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3<sup>rd</sup> R  
B/C

CITY OF BROOK PARK, OHIO

ORDINANCE NO: 11091-2019

INTRODUCED BY: MAYOR GAMMELLA

AN ORDINANCE  
ENACTING CHAPTER 1361 OF THE  
BROOK PARK CODIFIED ORDINANCES,  
ENTITLED 'PROPERTY MAINTENANCE CODE,'  
AND DECLARING AN EMERGENCY

NOW THEREFORE, BE IT ORDAINED, by the Council of the City of Brook Park, State of Ohio, that:

SECTION 1: The Brook Park codified ordinances shall be supplemented by enacting a new chapter 1361, entitled "Property Maintenance Code" is hereby enacted to read as follows:

**CHAPTER 1361 PROPERTY MAINTENANCE.**

**1361.01 SCOPE.**

The provisions of this chapter shall govern the minimum conditions and the responsibilities of persons for maintenance of structures, equipment and exterior property.

**1361.02 RESPONSIBILITY.**

The owner of the premises shall maintain the structures and exterior property in compliance with these requirements, except as otherwise provided for in this code. A person shall not occupy as owner-occupant or permit another person to occupy premises which are not in a sanitary and safe condition and which do not comply with the requirements of this chapter. Occupants of a dwelling unit, rooming unit or housekeeping unit are responsible for keeping in a clean, sanitary and safe condition that part of the dwelling unit, room unit, housekeeping unit or premises which they occupy and control.

**1361.03 VACANT STRUCTURES AND LAND.**

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

## EXTERIOR PROPERTY AREAS.

### 1361.04 SANITATION.

All exterior property and premises shall be maintained in a clean, safe and sanitary condition. The occupant shall keep that part of the exterior property which such occupant occupies or controls in a clean and sanitary condition.

### 1361.05. GRADING AND DRAINAGE.

All premises shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water thereon, or within any structure located there on.

Exception: Approved retention areas and reservoirs.

### 1361.06 SIDEWALKS AND DRIVEWAYS.

All sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair, and maintained free from hazardous conditions.

### 1361.07 LANDSCAPING.

Premises shall be maintained. Lawns, hedges and bushes shall be kept from becoming overgrown and unsightly where exposed to public view and where the same constitute a blighting factor depreciating adjoining property and impairing the good residential character of the immediate neighborhood.

### 1361.08 NATURAL GROWTH.

The exterior of the premises shall be kept free of all nuisances and any hazards to the safety of occupants, pedestrians and other persons utilizing the premises. Dead trees, limbs or other natural growth which, by reason of rotting or deteriorating conditions or storm damage, constitute a hazard to persons in the vicinity thereof - shall be promptly removed and abated by the owner or operator.

### 1361.09 RODENT HARBORAGE.

All structures and exterior property shall be kept free from rodent harborage and infestation. Where rodents are found, they should be promptly exterminated by an approved process which will not be injurious to human health. After extermination, proper precautions shall be taken to eliminate rodent harborage and prevent re-infestation.

### 1361.10 EXHAUST VENTS.

Pipes, ducts, conductors, fans or blowers shall not discharge gases, steam, vapor, hot air, grease, smoke, odors or other gaseous or particulate wastes directly upon abutting or adjacent public or

private property or that of another tenant.

**1361.11 ACCESSORY STRUCTURES.**

All accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in good repair.

**1361.12 MOTOR VEHICLES.**

Except as provided for in other regulations, no inoperative or unlicensed motor vehicle shall be parked, kept or stored on any premises, and no vehicle shall at any time be in a state of major disassembly, disrepair or in the process of being stripped or dismantled. Painting of vehicles is prohibited unless conducted inside an approved spray booth.

**1361.13 PARKING.**

All vehicles that do not fall under the provisions of 1362.12 shall at all times be parked on a concrete or asphalt surface designed for such use.

**1361.14 STORAGE OF COMMERCIAL AND INDUSTRIAL MATERIALS.**

There shall not be stored or used at a location visible from the sidewalk, street or other public areas, equipment and materials relating to commercial or industrial use unless permitted under the Zoning Code for the premises.

**1361.15 DEFACEMENT OF PROPERTY.**

No person shall willfully or wantonly damage, mutilate or deface any exterior surface of any structure or building on any private or public property by placing there on any marking, carving or graffiti. It shall be the responsibility of the homeowner to restore said surface to an approved state of Maintenance and Repair.

**1361.16 SWIMMING POOLS.**

Swimming pool shall be maintained in a clean and sanitary condition, and in good repair, and in accordance with Section 1333.

**1361.17 SIGNS BILLBOARDS AWNINGS.**

Signs and billboards. All permanent signs and billboards exposed to public view permitted by reason of other regulations or as a lawful nonconforming use shall be maintained in good repair. Any signs which have weathered or faded or those upon which the paint has peeled or cracked shall, with their supporting members, be removed forthwith or put into a good state of repair. All non-operative or broken electrical signs shall be repaired or shall, with their supporting members, be removed forthwith.

