

VILLAGE OF NEW RICHMOND
MINIMUM HOUSING & MAINTENANCE STANDARDS
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ARTICLE 1: SHORT TITLE, PURPOSE AND SCOPE

- A) **SHORT TITLE:** This Code shall be known as the Minimum Housing and Maintenance Standards Code.
- B) **PURPOSE:** The purpose of the code is to protect the public health, safety and welfare in the Village of New Richmond, 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 residential structures and all vacant land.
- C) **SCOPE AND APPLICATION:** The provisions of this code shall apply to all real property located within the Village including without limitation all existing newly constructed residential and nonresidential structures and all vacant land.

ARTICLE 2: DEFINITIONS

- (A) Words and phrases defined in the zoning code, building code and fire code shall assume those same definitions for this code, unless included and defined below.
- (B) For the purposes of this chapter the following words and phrases shall have the following meanings ascribed to them respectively.
- (1) **ACCESSORY STRUCTURE** means a building or structure, the use of which is incidental to that of the main building or structure and which is located on the same lot.
 - (2) **APPROVED.** Approved by the Building Official under the provisions of this chapter or the rules and regulations adopted pursuant thereto, or approved by an authority designated by law or by this chapter.
 - (3) **BASEMENT** means a portion of a building located partly underground but having part but not more than one half (1/2) its clear floor-to-ceiling height below the average grade of the adjoining ground. A basement is counted as a story for purpose of height regulations.
 - (4) **BATHROOM.** 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.
 - (5) **BUILDING** means any structure designed or intended for the support, enclosure, shelter or protection pf persons, animals, chattels or property.
 - (6) **BUILDING OFFICIAL** means the person designated by Council of the Village of New Richmond to enforce the provisions of this Code.

- (7) 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 construction.
- (8) CEILING HEIGHT means the clear distance between the floor and the ceiling directly above.
- (9) CELLAR. Lowermost portion of the building partly or totally underground having more than half of its height, measured from clear floor to ceiling, below the average finished grade of the adjoining ground.
- (10) COMMERCIAL UNIT means any building or structure, or part thereof, which wholly or partially contains retail, services, or office space. Commercial units shall include those buildings, or parts thereof, which provide for or may provide for commercial uses including but not limited to the following; retail sales and services; auto sales and services; bowling alleys and other commercial/recreational buildings; funeral homes; all restaurants and food services; business and professional offices; service stations; car washes; animal hospitals and veterinarian clinics; bank and financial institutions; public service institutions; theaters; medical clinics; Laundromats; and other similar structures or buildings.
- (11) CONSTRUCTION DOCUMENTS 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.
- (12) DWELLING means any structure, which is wholly or partly used for or intended to be used for living or sleeping by human occupants; provided that temporary housing, hotels, and rooming houses as hereinafter defined shall not be regarded as dwellings. Dwellings do not include tents, cabins, trailers or trailer coaches.
- (13) DWELLING UNIT. One room, or a suite of two or more rooms, designed for or used by one family for living and sleeping purposes and having only one kitchen or kitchenette.
- (14) 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.
- (15) EXTERIOR PROPERTY AREA. All area on the premises outside of a structure used for human habitation.
- (16) EXTERMINATION. The control and elimination of insects, rodents, and vermin by eliminating their harborage places; by removing, or making

inaccessible, materials that may serve as their food; by poisoning, spraying, fumigating, trapping; or by any other approved means of pest elimination.

- (17) FAMILY. One or two persons or parents, which their direct lineal descendants and adopted children (and including the domestic employees thereof) together with not more than two persons not so related, living together in the whole or part of a dwelling comprising a single housekeeping unit. Every additional group of two or less persons living in such housekeeping unit shall be considered a separate family for the purposes of this chapter.
- (18) FIRE INSPECTOR means the Fire Chief of the New Richmond Fire Department or his designated representative.
- (19) GARBAGE. Putrescent animal and vegetable wastes resulting from the handling, preparation, cooking, and consumption of food.
- (20) GRADE. Natural surface of the ground, or surface of the ground after completion of any change in contour.
- (21) GROSS FLOOR AREA. The total net area of all habitable rooms.
- (22) HABITABLE ROOM. Room occupied by one or more persons for living, sleeping, eating, or cooking. Kitchenettes shall not be deemed to be habitable space.
- (23) HEALTH COMMISSIONER means the legally designated Health Commissioner of Clermont County, or his authorized representative.
- (24) HOT WATER. Water heated to a temperature of not less than 120° F. at the outlet.
- (25) HOTEL means every building or structure kept, used or maintained as an advertised or held out to the public to be an inn, hotel, motel, family hotel, apartment hotel, lodging house, dormitory or place where sleep or rooming accommodations are furnished for hire or are used or maintained for the accommodation of quest, lodgers, or roomers.
- (26) INOPERABLE VEHICLE the definition of an inoperable vehicle shall include all definitions included in 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:
 - A. Dismantled; or
 - B. Unlicensed; or

