.2 STRUCTURAL MEMBERS**

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

### **302.3 EXTERIOR WALLS**

Every exterior wall 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 the occupied spaces of the building. All exterior surface materials, including wood, composition, or metal siding, shall be maintained weatherproof and shall be properly surface coated, when required to prevent deterioration.

#### **302.4 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.

#### **302.5 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 condition.

#### **302.6 SIGNS AND AWNINGS**

All canopies, signs, metal awnings, stairways, fire escapes, standpipes, exhaust ducts and similar overhanging extensions shall be maintained in good repair and be properly anchored so as to be kept in a safe and sound condition.

#### **302.7 CHIMNEYS**

All chimneys, smoke stacks, and similar appurtenances shall be maintained structurally safe, sound, and in good repair.

#### **302.8 STAIRS AND PORCHES**

Every stair, porch, balcony, and all appurtenances attached thereto shall be so constructed as to be safe to use and capable of supporting the loads to which it is subjected and shall be kept in sound condition and good repair.

#### **302.9 WINDOW AND DOOR FRAMES**

Every window, and door 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.

#### **302.10 GLAZING**

Every required window sash shall be fully supplied with approved glazing materials so as to eliminate open cracks and holes.

#### **302.11 OPENABLE WINDOWS**

Every required window, other than a fixed window, shall be capable of being easily opened and shall be held in position by window hardware.

### **302.12 DOOR HARDWARE**

Every exterior door, door hinge, and door latch shall be maintained in good condition. Door locks in dwelling units shall be in good repair and capable of tightly securing the door.

### **303.13 BASEMENT HATCHWAYS**

Every basement or cellar hatchway shall be so constructed and maintained as to restrict the entrance of rats, rain and surface drainage water into the structure.

## **SEWAGE SYSTEM**

### **303.1 GENERAL**

Every sink, lavatory, bathtub or shower, drinking fountain, water closet or other facility shall be properly connected to a public sewer system.

### **303.2 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 installation shall be made in accordance with the provisions of the building code or plumbing code.

## **STORM DRAINAGE**

### **304.1 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 to prevent areas of standing water and structural deterioration.

### **304.2 MAINTENANCE**

All guttering, down spouting and sump pumps shall be properly connected to a public storm sewer system. All storm water disposal systems shall be kept free of obstruction and leaks and be capable of handling normal storm run-off.

## **ARTICLE FOUR**

### **FIRE SAFETY REQUIREMENTS**

#### **GENERAL**

##### **400.1 SCOPE**

The provisions of this article 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.

##### **400.2 RESPONSIBILITY**

The owner of the structure shall provide and maintain such a 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 Article.

##### **400.3 SMOKE DETECTORS**

The owner of the structure shall provide and maintain in safe operating condition Underwriters Laboratories approved Smoke Detection Devices between the Living and each Sleeping Area. At least one approved Smoke Detector shall be provided for each level of the structure.

##### **400.4 FIRE EXTINGUISHERS**

Each dwelling is required to have at least one portable fire extinguisher approved for use for Class A, B and C fires. All portable fire extinguishers shall be visible and accessible and maintained in an efficient and safe operating conditions.

#### **ACCUMULATIONS AND STORAGE**

##### **401.1 ACCUMULATIONS**

See Section 301.1 of this Code.

##### **401.2 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.

**401.3            FLAMMABLE LIQUIDS**

Storing, handling or dispensing of flammable liquids with flash points of 110 degrees F. or lower, is prohibited in a dwelling unit.

**ARTICLE FIVE**

**RESPONSIBILITIES OF PERSONS**

**GENERAL**

**500.1            SCOPE**

The provisions of this Article shall govern the responsibilities of persons for the maintenance of structures, and the equipment and premises thereof.

**500.2            CLEANLINESS**

Every occupant of a structure or part thereof shall keep that part of the structure or premises thereof which that occupant occupies, controls, or uses in a clean and sanitary condition. Every owner of a dwelling 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.

**500.3            DISPOSAL OF RUBBISH AND GARBAGE**

Every occupant of a structure of part thereof shall dispose of all rubbish and garbage in a clean and sanitary manner as required by Section 301.1 of this Code.

**500.4            CARETAKER**

In every structure containing two or more dwelling units in which the owner does not reside there shall be a responsible person, designated by the owner, whose duties include maintaining the commonly used parts of the premises.