(1)Windows. All windows exposed to public view shall be kept free of foreign substances except when necessary in the course of changing displays. No storage of materials, stock or inventory shall be permitted in window display areas or other areas ordinarily exposed to public view unless such areas are first screened from the public view by drapes, venetian blinds or other permanent rendering of the windows opaque to the public view. All screening of interiors shall be maintained in clean and attractive manner and in a good state of repair.

(2)Store fronts. All store fronts shall be kept in good repair, painted where required and shall not constitute a safety hazard or nuisance. In the event repairs to a store front become necessary, such repairs to a store front shall be made with the same or similar materials used in the construction of the store front in such a manner as to permanently repair the damaged area or areas. Any cornice visible above a store front shall be kept painted, where required, and in good repair.

(3)Signs or advertising removal. Except for "For Rent" signs, any temporary sign or other paper advertising material glued or otherwise attached to a window or windows otherwise exposed to public view shall be removed at the expiration of the event or sale for which it is erected, or within sixty days after erection, whichever shall occur sooner.

Except during the course of repairs or alterations, no more than thirty-three and one-third percent (33-1/3%) of the square footage of any single window or single window display area shall be devoted to signs or other temporary advertising material attached to the window or windows or otherwise exposed to public view.

(4)Awnings and marquees. Any awning or marquee and its accompanying structural members which extend over any street, sidewalk or other portion of the premises shall be maintained in good repair and shall not constitute a nuisance or a safety hazard. In the event such awnings or marquees are not properly maintained in accordance with the foregoing, they shall, together with their supporting members, be removed forthwith. In the event such awnings or marquees are made of cloth, plastic or of similar materials, such cloth or plastic where exposed to public view shall be maintained in good condition and shall not show evidence of weathering, discoloration, ripping, tearing or other holes. Nothing herein shall be construed to authorize any encroachment on streets, sidewalks or other parts of the public domain.

## **EXTERIOR STRUCTURE.**

### **1361.18 GENERAL.**

The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare.

### **1361.19 PROTECTIVE TREATMENT.**

All exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences shall be maintained in good condition. Exterior wood surfaces, other than decay resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment, peeling, flaking and chipped paint shall be eliminated and surfaces repainted. All siding & masonry joints as well as those between the building envelope and the perimeter of the windows, doors, and skylights shall be maintained weather resistant and weather tight. All metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion and all surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.

### **1361.20 PREMISES IDENTIFICATION.**

Building shall have approved address numbers placed in a position to be plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Number shall be a minimum of 4 inches high with a minimum stroke width of 0.5 inches.

### **1361.21 STRUCTURAL MEMBERS.**

All structural members shall be maintained free from deterioration, and shall be capable of safely supporting the imposed dead and live loads.

### **1361.22 FOUNDATION WALLS.**

All foundation walls shall be maintained plumb and free from open cracks and breaks and shall be kept in such condition so as to prevent the entry of rodents and other pests.

### **1361.23 EXTERIOR WALLS.**

All exterior walls shall be free from holes, breaks and loose or rotting materials and maintained weatherproof and properly surface coated where required to prevent deterioration.

**1361.24 ROOFS AND DRAINAGE.**

The roof and flashing shall be sound, tight and not have defects that admit rain/snow. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure, roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.

**1361.25 OVERHANG EXTENSIONS.**

Overhang extensions including, but not limited to canopies, marquees, signs, metal awnings, fire escape, stand pipes and exhaust ducts shall be maintained in good repair and be properly anchored so as to be kept in a sound condition. When required, all exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather coating materials, such as paint or similar surface treatment.

**1361.26 STAIRWAYS, DECKS, PORCHES AND BALCONIES.**

Every exterior stairway, deck, porch and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting impose loads.

**1361.27 CHIMNEYS AND TOWERS.**

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

**1361.28 HANDRAILS AND GUARDS.**

Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

**1361.29 WINDOW, SKYLIGHT AND DOOR FRAMES.**

Every window, skylight, door and frame shall be kept in sound condition, good repair and weather-tight.

**1361.30 GLAZING.**

All glazing materials shall be maintained free from cracks and holes.

**1361.31 OPENABLE WINDOWS.**

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

**1361.32 INSECT SCREENS.**

Every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored shall be supplied with approved tightly fitting screens of not less than 16 mesh per inch and every screen door used for insect control shall have a self-closing device in good working condition.

Exception: Screens shall not be required where other approved means, such as air curtains or insect repellent fans, are employed.

**1361.33 DOORS.**

All exterior doors, door assemblies and Hardware shall be maintained in good condition.

Locks at all entrances to dwelling units and sleeping units shall tightly secure the door. Locks on means of egress doors shall be in accordance with section 1361.127.

**1361.34 BASEMENTS HATCHWAYS.**

Every basement hatchway shall be maintained to prevent the entrance of rodents, rain and surface drainage water.

**1361.35 GUARDS FOR BASEMENT WINDOWS.**

Every basement window that is openable shall be supplied with rodent shields; storm windows or other approved protection against the entry of rodents.

**1361.36 BUILDING SECURITY.**

Doors windows or hatchways for dwelling units, room units or housekeeping units shall be provided with devices designed to provide security for the occupants and property within.