- C. Missing its tires, wheels, doors, windshields, fenders, bumpers, body panels or its hood, motor, transmission, or battery; or
 - D. Damaged or wrecked in such a manner as to be declared a total loss by the owner's insurance company; or
 - E. Cannot be started.
- (27) **INFESTATION.** The presence, within or contiguous to a dwelling, dwelling unit, rooming house, rooming unit, or premises, of insects, rodents, vermin, or other pests.
 - (28) **KITCHEN.** Space 60 square feet or more in floor area, with a minimum width of five feet, used for cooking or preparation of food, and deemed habitable room.
 - (29) **KITCHENETTE.** Space, less than 60 square feet in floor area, used for cooking or preparation of food, and not deemed a habitable room.
 - (30) **MULTIPLE DWELLING.** A building containing two or more dwelling units and/or rooming units.
 - (31) **NON-HABITABLE ROOM.** Space used as kitchenettes, pantries, bath, toilet, laundry, rest, dressing, locker, storage, utility, heater, and boiler rooms, closets, and other spaces for service and maintenance of the building, and those spaces used for access and vertical travel between stories.
 - (32) **OCCUPANT.** Any person over one year of age, living, sleeping, cooking, or eating in, or having actual possession of, a dwelling unit.
 - (33) **OPERATOR.** Any person who has charge, care, or control of a multiple residence or rooming house, in which dwelling units or rooming units are let or offered for occupancy.
 - (34) **OUTSIDE DESIGN TEMPERATURE.** Temperature based on the average of the low annual temperature recorded in the area, either during the last 25 years or as long as temperature records have been kept, if less than 25 years.
 - (35) **OWNER.** Owner or owners of the freehold of the premises or lesser estate therein, a mortgagee or vendee in possession, assignee of rents, receiver, executor, trustee, lessee, or other person, firm, or corporation, in control of a building.

- (36) PERSON(S). means and includes an individual, firm, corporation, association or partnership.
- (37) PLUMBING SYSTEM. Pipes, fixtures, and other apparatus for supplying water for consumption, or for the conveyance of waste and drainage.
- (38) POTABLE WATER. Water duly approved as satisfactory and safe for drinking.
- (39) PREMISES. A lot, plot, or parcel of land including the buildings or structures thereon.
- (40) PUBLIC SEWER. Sewer operated by a public authority or public utility, and available for public use.
- (41) ROOMING HOUSE means any dwelling or that part of a dwelling containing one or more rooming units, which may contain common cooking, food storage, and/or eating facilities not located within the rooming unit which space is let for compensation by the resident owner or resident operator to three or more persons, none of whom are children, parents, grandchildren, grandparents, brothers or sisters of said owner or operator; but not including a hotel, rest, convalescent or nursing home. Dwellings in which space is let to two or less persons shall not be deemed a rooming house nor shall hotels licenses under Section 3731.01 et seq. of the Ohio Revised Code.
- (42) ROOMING UNIT means any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping, but not for cooking or eating purposes.
- (43) RUBBISH. All nonputrescent solid waste, consisting of both combustible wastes and noncombustible wastes, such as, but not limited to, paper, wrappings, cigarettes, cardboard, tin cans, yard clippings, leaves, wood, glass, bedding, crockery, and similar materials.
- (44) SEWAGE. Liquid carried waste from a flush toilet, bath, sink, lavatory, dishwashing, or laundry machine, or from any other fixture, equipment, or machine, containing animal or vegetable matter and which may include industrial or commercial wastes, and liquids containing chemicals.
- (45) STRUCTURE means anything that which is built or constructed and shall include prefabricated and modular systems and mobile homes
- (46) SUPPLIED FACILITIES. Facilities paid for, furnished, or provided by, or under the control of the owner or operator.