**1361.37 DOORS.**

Doors providing access to a dwelling unit, rooming unit or housekeeping unit that is rented, leased or sublet shall be equipped with a deadbolt lock designed to be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort and shall have a lock throw of not less than 1in, such deadbolt locks shall be installed according to the manufacturer's specifications and maintained in good working order. For the purpose of this section, a sliding bolt shall not be considered an acceptable deadbolt lock.

**1361.38 WINDOWS.**

Operable Windows located in whole or in part within 6 feet above ground level or walking surface below that provide access to a dwelling unit, rooming unit or housekeeping unit that is rented, leased or let shall be equipped with a window sash locking device.

**1361.39 BASEMENT HATCHWAYS.**

Basement hatch ways that provide access to a dwelling unit, rooming unit or housing housekeeping unit that is rented, leased or sublet shall be equipped with devices that secure the units from unauthorized entry.

**INTERIOR STRUCTURE.**

**1361.40 GENERAL.**

The interior structure and Equipment therein shall be maintained in good repair, structurally sound in a sanitary condition. Occupants shall keep that part of the structure which they occupy or control in a clean and sanitary condition. Every owner of a structure containing a rooming house, housekeeping units, a hotel, additionally, two or more dwelling units or two or more non-residential occupancies, shall maintain, in a clean and sanitary condition, the shared or public areas of the structure and exterior property.

**1361.41 STRUCTURAL MEMBERS.**

All structural members shall be maintained structurally sound, and be capable of supporting the imposed loads.

**1361.42 INTERIOR SURFACES.**

All interior surfaces, including windows and doors, shall be maintained in good, clean and sanitary condition. Peeling, chipping, flaking or a braided paint shall be repaired, removed or covered. Cracked or loose plaster, decayed wood and other defective surface conditions shall be corrected.

**1361.43 STAIRS AND WALKING SURFACES.**

Every stair, ramp, landing, balcony, porch, deck or other walking surface shall be maintained in sound condition and good repair.

**1361.44 HANDRAILS AND GUARDS.**

Every hand railing guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

#### **1361.45 INTERIOR DOORS.**

Every interior door shall fit reasonably well within its frame and shall be capable of being opened and closed by being properly and securely attached to jams, headers or tracks as intended by the manufacturer of the attachment hardware.

#### **HANDRAILS AND GUARDRAILS.**

##### **1361.46 GENERAL.**

Every exterior and interior flight of stairs having more than 4 risers shall have a handrail on one side of the stair and every open portion of a stair, landing, balcony, porch, deck, ramp or other walking surface which is more than 30 inches above the floor or grade below shall have guards.

Handrails shall not be less than 30 inches high or more than 42 inches high measured vertically above the nosing of the tread or above the finished floor of the landing or walking surfaces. Guards shall not be less than 30 inches high above the floor of the landing, balcony, porch, deck, or ramp or other walking surface. Exception: Guards shall not be required where exempt by the adopted building code.

#### **RUBBISH AND GARBAGE.**

##### **1361.47 ACCUMULATION OF RUBBISH OR GARBAGE.**

All exterior property and premises, and the interior of the structure, shall be free from any accumulation of rubbish or garbage.

##### **1361.48 RUBBISH AND GARBAGE DISPOSAL.**

(a) Every occupant of a dwelling or dwelling unit shall dispose of all rubbish in a clean and sanitary manner by placing it in an approved receptacle or in other approved rubbish disposal facilities. Such receptacles must be kept in the rear of the dwelling or dwelling unit. If outside storage or waste material is approved by the Planning Commission such storage shall be in containers approved by the Building Commissioner.

(b) Every occupant of a dwelling unit shall dispose of all his or her garbage and other organic waste, which might provide food for insects and rodents, in a clean and sanitary manner by placing it in an approved garbage receptacle or in other approved garbage disposal facilities.

(c) Every multiple dwelling, the owner, the operator or their agent shall be responsible for providing and maintaining suitable approved receptacles or other conveniences for the disposal of

rubbish, garbage, refuse or other waste matter.

**1361.49 WASTE MATERIAL STORAGE.**

(a) In class U-3 Uses - Retail and Commercial District and Class U-2(B)(3) Apartment House, no garbage, rubbish, waste matter, empty containers or waste processing equipment shall be permitted outside any building, unless a specific outside storage area, that conceals such waste material and containers from public view, is first approved by the Planning Commission.

(b) If outside storage or waste material is approved by the Planning Commission such storage shall be in containers approved by the Building Commissioner.

(c) Outside waste material storage containers shall be maintained in good repair and free from rust and damaged components. Ground surrounding such containers shall be free from trash, debris and excessive vegetation. Waste material containers shall be adequate to hold all garbage and trash with a closed cover. Container covers shall remain closed at all times except when filling and emptying.

(d) Waste material containers shall only be placed in outside storage areas that have been approved by the Planning Commission.

**1361.50 REFRIGERATORS.**

Refrigerators and similar equipment not in operation shall not be discarded, abandoned or stored on premises without first removing the doors.

**1361.51 DISPOSAL OF GARBAGE.**

Every occupant of a structure shall dispose of garbage in a clean and sanitary manner by placing such garbage in approved garbage disposal facility or approved garbage containers.