- (47) TRASH means all combustible and noncombustible waste material, except garbage (see RUBBISH).
- (48) VENTILATION means the process of supplying and removing air by natural or mechanical means to and/or from any space. Mechanical shall mean ventilation by power-driven devices. Natural shall mean ventilation by opening to outer air through windows, skylights, doors, louvers, or stacks without wind driven devices.
- (49) WASTES means burnable and non-burnable trash, rubbish, and garbage.
- (50) WEEDS means all grasses, annual plants and vegetation other than trees or shrubs and shall not include cultivated flowers and gardens.
- (51) WORKMANLIKE, STATE OF MAINTENANCE AND REPAIR means that such maintenance and repair shall be made in a reasonably skillful manner.

ARTICLE 3: PUBLIC NUISANCE

PUBLIC NUISANCE any of the following:

1. The physical condition or occupancy of any premises regarded as a public nuisance at common law; or
2. Any physical condition or occupancy of any premises or its appurtenances considered to be an attractive nuisance to children, including, but not limited to, abandoned wells, shafts, basements, excavations and unsafe fences or structures; or
3. Any premises with unsanitary sewage or plumbing facilities; or
4. Any premises designated as unsafe for human habitation; or
5. Any premises that is manifestly capable of being a fire hazard or is manifestly unsafe or insecure as to endanger life, limb or property; or
6. Any premise from which the plumbing, heating or other facilities required by this Code have been disconnected, destroyed, removed, or rendered ineffective or the required precautions against trespassers have not been provided; or
7. Any premises that are unsanitary or that are littered with rubbish or garbage or that have an uncontrolled growth or weeds; or
8. Any structure that is in a state of dilapidation, deterioration or decay; faulty construction; overcrowded; open, vacant or abandoned;

damaged by fire to the extent it cannot provide shelter; in a danger of collapse or failure and dangerous to anyone on or near the premises.

9. Any structure or land found to be in violation of this housing code.

ARTICLE 4: EXTERIOR PROPERTY AREAS.

- (A) Free from hazards. Exterior property areas shall be free from conditions, which might create a nuisance or become a health, accident, or fire hazard.
- (B) Discharge of sewage. Sewage must be discharged into a public sewer system or an approved private septic system. Discharge of inadequately treated sewage 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.
- (C) Storm water drainage. Storm water shall be properly drained to prevent recurrent or excessive ponding or the entrance of water into any basement or cellar. Downspouts, foundation drains, and other storm and surface water drains shall not be connected to sanitary sewers.
- (D) Insect and rodent harborage. Exterior property areas shall be kept free from sources of insect, vermin, and rodent breeding, harborage, and infestation.
- (E) Outdoor storage. Outdoor storage of unsightly items, including inoperable vehicles, for a continued period exceeding thirty (30) days in length shall be enclosed or obscured from view. The storage of firewood and bicycles shall be exempt from this provision.
- (F) Domestic animals and pets. Domestic animals and pets shall not be kept on any premises in such a manner as to create unsanitary conditions.
- (G) Fences, 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 retaining walls, or similar structures shall always be in the state of good structural repair. If any fence, retaining wall, or similar structure is found not to be in the state of good structural repair, it shall be removed, replaced, or repaired within thirty days of discovery.
- (H) Accessory structures. Accessory structures, located on exterior property areas, shall be kept in good repair, free from health, fire, and accident hazards, and vermin, insect, and rodent harborage

ARTICLE 5: STRUCTURE EXTERIOR.

- (A) The foundation walls of every structure shall be maintained in good repair and be structurally sound.

- (B) Any structure whose exterior surface is bare, deteriorated, ramshackle, tumble-down, decaying, disintegrating, or in poor repair must be repaired or razed.
- (1) All buckled, rotted, or decayed walls, doors, windows, porches, floors, steps, railings, trim, roofs and their missing members must be replaced and put in good condition.
 - (2) All replacements must match and conform to original design or be replaced completely.
- (C) Stairs, porches, and railings. The stairs, porches, and railings, affixed to the exterior of every structure used for human habitation, shall be kept in good repair and structurally sound.
- (D) Weather and watertight. Every structure shall be so maintained that it will be weather and watertight.
- (E) Protective coating for all surfaces. All exterior wood surfaces of a structure shall be treated periodically with a protective coating or other preservative to prevent structural deterioration. All exterior masonry surfaces that have been painted, or treated with some other protective covering, must be periodically treated with a protective covering, or all existing paint must be removed bringing the masonry back to its natural state.
- (1) All exterior surfaces shall be replaced or repaired in good condition preparatory to repainting or coating.
 - (2) All bare exterior surfaces, which are flaking or crumbling shall be replaced or sealed in a good and workmanlike manner.
 - (3) All new or repaired bare surfaces shall be painted or coated.
 - (4) All exterior surfaces weathered with dirt and grime shall be cleaned and surfaces, which are peeling or flaking, shall be scraped and painted or covered with approved protective coating or surface.
- (F) Overhanging, loose or missing objects. Every structure shall be free of insecure overhanging objects such as, but not limited to, gutters and downspouts, television aerials, roof shingles, and exterior siding. Missing objects such as, but not limited to, siding, roof shingles, mobile home skirting or shutters shall be replaced and matched to the original.
- (G) Screening. Guards and screens shall be supplied for protection against rodents and insects in accordance with the requirements of the building code.
- (H) Windows and doors. Every window and exterior door shall be substantially tight, shall be kept in sound condition, and repairs 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.

- (I) Windows to be glazed. Every window sash shall be fully supplied with glass windowpanes or an approved substitute, which is without, cracks or holes.
- (J) Windows to be open able. Every window other than a fixed window designed by the manufacturer not to open, shall be capable of being easily opened and shall be held in position by window hardware.
- (K) Door hardware. Every exterior door, door hinge, and door latch shall be maintained in good condition.
- (L) Basement and cellar hatchways. Every basement hatchway shall be so constructed and maintained as to prevent the entrance of rodents, rain, and surface drainage water into the dwelling or multi-family dwelling.
- (M) Exit doors. Every door available as an exit shall be capable of being opened from the inside easily and without the use of a key.

ARTICLE 6: STRUCTURE INTERIOR

- (A) Free from dampness. Cellars, basements, and crawl spaces, in every structure used for human habitation, shall be free from dampness.
- (B) Structural members. Supporting structural members, of every structure used for human habitation, shall be structurally sound.
- (C) Chimneys, flues, and vents. Chimneys and all flue and vent attachments thereto, of every structure used for human habitation, and all other flues and vents shall be structurally sound, free from defects, and able to perform the function for which they were designed and are used.
- (D) Stairs and railings. Interior stairs, of every structure used for human habitation, 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.
- (E) Floors, walls, and ceilings. Floors, walls, and ceilings, of every structure used for human habitation, shall be structurally sound, free from irregularities, which may be a cause of accidents, and maintained in a clean and sanitary condition.
- (F) Bathroom floors. Bathroom, shower room, and toilet room or compartment floors of every structure used for human habitation, shall be constructed and maintained so as to be impervious to water and so as to permit such floor to be easily kept in a clean, safe, and sanitary condition.

(G) Free from rubbish and garbage. The interior of every structure used for human habitation shall be maintained free from rubbish and garbage that might become a health, accident, or fire hazard, or become a nuisance.

(H) Insect and rodent harborage. Buildings used for human habitation shall be kept free from insect and rodent infestation, and where insects or rodents are found they shall be promptly exterminated by acceptable processes, which will not be injurious to human health. After extermination, proper precautions shall be taken to prevent re-infestation.

(I) Extermination from buildings. Every owner of a dwelling or multi-family dwelling shall be responsible for the extermination of insects, rodents, vermin, or other pests whenever infestation exists in two or more of the dwelling units, or in the shared public parts of the structure.

(J) Extermination from single dwelling units. The occupant of a dwelling unit in a dwelling or multi-family dwelling shall be responsible for such extermination within the unit occupied by him whenever his dwelling unit is the only unit in the building that is infested.

(K) Responsibility of owner. Notwithstanding the foregoing provisions, whenever infestation of rodents is caused by failure of the owner to maintain any dwelling or multi-family dwelling in a rodent-proof condition, extermination of such rodents shall be the responsibility of the owner.

ARTICLE 7: BASIC FACILITIES

(A) Potable water supply. Every dwelling, dwelling unit, and rooming house shall be supplied with a potable water supply. There shall be adequate water supply and pressure at all installed hot and cold water outlets.

(B) Hot water. Every dwelling, dwelling units, and rooming house shall have an adequate supply of hot water, properly connected to plumbing fixtures requiring hot water.

(C) Plumbing fixtures required. Within every dwelling unit there shall be the following plumbing fixtures: kitchen sink, toilet, bathtub, or shower, and lavatory. Kitchen sinks, bathtubs, showers, and lavatories shall be properly connected to both hot and cold water lines.

(D) Plumbing fixtures connected to sewer lines. All plumbing fixtures, installed within a structure used for human habitation, shall be connected to sewer lines that discharge into a public sewerage system or other approved means of disposal.

(E) Privies not permitted. No privy shall be constructed or continued in operation without the written approval of the Building Official.