**EXTERMINATION.**

**1361.52 INFESTATION.**

All structures shall be kept free from insect and rodent infestation. All structures in which insects or rodents are found shall be promptly exterminated by approved processes that will not be injurious to human health. After extermination, proper precautions shall be taken to prevent re-infestation.

**1361.53 OWNER.**

The owner of any structure shall be responsible for extermination within the structure prior to renting or leasing the structure.

**1361.54 SINGLE-OCCUPANT.**

The occupant of a one-family dwelling or a single tenant non-residential structure shall be responsible for the extermination on the premises.

**1361.55 MULTIPLE OCCUPANCY.**

The owner of a structure containing two or more dwelling units, a multiple occupancy, a rooming house or a non-residential structure shall be responsible for extermination in the public or shared areas of the structure and exterior property.

**1361.56 OCCUPANT.**

The occupant of any structures shall be responsible for the continued rodent and pest free condition of the structure. Exception: Where the infestations are caused by defects in the structure, the owner shall be responsible for extermination.

**LIGHT, VENTILATION AND OCCUPANCY LIMITATIONS.**

**GENERAL.**

**1361.57 SCOPE.**

The provisions of this section shall govern the minimum conditions and standards for light, ventilation and space for occupying a structure.

**1361.58 RESPONSIBILITY.**

The owner of the structure shall provide and maintain light, ventilation and space conditions in compliance with these requirements. A person shall not occupy as owner-occupant, or permit another person to occupy, any premises that do not comply with the requirements of this section.

**1361.59 ALTERNATIVE DEVICES.**

In lieu of the means for natural light and ventilation here in prescribed, artificial light or mechanical ventilation complying with the Ohio Building codes shall be permitted.

**LIGHT**

**1361.60 HABITABLE SPACES.**

Every habitable space shall have at least one window of approved size facing directly to the outdoors or to a court. The minimum total glazed area for every habitable space shall be 8% of the floor area of such room. Wherever walls or other portions of a structure face a window of any room and such a structure are located less than 3 feet from the window and extend to a level

above that of the ceiling of the room, such window shall not be deemed to face directly to the outdoors or to a court or shall not be included as contributing to the required minimum total window area for the room.

Exception: Where natural light for rooms or spaces without exterior glazing areas is provided through an adjoining room, the unobstructed opening to the adjoining room shall be at least 8% of the floor area of the interior room or space, but not less than 25 square feet. The exterior glazing shall be based on the total floor area being served.

#### **1361.61 COMMON HALLS AND STAIRS.**

Every common hall and stairway in a residential occupancy, other than in one and two family dwellings, shall be lighted at all times with at least a 60 watt standard incandescent light bulb or equal for each 200 square feet of floor area or equivalent illumination, provided that the spacing between lights shall not be greater than 30 feet. In other than residential occupancies, means of egress, including exterior means of egress, stairways shall be illuminated at all times the building space served by the means of egress is occupied with a minimum of 1 foot candle at floors, landings and treads.

#### **1361.62 OTHER SPACES.**

All of the spaces shall be provided with natural or artificial light sufficient to permit the maintenance of sanitary conditions, and the safe occupancy of the space and utilization of the appliances, equipment and fixtures.

### **VENTILATION.**

#### **1361.63 HABITABLE SPACES**

Every habitable space shall have at least one openable window. The total openable area of the window in every room shall be equal to at least 45% of the minimum glaze area required in section 1361.63. Exception: Except where rooms and spaces without openings to the outdoors or ventilated through an adjoining room, the unobstructed opening to the adjoining room shall be at least 8% of the floor area of the interior room or space, but not less than 25 square feet. The ventilation opening to the outdoor shall be based on a total floor area being ventilated.

#### **1361.64 BATHROOMS AND TOILET ROOMS**

Every bathroom and toilet room shall comply with the ventilation requirements for habitable spaces as required by section 1361.66, except that the window shall not be required in such spaces equipped with a mechanical ventilation system. Air exhausted by a

mechanical ventilation system from a bathroom or toilet room shall be discharged to the outdoors and shall not be recirculated.

#### **1361.65 COOKING FACILITIES.**

Unless approved through the certificate of occupancy, cooking shall not be permitted in any rooming unit or dormitory unit, and a cooking facility or appliance shall not be permitted to be present in the rooming unit or dormitory unit.

Exceptions

1. Where specifically approved in writing by the code official.
2. Devices such as coffee pots and microwave ovens shall not be considered cooking appliances.

#### **1361.66 PROCESS VENTILATION.**

Where injurious, toxic, filtrating or noxious fumes, gases, dust or mist are generated, a local exhaust ventilation system shall be provided to remove the contaminating agent at the source shall be exhausted to the exterior and not be recirculated to any space.

#### **1361.67 CLOTHES DRYER EXHAUST.**

Clothes dryer exhaust systems shall be independent of all other systems and shall be exhausted in accordance with the manufacturer's instructions.

### **OCCUPANCY LIMITATIONS.**

#### **1361.68 PRIVACY.**

Dwelling units, hotel units, housekeeping units, rooming units and dormitory units shall be arranged to provide privacy and be separate from the adjoining spaces.

#### **1361.69 MINIMUM ROOM WIDTHS.**

A habitable room, other than a kitchen, shall not be less than 7 feet in any plane dimension. Kitchens shall have a clear passageway of not less than 3 feet between counter fronts and appliances or counter fronts and walls.

#### **1361.70 MINIMUM CEILING HEIGHTS.**

Habitable spaces, hallways, corridors, laundry areas, bathrooms, toilet rooms and habitable basement areas shall have a clear ceiling height of not less than 7 feet.

Exceptions:

1. In one and two family dwellings beams or girders spaced not less than 4 feet on center and projecting not more than 6 inches

below the required ceiling height.

2. Basement rooms in one and two family dwellings occupied exclusively for laundry, study or recreation purposes, having a ceiling height of not less than 6 feet 8 inches with not less than 6 feet 4 inches of clear height under beams, girders, ducts and similar obstructions.

3. Rooms occupied exclusively for sleeping, study or similar purposes and having a sloped ceiling over all or part of the room, with a clear ceiling height of at least 7 feet not less than 1/3 of the required minimum floor area. In calculating the floor area of which rooms, only those portions of the floor area with a clear ceiling height of 5 feet or more shall be included.

#### **1361.71 BEDROOM AND LIVING ROOM REQUIREMENTS.**

Every bedroom and living room shall comply with requirements of sections for 1361.75 through 1361.79

#### **1361.72 ROOM AREA.**

Every living room shall contain at least 120 square feet and every bedroom shall contain at least 70 square feet.

#### **1361.73 ACCESS FROM BEDROOMS.**

Bedrooms shall not constitute the only means of access to other bedrooms or habitable spaces and shall not serve as the only means of egress from other habitable spaces.

Exception: Units that contain fewer than two bedrooms.

#### **1361.74 WATER CLOSET ACCESSIBILITY.**

Every bedroom shall have access to at least one water closet and one lavatory without passing through another bedroom. Every bedroom in a dwelling unit shall have access to at least one water closet and lavatory located in the same story as the bedroom or in an adjacent story.

#### **1361.75 PROHIBITED OCCUPANCY.**

Kitchens and non-habitable spaces shall not be used for sleeping purposes.

#### **1361.76 OTHER REQUIREMENTS.**

Bedrooms shall comply with the applicable provisions of this code including, but not limited to, the light, ventilation, room area, ceiling height and room with requirements of this chapter. The plumbing facilities and water heating facility requirements of this code the heating facility and electrical receptacle requirements of this code and the smoke detector in emergency escape requirements

of this code.

**1361.77 OVERCROWDING.**

The number of persons occupying a dwelling unit shall not create conditions that, in the opinion of the code official, endanger the life, health, safety or welfare of the occupants.

**1361.78 EFFICIENCY UNIT.**

Nothing in this section shall prohibit an efficiency living unit from meeting the following requirements

1. A unit occupied by not more than two occupants shall have a clear floor area of not less than 220 square feet. A unit occupied by three occupants shall have a clear floor area of not less than 320 square feet. These required areas shall be exclusive of the areas required by items 2 and 3.
2. The unit shall be provided with a kitchen sink, cooking appliance and refrigeration facilities, each having a clear working space of not less than 30 inches in front. Light and ventilation conforming to this code shall be provided.
3. The unit shall be provided with a separate bathroom containing a water closet, lavatory and bathtub or shower.
4. The maximum number of occupants shall be three.

**1361.79 FOOD PREPARATION.**

All spaces to be occupied for food preparation purposes shall contain suitable space and equipment to store, prepare and serve foods in a sanitary manner. There shall be adequate facilities and services for the sanitary disposal of food waste and refuse, including facilities for temporary storage.

**PLUMBING FACILITIES AND FIXTURE REQUIREMENTS.**

**GENERAL.**

**1361.80 SCOPE.**

The provisions of this section shall govern the minimum plumbing systems, facilities and plumbing fixtures to be provided.

**1361.81 RESPONSIBILITY.**

The owner of the structure shall provide and maintain such plumbing facilities and plumbing fixtures in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any structure or premises which does not comply with the requirements of this section.

## **REQUIRED FACILITIES.**

### **1361.82 DWELLING UNITS.**

Every dwelling unit shall contain its own bathtub or shower, lavatory, water closet and kitchen sink which shall be maintained in a sanitary, safe working condition. The lavatory shall be placed in the same room as the water closet or located in close proximity to the door leading directly into the room in which such water closet is located. A kitchen sink shall not be used as a substitute for the required lavatory.

### **1361.83 ROOMING HOUSES.**

At least one water closet, lavatory and bathtub or shower shall be supplied for each for rooming units.

### **1361.84 HOTELS.**

Where private water closets, laboratories and baths are not provided, one water closet, one lavatory and one bathtub or shower having access from a public hallway shall be provided for each 10 occupants.

### **1361.85 EMPLOYEE'S FACILITIES.**

A minimum of one water closet, one lavatory and one drinking facility shall be available to employees.

### **1361.86 DRINKING FACILITIES.**

Drinking facilities shall be a drinking fountain, water cooler, bottled water cooler or disposable cups next to a sink or water dispenser. Drinking facilities shall not be located in toilet rooms or bathrooms.