(F) Heating facilities. Every dwelling, dwelling unit, rooming house, and rooming unit, occupied during normal heating periods, shall have heating facilities capable of maintaining a minimum inside temperature of 68° F., based on outside design temperature in all habitable rooms, bathrooms, and toilet and shower rooms or compartments.

(G) Electrical service. Every dwelling and dwelling unit shall be provided with approved electrical service.

(H) **ELECTRIC OUTLETS REQUIRED:** Every habitable room of such dwelling shall contain at least two (2) separate wall type electric convenience outlets or one such convenience outlet and one supplied wall or ceiling type electric light fixture; and every water closet compartment, bathroom, laundry room, furnace room, and public hall shall contain at least one (1) supplied 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.

(I) **KITCHEN EQUIPMENT AND FACILITIES:** Every dwelling unit shall contain a room or portion of a room in which food may be stored, prepared and/or cooked and consumed and which shall be equipped with the following:

1) A kitchen sink in good working condition which shall be connected to both hot and cold water lines and to an approved water and sewer system. A lavatory shall not be considered a kitchen sink.

2) 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.

3) 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 or other similar fuel burning portable appliances for cooking is prohibited.

4) A refrigerator or similar device, for the safe storage of food at a temperature less than forty-five (45) degrees Fahrenheit, but more than thirty-two (32) degrees Fahrenheit, 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.

(J) Means of egress. Every dwelling unit and rooming unit shall have safe and unobstructed means of egress from the structure.

ARTICLE 8: INSTALLATION AND MAINTENANCE

(A) Maintenance of plumbing fixtures. Every water line, plumbing fixture, and drain, located in a structure used for human habitation, shall be properly installed, connected, and maintained and capable of performing the function for which it was designed.

(B) Maintenance of plumbing systems. Every stack, waste, and sewer line, located in a structure used for human habitation and every connecting sewer line shall be so installed and maintained as to function properly and not be a source of structural deterioration or a health hazard.

(C) Installation of heating equipment. Every heating, cooking, and heating device, located in a structure used for human habitation, shall be properly installed, connected, and capable of performing the function for which it was designed.

(D) All heating, cooking, and water heating equipment, burning solid fuels, shall be properly connected to a chimney or flue, and such heating equipment, burning liquid or gaseous fuels shall be properly connected to a supply line and, where required, to a chimney, flue, or vent.

(E) Maintenance and operation of heating equipment. Every heating, cooking, and water heating device, located in a structure used for human habitation, shall be so maintained and operated as to be free from fire, health, and accident hazards.

(F) Storage of fuels. All fuels stored on the premises for the operation of heat producing equipment shall be stored in a safe manner.

ARTICLE 9: OCCUPANCY

(A) Required space in dwelling units. Every dwelling unit shall contain a minimum gross floor area of at least 150 square feet for the first occupant, at least 100 square feet for each occupant thereafter.

(B) Required space in sleeping rooms. In every dwelling or rooming unit of two or more habitable rooms, every room occupied for sleeping purposes by one occupant, shall have a minimum gross floor area of at least 70 square feet. Every room occupied for sleeping purposes by more than one occupant shall have a minimum gross floor area of 50 square feet per occupant thereof. Kitchens shall not be used for sleeping purposes.

(C) Occupancy of dwelling units below grade. No dwelling unit partially below grade shall be used for living purposes unless:

- (1) Floors and walls are watertight;

- (2) Total window area and total openable area are in accordance with this code; and
- (3) Required minimum window area of every habitable room is entirely above the grade of the ground adjoining such window area.

ARTICLE 10: LIGHT AND VENTILATION

(A) Light in non-habitable space. Every stair, hall, cellar, and basement, located in a structure used for human habitation, shall have either adequate natural or artificial light available at all times. Every laundry, furnace room, and all similar non-habitable work space, located in a structure used for human habitation, shall have either adequate natural or artificial lighting available at all times.

(B) Light in public halls and stairways. Every public hall and common stairway, located in a structure used for human habitation, and which is used primarily for ingress and egress in connection with two or more dwelling units or rooming units shall be supplied with a proper amount of natural light or lighting facilities controllable by the occupants of the structure and be available at all times. The natural or artificial lighting provided should not be less than five foot-candles (five lumens) measured in the darkest portions of the normally traveled stairs and passageways during the darkest hours of the day. Structures containing three or more dwelling units shall meet the requirements of the multiple residence law of the Ohio State Building Code § 1219.08.

(C) Electric fixtures in bathrooms. Every bathroom, shower room, toilet room, or compartment, located in a structure used for human habitation, shall have permanently installed artificial lighting fixtures, and the switches shall be so located as to avoid danger of electrical hazards.

(D) Ventilation in habitable rooms. Every habitable room shall be ventilated by either openable area equal to 45% of the required window area or by equivalent mechanical ventilation.

(E) Ventilation in bathrooms. Every bathroom, shower room, toilet room, or compartment, located in a structure used for human habitation, shall be adequately ventilated.

ARTICLE 11: RESPONSIBILITIES OF OWNERS AND OCCUPANTS

(A) Maintenance of private space. Every occupant of a dwelling or dwelling unit shall keep in clean and sanitary condition that part of the structure, dwelling, dwelling unit, or premises thereof, which he occupies or controls.

(B) Maintenance of plumbing equipment. Every occupant of a dwelling or dwelling unit shall be responsible for the exercise of proper care and cleanliness in the use and operation of all plumbing fixtures, sanitary facilities, appliances, and equipment therein.

- (C) Waste disposal. Every occupant of a dwelling unit shall dispose of rubbish, garbage, and other matter. In a dwelling containing three or more dwelling units, adequate rubbish and garbage containers shall be supplied by the owner.
- (D) Extermination. Every occupant of a single dwelling unit shall be responsible for the extermination of any rodents, vermin, or other pests therein or on the premises. Every occupant of a dwelling unit in a building containing more than one dwelling unit shall be responsible for such extermination whenever his dwelling unit is the only one infested, except that whenever such infestation is caused by the failure of the owner to carry out the provisions of this chapter, extermination shall be the responsibility of the owner. When two or more dwelling units within a building are so infested, it shall be the responsibility of the owner to carry out the provisions of this chapter within such building, as cited above with respect to extermination.
- (E) Maintenance of public space. Every owner of a building containing two or more dwelling units shall be responsible for maintaining in a clean, sanitary, and safe condition the shared or public areas of the dwelling and premises thereof.
- (F) Supplied facilities. Every owner of a dwelling and dwelling unit shall be responsible for keeping supplied facilities in proper operating condition except for otherwise provided by the housing code.
- (G) Supplied heat. Every owner or operator of a building, who permits any dwelling units to be occupied, under any agreement, express or implied, to supply or furnish heat to the occupants September 1 to June 1, of the following year must maintain a minimum inside temperature of 68° F. based on outside design temperature in all habitable rooms, bathrooms, shower rooms, and toilet rooms or compartments. The provisions of the division shall not apply where the failure to maintain minimum requirements is caused by a general shortage of fuel, negligent or malicious act of the occupant, necessary repairs or alterations, or any cause beyond the control of the owner or occupant.
- (H) Discontinuance of utilities. No owner, operator, or occupant shall cause any service, facility, equipment, or utility, which is required to be supplied by the provisions of this code, to be removed from, or shut off from, or discontinued for any occupied dwelling unit, except for necessary repairs, alterations, or emergencies.
- (I) Owner access. Every occupant of a dwelling or dwelling unit, or rooming unit, shall give the owner thereof, or his agent or employee, access to any part of such dwelling or dwelling unit or rooming unit, at all reasonable times for the purpose of making such repairs or alterations as are necessary to effect compliance with the provisions of this chapter, or with an order issued pursuant to the provisions of this chapter.

ARTICLE 12: ENFORCEMENT

(A) Enforcement Officer. It shall be the responsibility of the Building Official of the Village of New Richmond, or his authorized representative, to enforce the provisions of the Housing Code as herein provided.

(B) Inspection of dwellings. The Building Official shall be authorized to make or cause to be made inspections to determine the condition of dwellings, dwelling units, and premises thereof in order to safeguard the health, safety, morals, and welfare of the public.

(C) Right of entry. Upon presentation of proper credentials, the Building Official 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 Official shall not enter any building, structure, or premises where an owner or occupant in possession shall object to such entry, except where the Building Official 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 Official 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.

(D) Relief from Personal Responsibility: The Building Official 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 Official 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 other counsel as appointed by the Village Council until final termination proceedings. The Building Official 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.