## **TOILET ROOMS.**

### **1361.87 PRIVACY.**

Toilet rooms and bathroom shall provide privacy and shall not constitute the only passageway to a hall or other space, or to the exterior. A door and interior locking device shall be provided for all common or shared bathrooms and toilet rooms in a multiple dwelling.

### **1361.88 LOCATION.**

Toilet rooms and bathrooms serving hotel units, rooming units or dormitory units or housekeeping units, shall have access by traversing not more than one flight of stairs and shall have access from a common hall or passageway.

**1361.89 LOCATION OF EMPLOYEE TOILET FACILITIES.**

Toilet facilities shall have access from within the employees working area. The required toilet facilities shall be located not more than one story above or below the employees working area and the path of travel to such facilities shall not exceed a distance of 500 feet. Employee facilities shall either be separate facilities or combined employee and public facilities.

Exception: Facilities that are required for employees in storage structures or kiosks, which are located in adjacent structures under the same ownership, lesser control, shall not exceed a travel distance of 500 feet from the employees' regular working area to the facilities.

**1361.90 FLOOR SURFACES.**

In other than dwelling units, every toilet room floor shall be maintained to be a smooth, hard, non-absorbent surface to permit such floor to be easily kept in a clean and sanitary condition.

**PLUMBING SYSTEMS AND FIXTURES.**

**1361.91 GENERAL.**

All plumbing fixtures shall be properly installed and maintained in working order, and shall be kept free from obstructions, leaks and defects and be capable of performing the function for which such plumbing fixtures are designed. All plumbing fixtures shall be maintained in a safe, sanitary and functional condition.

**1361.92 FIXTURE CLEARANCE.**

Plumbing fixtures shall have adequate clearances for usage and cleaning.

**1361.93 PLUMBING SYSTEM HAZARD.**

Where it is found that a plumbing system in a structure constitute a hazard to the occupants or the structure by reason of inadequate service inadequate venting, cross-conection, backsiphonage, improper installation, deterioration or damage or for similar reasons, the code official shall require the defects to be corrected to eliminate the hazard.

## **WATER SYSTEMS.**

### **1361.94 GENERAL.**

Every sink, lavatory, bathtub or shower, drinking fountain, water closet or other plumbing fixtures shall be properly connected to either a public water system or two and approve private water system. All kitchen sinks, lavatories, laundry facilities, bathtubs and showers shall be supplied with hot or tempered and cold running water in accordance with the Ohio Building Code.

### **1361.95 CONTAMINATION.**

The water supply shall be maintained free from contamination, and all water inlets for plumbing fixtures shall be located above the flood level rim of the fixture. Shampoo basin faucets, janitor sink faucets and other hose bibs or faucets to which hoses are attached and left in place, shall be protected by an approved atmospheric type vacuum breaker or an approved permanently attached hose connection vacuum breaker.

### **1361.96 SUPPLY.**

The water supply system shall be installed and maintained to provide a supply of water to plumbing fixtures, devices and appurtenances insufficient volume and at pressures adequate to enable the fixtures to function properly, safely, and free from defects and leaks.

### **1361.97 WATER HEATING FACILITIES.**

Water heating facilities shall be properly installed, maintained and capable of providing an adequate amount of water to be drawn at every required sink, laboratory, bathtub, shower and laundry facility at a temperature of not less than 110 degrees Fahrenheit a gas burning water heater shall not be located in any bathroom, toilet room, bedroom or other occupied room normally kept closed, unless adequate combustion air is provided. An approved combination temperature and pressure relief valve and relief valve discharge pipe shall be properly installed and maintained on water heaters.

## **SANITARY DRAINAGE.**

### **1361.98 GENERAL.**

All plumbing fixtures shall be properly connected to either a public sewer system or to approve private sewage disposal system.

### **1361.99 MAINTENANCE.**

Every plumbing stack, vent, waste and sewer line shall function properly and be kept free from obstructions, leaks and defects.

## **STORM DRAINAGE.**

### **1361.100 GENERAL.**

Drainage of roofs and paved areas, yards and courts, and other open areas on the premises shall not be discharged in a manner that creates a public nuisance.

## **MECHANICAL AND ELECTRICAL REQUIREMENTS.**

### **GENERAL.**

#### **1361.101 SCOPE.**

The provisions of this section shall govern the minimum mechanical and electrical facilities and equipment to be provided.

#### **1361.102 RESPONSIBILITY.**

The owner of the structure shall provide and maintain mechanical and electrical facilities and equipment in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any premises which does not comply with the requirements of this section.

## **HEATING FACILITIES.**

#### **1361.103 FACILITIES REQUIRED.**

Heating facilities shall be provided in structures as required by this section.

#### **1361.104 HEAT SUPPLY.**

Every owner and operator of any building who rents, leases or lets one or more dwelling units or sleeping units or on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat During the period from September 30th to May 1st to maintain a temperature of not less than 68 degrees Fahrenheit in all habitable rooms, bathrooms, and toilet rooms.

Exceptions:

1. When the outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room temperature shall not be required provided that the heating system is operating at its full design capacity.