(E) Notice of violation. Whenever the Building Official determines 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 chapter, he shall give notice of such violation or alleged violation to the person or persons responsible for such violation. The notice shall be in writing and shall specify the alleged violation and shall provide a reasonable time for compliance, and shall be served upon the owner, agent, operator, or occupant, as the case may require. The notice shall be deemed to be properly served upon the owner, agent, operator, or occupant, if a copy is served upon him personally; or if a copy thereof is sent

by registered or certified mail, return receipt requested, to the last known residence of the owner, agent, operator, or occupant; or if a copy is left at the place of residence of the owner, agent, operator, or occupant; or by such other method authorized by the laws of the state. If the owner, agent, operator or occupant of the subject premises is unknown, then a copy of the notice and order shall be mailed, 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 shall inform the person, to whom it is directed, of his right to apply for a hearing before the Housing Appeals Board. The notice may contain an outline of remedial action and time limit, which, if followed, will effect compliance with the provisions of this chapter and with rules and regulations adopted pursuant thereto.

(F) Final order. Any notice of violation provided for in article 12(E) 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 days after receipt of the notice. A copy of the order shall be served as provided in article 12(E).

(G) Power to act in emergencies. Whenever the Building Code Official, at any state of the proceedings instituted under the provisions of this chapter, finds that a violation of this chapter exists, which in his opinion, requires immediate action to abate a direct hazard, or immediate danger to the health, safety, morals, or welfare of the occupants of a building or of the public, he may, without prior notice or hearing, issue an order citing the violation and directing that such action be taken as is necessary to remove or abate the hazard or danger. The order may include an order to vacate as provided herein. Notwithstanding any other provision of this chapter, such an order shall be effective immediately upon service and shall be complied with immediately or as otherwise provided.

(H) Agency to abate hazards in emergencies. Whenever any violation of this chapter, which in the opinion of the Building Code Official causes a direct hazard or immediate danger to health, safety, morals, or welfare of the occupants of a building or the public, has not been corrected in the time specified by the order issued under article 12(E) the Building Code Official may take such direct action as is necessary to abate the hazard or danger. Expenses incurred in the execution of such orders shall be recovered as provided in article 14(J).

(I) Demolition as compliance. Any owner of a building, receiving notice of violation stating that such building does not comply with the provisions of this chapter, may demolish such building; and such action shall be deemed compliance. Demolition of buildings and structures shall be in accordance with the provisions of the Building Code.

(J) Re-inspection. At the end of the period specified in the notice of violation, or any extension thereof, it shall be the duty of the Building Code Official or his duly designated representative to make, or cause to be made, a re-inspection of the dwelling, dwelling

unit, premises, and if compliance has not been established, appropriate legal action shall be instituted as specified, provided that additional notice of violation is not required.

(K) Extension of compliance time. The Building Code Official may extend the compliance time specified in any notice, or order, issued under the provisions of this chapter where there is evidence of intent to comply within the period specified, provided that reasonable conditions exist which prevent immediate compliance.

(L) Records confidential. The Building Code Official 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 chapter 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 Code Official for the proper and effective administration and enforcement of the provisions of this chapter 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, occupant, or other person in charge of the dwelling unit inspected.

ARTICLE 13: APPEALS

(A) Board of Appeals. The New Richmond Board of Zoning Appeals shall serve as the Appeal Board for this ordinance.

(B) Request. Any person affected by any notice and/or order which has been issued in connection with the enforcement of any provisions of this chapter may request and shall be granted a hearing on the matter before the Housing Appeals Board provided that such person shall file in the office of the Building Code Official a written petition requesting such hearing and setting forth the name and address of the petitioner and a brief statement of the grounds for such hearing or for the mitigation of any item appearing on any order issued under the provisions of this chapter.

(C) Petition. Petition shall be filed within ten days after the day the notice and/or order is served. Upon receipt of such a petition the Housing Appeals Board shall set a time and place for a hearing before the Housing Appeals Board and shall give the petitioner written notice thereof. At the hearing the petitioner shall be given an opportunity to be heard and show cause why any item appearing on such notice and/or order should be modified or withdrawn. The failure of the petitioner or his representative to appear and state his case at such hearing shall have the same effect as if no petition had been filed.

(D) After a hearing, the Housing Appeals Board shall sustain, modify, or withdraw any item appearing on the notice and/or order by majority vote, depending upon its findings as to whether the provisions of this chapter have been complied with, and the petitioner and the Building Code Official shall be notified in writing of such findings.

(E) The proceedings at such hearings, including the findings and decision of the Housing Appeals Board and reasons therefore, shall be summarized and reduced to writing and entered as a matter of public record in the office of the Building Code Official. The record shall also include a copy of every notice and/or order issued in connection with the matter.