#### **1361.105 OCCUPIABLE WORK SPACE.**

Indoor occupiable work spaces shall be supplied with heat during the period from September 30 to May 1st to maintain a temperature of not less than 65 degrees Fahrenheit during the period in which

spaces are occupied.

Exceptions:

1. Processing, storage and operation areas that require cooling or special temperature conditions.

2. Areas in which persons are primarily engaged in vigorous physical activities.

**1361.106 ROOM TEMPERATURE REQUIREMENT.**

The required room temperatures shall be measured 3 feet above the floor near the center of the room and two feet inward from the center of each exterior wall.

**MECHANICAL EQUIPMENT.**

**1361.107 MECHANICAL APPLIANCES.**

All mechanical appliances, fireplaces, solid fuel burning appliances, cooking appliances and water heating appliances shall be properly installed and maintained in a safe working condition, and should be capable of performing the intended function.

**1361.108 REMOVAL OF COMBUSTION PRODUCTS.**

All fuel-burning equipment and appliances shall be connected to an approved chimney or vent.

Exception: Fuel-burning equipment and appliances which are labeled for unvented operation.

**1361.109 CLEARANCES.**

All required clearances to combustible materials shall be maintained.

**1361.110 SAFETY CONTROLS.**

All safety controls for fuel burning equipment shall be maintained in effective operation.

**1361.111 COMBUSTION AIR.**

A supply of air for complete combustion of the fuel and for ventilation of space containing the fuel burning equipment shall be provided for the fuel burning equipment.

**1361.112 ENERGY CONSERVATION.**

Devices intended to reduce fuel consumption by attachments to a fuel burning appliance, so the fuel supply line there too, or to the vent outlet or vent piping there from, shall not be installed unless labeled for such purpose and the installation is

specifically approved.

#### **ELECTRICAL FACILITIES.**

##### **1361.113 FACILITIES REQUIRED.**

Every occupied building shall be provided with an electrical system and compliance with the requirements of this section and section 1361.117 through 1361.119.

##### **1361.114 SERVICE.**

The size and usage of appliances and equipment shall serve as a basis for determining the need for additional facilities in accordance with the National Electric Code. Dwelling units shall be served by a 3-wire 120--240 volt single phase electrical service having a rating of not less than 60 amperes.

##### **1361.115 ELECTRICAL SYSTEM HAZARDS.**

Where it is found that the electrical system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, improper fusing, insufficient receptacle and lighting outlets, improper wiring or installation, deterioration or damage, or for similar reasons, the code official shall require the defects to be corrected to eliminate the hazard.

#### **ELECTRICAL EQUIPMENT.**

##### **1361.116 INSTALLATION.**

All electrical equipment, wiring and appliances shall be properly installed and maintained in a safe and approved manner.

##### **1361.117 RECEPTACLES.**

Every habitable space in a dwelling shall contain at least two separate and remote receptacle outlets. Every laundry area shall contain at least one grounded type receptacle or a receptacle with a ground fault circuit interrupter. Every bathroom shall contain at least one receptacle. Any new bathroom receptacle outlet shall have a ground fault circuit interrupter protection.

##### **1361.118 LUMINAIRES.**

Every public hall, interior stairway, toilet room, kitchen, bathroom, laundry room, boiler room and furnace room shall contain at least one electric luminaire.

## **ELEVATORS ESCALATORS AND DUMBWAITERS.**

### **1361.119 GENERAL.**

Elevators, dumbwaiters and escalators shall be maintained in compliance with ASME 17.1. The most current certification of inspection shall be on display at all times within the elevator or attached to the escalator or dumbwaiter, or the certificate shall be available for public inspection in the office of the building operator. The inspection and tests shall be performed at not less than the periodical intervals listed in ASME 17.1 appendix n, except where otherwise specified by the authority having jurisdiction.

### **1361.120 ELEVATORS.**

In buildings equipped with passenger elevators, at least one elevator shall be maintained in operation at all times when the building is occupied. Exception buildings equipped with only one elevator shall be permitted to have the elevator temporarily out of service for testing and servicing.

## **DUCT SYSTEMS.**

### **1361.121 GENERAL.**

Duct systems shall be maintained free of obstructions and shall be capable of performing the required function.

## **FIRE SAFETY REQUIREMENTS**

### **GENERAL.**

#### **1361.122 SCOPE.**

The provisions of this section shall govern the minimum conditions and standards for fire safety relating to structures and exterior premises is, including fire safety facilities and equipment to be provided.

#### **1361.123 RESPONSIBILITY.**

The owner of the premises shall provide and maintain such fire safety facilities and equipment in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any premises that do not comply with requirements of this section.

## **MEANS OF EGRESS.**

### **1361.124 GENERAL.**

A safe, continuous and unobstructed path of travel shall be

provided from any point in a building or structure to the public way. Means of egress shall comply with the Ohio Building Code.

**1361.125 AISLE.**

The required widths of aisles in accordance with the Ohio Building Code shall be unobstructed.

**1361.126 LOCKED DOORS.**

All means of egress doors shall be readily openable from the side from which egress is to be made without the need for Keys, special knowledge or effort, except where the door hardware conforms to that permitted by the Ohio Building Code.

**1361.127 EMERGENCY ESCAPE OPENINGS.**

Required emergency escape openings shall be maintained in accordance with the code in effect at the time of construction, and the following. Required emergency escapes and rescue openings shall be operational from the inside of the room without the use of keys or tools. Bars, grills, grates or similar devices are permitted to be placed over emergency escape and rescue openings provided the minimum net clear opening size complies with a code that was in effect at the time of construction and such devices shall be releasable or removable from the inside without the use of a key, tool or force greater than that which is required for normal operation of the escape and rescue opening.

**FIRE-RESISTANCE RATINGS**

**1361.128 FIRE-RESISTANCE-RATED ASSEMBLIES.**

The required fire resistance rating of fire resistance rated walls, fire stops, shafts enclosures, partitions and floors shall be maintained.

**1361.129 OPENING PROTECTIVE.**

Required opening protective shall be maintained in an operative condition. All fire and smoke stop doors shall be maintained in operable condition. Fire doors and smoke stop doors shall not be blocked or obstructed or otherwise made inoperable.

**FIRE PROTECTION SYSTEM.**

**1361.130 GENERAL.**

All systems, devices and equipment to detect a fire, actuate an alarm, or suppress or control a fire or any combination thereof shall be maintained in an operable condition at all times in accordance with the Ohio fire code.

### **1361.131 SMOKE ALARMS.**

Single or multiple station smoke alarms shall be installed and maintained in groups R2, R3, R4 and in dwellings not regulated in group R occupancies, regardless of occupant load at all of the following locations:

1. On the ceiling or wall outside of each sleeping area in the immediate vicinity of bedrooms.
2. In each room used for sleeping purposes.
3. In each story within a dwelling unit including basements and sellers but not including crawl spaces and uninhabitable attics. In dwellings or dwelling units with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided at the lower level is less than one full story below the upper level. Single or multiple station smoke alarms shall be installed in other groups in accordance with the Ohio Building Code.

### **1361.132 POWER SOURCE.**

In group R occupancies and in dwellings not regulated as group R occupancies, single station smoke alarms shall receive their primary power from the building wiring provided that such wiring is served from a commercial source and shall be equipped with a battery backup. Smoke alarms shall emit a signal when the batteries are low. Wiring shall be permanent and without a disconnecting switch other than as required for overcurrent protection. Exception smoke alarms are permitted to be solely battery-operated in buildings where no construction is taking place, buildings that are not served from a commercial power source and an existing areas of buildings undergoing alterations or repairs that do not result in the removal of interior wall or ceiling finishes exposing the structure, unless there is an attic, crawl space or basement available which would provide access for building wiring without the removal of interior finishes.

### **1361.133 INTERCONNECTION.**

Where more than one smoke alarm is required to be installed with an individual dwelling unit in group R2, R3, or R4 and in dwellings not regulated as group R occupancies, the smoke alarms shall be interconnected in such a manner that the activation of one alarm will activate all of the alarms in the individual unit. Smoke alarm shall be clearly audible and all bedrooms over background noise levels with all intervening doors closed exception number one. Inner connection is not required and buildings which are not undergoing alterations, repairs, or construction of any kind. Number two. Smoke alarms in existing areas are not permitted to be interconnected where alterations or repairs do not result in the

removal or of interior wall or ceiling finishes exposing the structure, unless there is an attic, crawl space or basement available which could provide access for interconnection without the removal of interior finishes.

**SECTION 2:** It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

**SECTION 3:** This Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare of said City, and to enact Chapter 1361 of the Brook Park Codified Ordinances; therefore, provided this ordinance receives the affirmative vote of at least five (5) members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, from and after the earliest period allowed by law.

PASSED: May 21, 2019

[Signature]  
PRESIDENT OF COUNCIL

ATTEST: Michelle Blazak  
CLERK OF COUNCIL

APPROVED: [Signature]  
MAYOR

DATE 5/23/19

I HEREBY APPROVE THE WITHIN INSTRUMENT AS TO LEGAL FORM AND CORRECTNESS

[Signature]  
DIRECTOR OF LAW

CERTIFICATE

Michelle Blazak, Clerk of Council, of the City of Brook Park, Ohio, do hereby certify that the foregoing is a true and accurate copy of Ordinance/Resolution No. 11091-2019 passed on the 21st day of May 2019 by said council.  
Michelle Blazak  
Clerk of Council

I, Michelle Blazak, Clerk of Council for the City of Brook Park, State of Ohio, do hereby certify that there is no newspaper of general circulation in the municipality and that publication of the foregoing ordinances/resolutions was made by posting true copies at six of the most public places in said municipality as determined by Ordinance No. 4838-1975; location: City Hall, 6161 Engle Road, Police Station 17401 Holland Road, #1 Fire Station 5590 Smith Road, #2 Fire Station 22530 Ruple Parkway, #3 Fire Station 17401 Holland Road, Brook Park Library 6165 Engle Road, for a period of fifteen days.

commencing May 21, 2019  
Michelle Blazak  
MICHELLE BLAZAK  
Clerk of Council

	Yea	Nay
Stemm	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mencini	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Orcutt <sup>2.5</sup>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Scott	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Burgio	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Poindexter	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Salvatore	<input checked="" type="checkbox"/>	<input type="checkbox"/>