ARTICLE 14: DESIGNATION OF UNFIT DWELLING UNITS

(A) 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 Official, these defects create a hazard to the health, safety, or welfare of the occupants, or of the public:

- (1) Is damaged, decayed, dilapidated, unsanitary, unsafe, or vermin infested.
- (2) Lacks illumination, ventilation, or required sanitary facilities.
- (3) General condition of the location is unsanitary, unsafe, or unhealthful.

(B) Placard. Whenever any dwelling, dwelling unit, rooming house, or rooming unit, has been designated as unfit for human habitation as provided in this code, the Building Official may placard the dwelling, dwelling unit, rooming house, or rooming unit, indicating that it is unfit for human habitation.

(C) 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 Code Official 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 12 (D).

(D) Vacation of unfit dwelling. Any dwelling, or dwelling unit, designated as unfit for human habitation pursuant to and ordered vacated as provided in, shall be vacated within such reasonable time as the Building Code Official may specify in the order. No such dwelling or dwelling unit shall again be used for human habitation and the placard removed until written approval is secured from the Building Code Official.

(E) Removal of placard. No person shall deface or remove the placard from any dwelling, or dwelling unit, which has been designated as unfit for human habitation, except as provided in (D).

(F) Vacated dwelling made secure. The owner, agent, or operator of any dwelling or dwelling unit, which has been designated as unfit for human habitation and vacated, shall make the dwelling or dwelling unit safe and secure in whatever manner the Building Code Official shall deem necessary. Any vacant building, open at the door and windows, if unguarded, shall be deemed dangerous to human life and a nuisance within the meaning of this provision.

(G) Notice of intent to demolish. Whenever the Building Code Official designates building unfit for human habitation, as provided in this chapter, he may notify the owner, agent, operator, and occupant of his intent to order the demolition of the structure. A copy of the notice shall be served on the owner, agent, operator, and occupant as provided in.

(H) Order to demolish. Whenever a notice of intent to order the demolition of the structure as provided in and whenever a notice of violation has not been complied with as provided in and whenever the cost necessary to correct the violation is not reasonably related to the value of the building the Building Code Official may order the building demolished in accordance with the provisions of The Building Code.

(I) Agency to make repairs or demolish. Whenever a notice or order to remove a violation, secure, or vacate a building has not been complied with, and when such failure to comply is deemed by the Building Code Official to constitute a nuisance, he may proceed to cause the structure to be repaired, altered, secured, or vacated, or take such other action, including demolition, as is necessary to abate the nuisance. Whenever the Building Code Official determines that the nuisance exists, he shall record sufficient proof to support such determination, and the owner, occupant, lessee, or mortgagee shall be notified of such finding pursuant to. Abatement authorized by this section shall not commence until at least 20 days after service of such notice.

(J) Expenses recoverable. 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 Official shall file among its records an affidavit stating with fairness and accuracy, the items of expense and the date of execution of actions authorized. The Building Code Official 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 demolition, 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 15: LEGAL REMEDIES

If enforcement under Article #12 is not successful, the Building Code Official may issue a citation to Mayor's Court or the appropriate Clermont 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 chapter. 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 16: 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.

In any case where a provision of this code is found to be in conflict with a provision of any other ordinance or code of this municipality existing on the effective date of this code, which established a lower standard for the promotion, and protection of the safety and health of the people, the provisions of this code shall prevail.

ARTICLE 17: GENERAL PROVISIONS

The following requirements shall apply to all properties located in the Village of New Richmond, whether the property is vacant land or used for any purpose.

All property in the Village shall be maintained by the owner so that the property is safe and sanitary and free from any trash, garbage, rubbish, refuse, infestation, and waste of any nature and free from the presence of inoperable vehicles.

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

All real property shall be maintained free of weeds.

All real property shall be maintained free of public nuisances.

All structures shall be maintained structurally sound and in good repair.

All buildings used for residential, commercial or retail purposes shall be marked with an address, which is clearly visible from the street.

All containers used for the storage or transmission of garbage, rubbish, refuse, or trash shall be properly sealed with a tight lid and shall be leak proof.

ARTICLE 18: PENALTY

Any person who shall knowingly and willfully violate or assist in the violation of this chapter shall, upon conviction, be punished by a fine of not more than \$100 for each offense. Each day that such violation continues, shall constitute a separate offense.

ARTICLE 19: VALIDITY

(A) 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.

(B) 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.

Adopted: October 25, 2005 - via Ordinance 2005-44

Amended: October 10, 2006 - via Ordinance 2006-36

Amended: June 10, 2008 – via Ordinance 2008-18

Amended: July 22, 2008: - via Ordinance 2008-27